

DISTRICT OF COLUMBIA
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ALCOHOLIC BEVERAGE CONTROL BOARD
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MEETING

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IN THE MATTER OF: :
: :
Dos Ventures, LLC :
t/a Riverfront at the Ballpark:
25 Potomac Avenue, SE : Protest
Retailer CT : Hearing
License No. 92040 :
Case No. 13-PRO-00088 :
ANC 6D :
New Application :
b-----1/4

AUGUST 14, 2013

The Alcoholic Beverage Control
Board met in the Alcoholic Beverage Control
Hearing Room, Reeves Building, 2000 14th
Street, N.W., Washington, D.C., Ruthanne
Miller, Chairperson, presiding.

PRESENT

RUTHANNE MILLER, Chairperson
NICK ALBERTI, Member
DONALD BROOKS, Member
HERMAN JONES, Member
MIKE SILVERSTEIN, Member

ALSO PRESENT

JASON PERU, ABRA
DANIEL HICKSON, MPD

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

1:28 p.m.

CHAIRPERSON MILLER: Okay. The next case on the calendar is Case No. 13-PRO-00088, Riverfront at the Ballpark located at 25 Potomac Avenue, S.E., License No. 92040.

So would the parties in this case please come forward and take a seat at the table?

MR. KAMINSKI: Would you like us to sit at the tables?

CHAIRPERSON MILLER: The Applicant goes over there to the right and the Protestants go over there to the Board's left. Is the Applicant here?

(No audible response.)

CHAIRPERSON MILLER: Okay. Got a lot of people here. There's also a sign-in sheet you should find on each table. Starting with the Applicant, could you identify yourself for the record?

1 MS. SALGUERO: Good afternoon.
2 My name is Rosemarie Salguero and I'm the
3 attorney for the Applicant.

4 CHAIRPERSON MILLER: Okay.

5 MR. SUNG: Kijun Sung for Dos
6 Ventures.

7 CHAIRPERSON MILLER: All right.
8 Okay. Protestants, would you identify
9 yourselves for the record?

10 MS. HAMILTON: Ronda Hamilton,
11 ANC 6D.

12 MR. McBEE: Ron McBee, ANC 6D.

13 CHAIRPERSON MILLER: What's your
14 last name? I'm sorry, I'm seeing different
15 names on my form. So Ronda who?

16 MR. McBEE: Hamilton.

17 CHAIRPERSON MILLER: Hamilton?
18 And?

19 MR. McBEE: Ron McBee.

20 CHAIRPERSON MILLER: McBee?
21 Okay.

22 MS. EADS: Susan Eads Role, ANC

1 6D, executive director.

2 CHAIRPERSON MILLER: All right.
3 Got you here. Okay.

4 MR. KAMINSKI: Ed Kaminski. I'm
5 the vice-chairman of ANC 6D-02.

6 CHAIRPERSON MILLER: And are you
7 here for a group of five or more though, or
8 for 6D?

9 MR. KAMINSKI: Yes. Well, I'm on
10 the ANC which is protesting and I'm also
11 representing a group of 10 citizens.

12 CHAIRPERSON MILLER: Okay. Thank
13 you.

14 MS. WILLIAMS: Mary Williams.

15 CHAIRPERSON MILLER: Okay. And
16 you're the group of 11?

17 MS. WILLIAMS: I had a group of
18 10.

19 CHAIRPERSON MILLER: Ten? Okay.

20 COMMANDER HICKSON: Daniel
21 Hickson. I'm the commander at the 1st
22 District.

1 CHAIRPERSON MILLER: Okay.

2 Welcome. Thank you for coming.

3 Who else?

4 MR. DARCONTE: Bruce Darconte,
5 part of the committee of 10.

6 CHAIRPERSON MILLER: Right.

7 Okay. Is that everybody? Yes.

8 MS. SALGUERO: Just the Applicant
9 would like to object to Mary Williams as
10 having standing at this hearing. She did
11 not attend the mediation, nor did she submit
12 a PIF.

13 CHAIRPERSON MILLER: Mary? Ms.
14 Williams?

15 MS. WILLIAMS: I'm here as a
16 witness for the Protestants. I did not
17 attend mediation, but I have attended the
18 others as a witness on behalf of the --

19 CHAIRPERSON MILLER: You're here
20 as a witness?

21 MS. WILLIAMS: As a witness.

22 CHAIRPERSON MILLER: So there is

1 no more -- the group of 10?

2 MS. WILLIAMS: The group of 10 --
3 I represent the group of 10.

4 CHAIRPERSON MILLER: You
5 represent the group of 10?

6 MS. WILLIAMS: I do.

7 CHAIRPERSON MILLER: But she's
8 challenging your representation, is that
9 correct? Her standing?

10 MS. SALGUERO: I'm challenging
11 her standing because she did not attend
12 mediation, nor submitted a PIF seven days
13 before the hearing. Now as a witness for
14 Mr. --

15 MS. WILLIAMS: I'm listed as --

16 CHAIRPERSON MILLER: One second.

17 MR. KAMINSKI: I listed her as a
18 witness --

19 CHAIRPERSON MILLER: Okay.

20 MR. KAMINSKI: -- on my form, my
21 PIF form, whatever it is.

22 CHAIRPERSON MILLER: Did you file

1 a PIF, Ms. Williams?

2 MS. WILLIAMS: No.

3 CHAIRPERSON MILLER: Okay. Then
4 I think Ms. Salguero's point is in
5 accordance with our rules that you would be
6 dismissed as a party. Do any Board Members
7 see it otherwise?

8 (No audible response.)

9 CHAIRPERSON MILLER: Okay. You
10 may participate as a witness for the other
11 party.

12 Okay. Do the parties have any
13 other preliminary matters? Yes?

14 MS. SALGUERO: I do have a
15 preliminary matter. I have my exhibits and
16 I was hoping to submit all of them at the
17 beginning as opposed to through testimony.
18 Just to kind of save time for everyone we
19 can go through all of them.

20 CHAIRPERSON MILLER: Okay. You
21 can pass them out. We're not starting your
22 case yet though, so I don't want them to go

1 -- you know, you to address them yet, but
2 you can certainly give it to everybody so
3 that we all have it, including the Board.

4 Okay. So I just want to make a
5 few points to start with. The order of
6 procedure normally is the Board has a
7 witness, an investigator who gives
8 testimony. And then the Applicant goes next
9 with its case. Then the Protestant. And
10 then the Applicant may have some time for
11 redirect.

12 We do have Commander Hickson here
13 and we're suggesting that he be the first
14 witness after the Board's witness so that he
15 can get back to duty, if there's no
16 objection on the part of the parties.

17 (No audible response.)

18 CHAIRPERSON MILLER: Okay. Not
19 hearing any, then we'll proceed that way.

20 Each party has -- well, not each
21 party. The Applicant has an hour-and-a-half
22 total to present the case. That includes

1 cross-examination of the other side's
2 witness, but it doesn't include the other
3 side's cross on your witness, because you
4 don't have control over that time.

5 And the Protestants as a whole
6 have an hour-and-a-half to present their
7 case. Each part is entitled to cross or
8 whatever, but you all have to work out the
9 time. You only have an hour-and-a-half
10 among you. And then that doesn't include
11 five minutes for opening statements and five
12 minutes for closing statement.

13 Do you want to say something?

14 MEMBER SILVERSTEIN: Just to make
15 sure everyone knows the time you spend in
16 cross-examining other people, other
17 witnesses counts against you. It counts as
18 part of your time, so don't waste it.

19 CHAIRPERSON MILLER: And vice
20 versa though. The time that they spend on
21 your witnesses is not your time.

22 Okay. And if you have any

1 questions as we go along, feel free to ask.
2 And also if you have any documents you want
3 to put into evidence, the procedure is to
4 show the other party and then ask that they
5 be marked and put into evidence. And if the
6 other party objects, the Board will make a
7 ruling on that.

8 Okay. All right. I think that
9 that basically says it for the rules of
10 procedure. And if there are questions along
11 the way, really feel free to ask.

12 And, Mr. Jones, you'll be doing
13 the timing once we get started into the
14 matters that are timed.

15 Okay. So what we're going to do
16 is start with our Board witness. Is our
17 Board witness here?

18 (No audible response.)

19 CHAIRPERSON MILLER: Okay. And
20 everyone will have an opportunity -- not
21 everyone. Each party will have an
22 opportunity to cross after he presents his

1 testimony.

2 Okay. And I'll swear you in.

3 Okay. Do you swear to tell the truth, the
4 whole truth and nothing but the truth?

5 INVESTIGATOR PERU: I do.

6 CHAIRPERSON MILLER: Okay. Thank
7 you. So can you start with identifying
8 yourself for the record and then proceed.

9 INVESTIGATOR PERU: Yes, my name
10 is Investigator Jason Peru. I'm an
11 investigator with the Alcohol Beverage
12 Regulation Administration.

13 CHAIRPERSON MILLER: Okay. Do
14 you have some testimony you want to provide
15 on this case?

16 INVESTIGATOR PERU: Yes, I was
17 assigned a protest to investigate a new
18 license of a class CT for Riverfront at the
19 Ballpark, which is located at 25 Potomac
20 Ave., S.E. The application was submitted by
21 owner Kijun Sung.

22 The protest investigation focused

1 on the listed issues. The protest issues
2 were adverse impact on peace, order and
3 quiet, adverse impact on residential parking
4 and vehicular and pedestrian safety, noise
5 and over-concentration.

6 This Riverfront at the Ballpark,
7 it is a six-acre parcel of land that is
8 surrounded by Potomac Ave., S.E., 1st
9 Street, S.E., South Capitol Street and the
10 Anacostia River.

11 I spoke with the following
12 individuals: The ANC 6D chairperson, Andy
13 Litsky; a group of 10 or more represented by
14 Mr. Ed Kaminski; a group of 11 or more
15 represented by Ms. Mary Williams; and also
16 received a letter from MPD Chief Cathy
17 Lanier represented by District Commander
18 Daniel Hickson.

19 All of the Protestants' issues
20 were all the same or similar.

21 In reference to the Metro and bus
22 access there are multiple bus stops in that

1 area, in a four-block area of that
2 establishment, or the property, should I
3 say. There's a Navy Yard Metro station in
4 that area.

5 The traffic in the area, during
6 non-National baseball games it's minimum
7 traffic. You know, it's slow. But during
8 National games, we've been out there on
9 previous occasions at other ABC
10 establishments and it is congested and the
11 area of 25 Potomac Ave is actually the main
12 road for the Nationals traffic to come
13 through.

14 And, let me see, there was no
15 calls for service obviously at that
16 location. And during our monitoring of that
17 location, the times we were out there, being
18 that the establishment is not open, there
19 was no events going on, no noise in the area
20 during the time investigators were out there
21 to observe.

22 Also the application hours that

1 were listed on that application was -- the
2 hours of operation Sunday through Thursday
3 were from 8:00 a.m. to 2:00 a.m. Hours of
4 operation for Friday and Saturday were 8:00
5 a.m. to 3:00 a.m. The hours of sales and
6 service of alcohol Sunday through Thursday
7 are 8:00 to 2:00 a.m. and Friday and
8 Saturday from 8:00 to 3:00 a.m.

9 The application also listed a
10 request for entertainment endorsement. The
11 entertainment endorsement hours requested
12 were Sunday through Thursday 11:00 a.m. to
13 2:00 a.m. and Friday and Saturday 11:00 a.m.
14 to 3:00 a.m.

15 And once again, being that the
16 establishment was closed, we were unable to
17 observe any type of noise or traffic in that
18 area of the establishment.

19 The parking as well for the
20 establishment, there is several areas of
21 metered pay-to-park parking locations, as
22 well as pay-to-park parking lots within a

1 four-block radius of Riverfront at the
2 Ballpark.

3 And the Riverfront at the
4 Ballpark location, there is no access to I
5 guess you can say the parcel of land other
6 than off of Potomac Ave., S.E., which is
7 adjacent to the National's ballpark.

8 Of course since the establishment
9 is not yet operating there's no ABRA records
10 or others on that site. Okay. That's all I
11 have.

12 CHAIRPERSON MILLER: Okay. Thank
13 you.

14 All right. First we start with
15 Board questions. Mr. Silverstein?

16 MEMBER SILVERSTEIN: Investigator
17 Peru, would you please describe for us what
18 this place looks like, what it is and what
19 it is that they plan to do so that we can
20 have something to start with?

21 INVESTIGATOR PERU: It is a six-
22 acre fenced-in area, empty parcel of land.

1 If you're looking at the land from let's say
2 the Nationals Stadium across the street,
3 you're looking at a complete fenced-in area
4 on that section. And behind it directly is
5 the Anacostia River. To the left of it you
6 see a little bit of like a boardwalk that
7 goes out towards the water, the pier. To
8 the right is South Capitol Street and all
9 the traffic coming off of South Capitol
10 Street.

11 According to the Applicant, who I
12 spoke with on the phone, it was described
13 that the establishment would be used for
14 sporting leagues. He described kickball and
15 also using it for -- I believe he said rent
16 out for parties or venues. And he would
17 also have a stage and live music of sort,
18 and also described that he would have the
19 bars or serving carts of alcohol would be
20 mobile.

21 MEMBER SILVERSTEIN: Would be
22 what?

1 CHAIRPERSON MILLER: Mobile.

2 MEMBER SILVERSTEIN: Would be
3 mobile?

4 INVESTIGATOR PERU: Mobile, yes.
5 Yes.

6 MEMBER SILVERSTEIN: If you're
7 going to have something like that, I mean my
8 first thought is people are going to be
9 drinking. You got bodily functions. You're
10 talking about an empty field.

11 INVESTIGATOR PERU: Yes, sir.

12 MEMBER SILVERSTEIN: Let's talk
13 about that, please.

14 INVESTIGATOR PERU: Yes,
15 restrooms were not mentioned. I have no
16 knowledge of their plans for facilities.

17 MEMBER SILVERSTEIN: Are there
18 any plans for how to secure this area if
19 people are going to be -- they're here for
20 an alcohol license. What are the plans that
21 they have for securing the area so that
22 people don't come in and out without being

1 checked?

2 INVESTIGATOR PERU: I was told by
3 the Applicant that he would have security
4 present during events and the amount of
5 security would depend on the size of the
6 event. And the access would be through the
7 main gate entrance in the front only and he
8 would ensure that there would be individuals
9 checking IDs. But then there's no plans --
10 or I was not made aware of any plans for a
11 structure of any type to be permanently
12 built.

13 MEMBER SILVERSTEIN: What
14 concerns you most about -- what are the red
15 flags that you see here, investigator?

16 INVESTIGATOR PERU: Well, after
17 speaking to Mr. Sung, it seems there is --
18 as intentions may be good, I don't --
19 there's no formal plan really about what's
20 going to be taking place at this site. It's
21 a bunch of ideas and a bunch of plans, but
22 nothing formal to what I was given, I was

1 told. That's my biggest concern when it
2 comes to the site itself.

3 MEMBER SILVERSTEIN: Thank you.
4 In the interest of moving this forward I
5 have no further questions.

6 CHAIRPERSON MILLER: Others? Mr.
7 Alberti?

8 MEMBER ALBERTI: Investigator
9 Peru, thank you for your report.

10 All right. Just to sum up kind
11 of where Mr. Silverstein was going, we have
12 a vacant gravel lot that's fenced in on the
13 land side, but no fencing on the Anacostia.
14 Is that correct?

15 INVESTIGATOR PERU: Correct.
16 Correct.

17 MEMBER ALBERTI: All right. And
18 when you were out there did you see any
19 improvements at all to the land?

20 INVESTIGATOR PERU: No, currently
21 there is not.

22 MEMBER ALBERTI: Okay. So just a

1 comment. We're going to have to rely on the
2 Licensee to describe what their plans are.

3 So you were there.

4 INVESTIGATOR PERU: Yes.

5 MEMBER ALBERTI: So your opinion,
6 from what I'm understanding, and see if you
7 agree with this -- I mean what I see is a
8 vacant lot. I see a completely blank slate
9 that has infinite number of possibilities of
10 how it can be configured and used. Am I
11 sort of assessing this correctly?

12 INVESTIGATOR PERU: That's
13 accurate. Yes, sir.

14 MEMBER ALBERTI: Okay. A more
15 concrete question: Did you observe
16 crosswalks were? This appears to be pretty
17 much a block long. Is that correct?

18 INVESTIGATOR PERU: Yes, sir,
19 correct. Currently there is no crosswalk
20 along that whole block because there has
21 been put -- the technical name I can't
22 remember of the little holes in the middle

1 of the street -- down the whole street. I
2 can't think of the exact name of those right
3 now, but --

4 MEMBER ALBERTI: Plastic?

5 INVESTIGATOR PERU: Yes, correct,
6 the plastic, yes.

7 MEMBER ALBERTI: Temporary sort
8 of things?

9 INVESTIGATOR PERU: Yes.

10 MEMBER ALBERTI: And it goes down
11 the --

12 INVESTIGATOR PERU: The entire
13 street, yes. And there's only -- at the
14 corner of 1st Street and Potomac is the
15 crosswalk right as the road ends and bends
16 onto 1st --

17 MEMBER ALBERTI: Yes.

18 INVESTIGATOR PERU: -- there's a
19 crosswalk there. And then at the opposite
20 end of that on South Capitol and Potomac
21 there's a crosswalk there as well.

22 MEMBER ALBERTI: Did you have a

1 chance to get into the lot at all?

2 INVESTIGATOR PERU: No, there's a
3 lock on the main gate of the lot.

4 MEMBER ALBERTI: I have no
5 further questions. Thank you, Investigator
6 Peru.

7 CHAIRPERSON MILLER: Investigator
8 Peru, I just have one question.

9 INVESTIGATOR PERU: Yes?

10 CHAIRPERSON MILLER: That is is
11 this property being reviewed by any other
12 agencies for instance for environmental
13 contamination or anything like that?

14 INVESTIGATOR PERU: Not to my
15 knowledge. I did not receive any
16 documentation in reference to that.

17 CHAIRPERSON MILLER: Okay. Thank
18 you.

19 All right. So now we will go to
20 parties' questions then. We'll start with
21 the Applicant.

22 MS. SALGUERO: I'd like to put in

1 Exhibit 1. No, we can't?

2 CHAIRPERSON MILLER: Well --

3 MS. SALGUERO: I would like to
4 show the area. I have an aerial shot of
5 it --

6 MEMBER SILVERSTEIN: You can ask
7 him questions.

8 MS. SALGUERO: -- and to -- so
9 that the investigator can just point out a
10 few of the locations that he discussed.

11 CHAIRPERSON MILLER: Okay. So
12 this is related to his testimony?

13 MS. SALGUERO: It is related to
14 his testimony.

15 CHAIRPERSON MILLER: And you
16 would like him --

17 MS. SALGUERO: Just to get a
18 visual. So it is on Exhibit 1, an aerial
19 view.

20 CHAIRPERSON MILLER: It's what
21 you would like to be Applicant's Exhibit 1?

22 Are there any objections by other

1 parties?

2 MR. KAMINSKI: No.

3 CHAIRPERSON MILLER: You need to
4 show it to them. Okay.

5 MS. SALGUERO: It's in your
6 package of Exhibit 1. It's an aerial view.

7 CHAIRPERSON MILLER: Do we have
8 it? No, I didn't enter it, but I --

9 MS. SALGUERO: May I approach?

10 MEMBER ALBERTI: You can approach
11 the witness with it.

12 MS. SALGUERO: So can you
13 identify the lot here that -- the premise
14 lot in the area that you surveyed?

15 INVESTIGATOR PERU: Yes, I
16 believe it's right here.

17 MS. SALGUERO: Okay. It right
18 where?

19 INVESTIGATOR PERU: This lot
20 right here on this side.

21 MS. SALGUERO: Okay. Great.

22 MEMBER ALBERTI: Can you tell us

1 --I mean he pointed to something.

2 MS. SALGUERO: Okay. Sorry. So
3 it's this --

4 MEMBER ALBERTI: I mean the
5 record can't pick this up until you actually
6 tell us what he pointed to.

7 MS. SALGUERO: I apologize. So
8 it's this bottom six-acre lot right under
9 Potomac Avenue. So if you see in the middle
10 there is the baseball stadium. And right
11 across from it would be the six-acre lot.

12 MEMBER ALBERTI: Okay. Thank
13 you. For the record.

14 MS. SALGUERO: For the record.
15 Excuse me. And can you identify 1st Street
16 and Potomac Avenue?

17 INVESTIGATOR PERU: Potomac Ave.
18 is running this way. First Street is
19 running this way.

20 MS. SALGUERO: Okay.

21 INVESTIGATOR PERU: And South
22 Capitol is on the opposite side.

1 MS. SALGUERO: Okay. And could
2 you let us know, were there any residential
3 buildings in the area?

4 INVESTIGATOR PERU: In the
5 immediate area? No.

6 MS. SALGUERO: No? Okay. Can
7 you let us know where the crosswalks were?

8 INVESTIGATOR PERU: There were
9 two crosswalks. You've got this corner
10 here.

11 MS. SALGUERO: Yes.

12 INVESTIGATOR PERU: And this
13 corner here.

14 MS. SALGUERO: Okay. And where
15 was the entrance?

16 CHAIRPERSON MILLER: Wait a
17 second. I'm sorry. For the record, if
18 you're able to say what corner, what street
19 you're talking about, that would be helpful.

20 MS. SALGUERO: Okay. I
21 apologize.

22 CHAIRPERSON MILLER: Oh, he

1 could. I mean he was answering the
2 question.

3 MEMBER ALBERTI: Well, I mean I
4 think it's probably best if you for the
5 record --

6 MS. SALGUERO: Okay.

7 MEMBER ALBERTI: -- describe what
8 he's pointing to.

9 MS. SALGUERO: All right.

10 MEMBER ALBERTI: Because you're
11 running the show here.

12 MS. SALGUERO: Okay. For the
13 record, so there is a crosswalk here on 1st
14 Street and Potomac?

15 INVESTIGATOR PERU: Correct.

16 MS. SALGUERO: And a crosswalk at
17 South Capitol Street and Potomac?

18 INVESTIGATOR PERU: Correct.

19 MS. SALGUERO: And the entrance
20 gateway for the lot, was it located near 1st
21 Street and Potomac?

22 INVESTIGATOR PERU: It is -- the

1 entrance to the lot is somewhere along this
2 area here. I couldn't tell you exactly on
3 the picture, but it's more towards 1st and
4 Potomac, correct.

5 MS. SALGUERO: So would you say
6 it's, you know, within close walking
7 distance to the crosswalk?

8 INVESTIGATOR PERU: I would say
9 it's closer to 1st Street than it is to
10 South Capitol.

11 MS. SALGUERO: And you did not
12 enter the space, correct?

13 INVESTIGATOR PERU: Correct. I
14 could not. It was locked.

15 MS. SALGUERO: And so you could
16 not see if there was a fence behind in the
17 interior to divide the lot from Anacostia?

18 INVESTIGATOR PERU: Correct. I
19 could not see the back side.

20 MS. SALGUERO: You could not see
21 that?

22 INVESTIGATOR PERU: Yes.

1 MS. SALGUERO: Okay. Great. And
2 you testified that there was very little
3 traffic during non-game days, correct?

4 INVESTIGATOR PERU: During non-
5 game days, correct.

6 MS. SALGUERO: And several
7 parking lots in the area?

8 INVESTIGATOR PERU: Correct.

9 MS. SALGUERO: Okay. That will
10 be it for now. Thank you.

11 CHAIRPERSON MILLER: Okay. Thank
12 you very much.

13 Okay. As of now we have three
14 parties still here who can do cross.
15 Commander Hickson, do you have any questions
16 for Investigator Peru?

17 COMMANDER HICKSON: I know when
18 you're talking about the traffic issues you
19 continually use four-block radius. Is that
20 the standard that ABRA uses for having
21 things in close proximity?

22 INVESTIGATOR PERU: Yes. Well,

1 the immediate surrounding streets -- is
 2 that's why I was referring to a block
 3 radius. Actually the four-block radius is
 4 really referring to parking, but the
 5 surrounding streets is what we use to
 6 determine traffic. So South Capitol, for
 7 example.

8 COMMANDER HICKSON: Because also
 9 use four blocks for bus stops and --

10 INVESTIGATOR PERU: Correct.
 11 Correct.

12 COMMANDER HICKSON: -- for the
 13 subway.

14 INVESTIGATOR PERU: For
 15 transportation purposes, yes.

16 COMMANDER HICKSON: And then you
 17 also said that there's no residential units
 18 in the immediate area. There's no
 19 residential units in a four-block radius?

20 INVESTIGATOR PERU: Well, no, in
 21 a four-block radius there is. I'm sorry.
 22 There is.

1 COMMANDER HICKSON: How close?

2 How close?

3 INVESTIGATOR PERU: She asked me
4 immediate -- pointing to the stadium in the
5 picture.

6 COMMANDER HICKSON: So how close
7 to the site are there residential units?

8 INVESTIGATOR PERU: Probably --
9 well, maybe a block-and-a-half maybe, or a
10 block diagonal across from South Capitol.

11 COMMANDER HICKSON: When you said
12 minimal traffic non-events, were you talking
13 about just Potomac Avenue, or are you saying
14 that South Capitol Street's got minimal
15 traffic?

16 INVESTIGATOR PERU: Oh, no, no.
17 I'm referring to the street running directly
18 in front of the establishment on 25 Potomac
19 Avenue. Yes, sir.

20 COMMANDER HICKSON: Okay.

21 CHAIRPERSON MILLER: Okay. Thank
22 you. Is there any cross by Mr. Kaminski,

1 your group?

2 MR. McBEE: Excuse me?

3 CHAIRPERSON MILLER: Is there any
4 cross by Mr. Kaminski's group of 10?

5 MR. KAMINSKI: Just a couple
6 questions.

7 INVESTIGATOR PERU: Yes, sir.

8 MR. KAMINSKI: If people were --
9 patrons were going to go to the site, would
10 there be patrons coming across South Capitol
11 to go to this site?

12 MS. SALGUERO: I would object.
13 Argumentative.

14 MR. KAMINSKI: Pardon me?

15 MS. SALGUERO: I would object to
16 that. It's argumentative.

17 CHAIRPERSON MILLER: Overruled.
18 Go ahead.

19 INVESTIGATOR PERU: Well, people
20 would have to be parking -- residents living
21 in that area and people that were parking in
22 the residential area of South Capitol would

1 have to cross South Capitol to come to that
2 location.

3 MR. KAMINSKI: And how would you
4 describe the traffic on South Capitol during
5 non-game days?

6 INVESTIGATOR PERU: South Capitol
7 is a major road that connects -- really
8 brings the city and the two freeways and the
9 bridge that goes over to Anacostia -- so
10 South Capitol has I would say a steady
11 amount of traffic at all times.

12 MR. KAMINSKI: Okay. And did you
13 walk up on the Frederick Douglass Bridge and
14 take a look at the signage up there?

15 INVESTIGATOR PERU: Correct. I
16 did, sir.

17 MR. KAMINSKI: And did you see
18 any signage which directed traffic down to
19 make a right-hand turn onto Potomac Avenue?

20 INVESTIGATOR PERU: I believe
21 there's photos of the signage that I did
22 see. I don't have the photos with me. I

1 can't remember the exact signage. It's
2 referencing Nationals Stadium to the right,
3 is what I recall.

4 MR. KAMINSKI: And is that
5 permanent signage?

6 INVESTIGATOR PERU: Correct, it's
7 permanently affixed to the pole. Yes.

8 MR. KAMINSKI: Okay. And
9 regarding the housing, you mentioned a block
10 or a block-and-a-half. Are you thinking of
11 houses on South Capitol?

12 INVESTIGATOR PERU: Yes. Yes.

13 MR. KAMINSKI: And what about the
14 houses that in the Yards Park area? Did you
15 see those houses, the apartment building
16 there?

17 INVESTIGATOR PERU: Yes, there
18 are several apartment buildings in the Yards
19 Park area.

20 MR. KAMINSKI: And how close
21 would you say they are to the site?

22 INVESTIGATOR PERU: I couldn't

1 give you the exact dimensions, but they're
2 several blocks. The nearest apartment is --

3 MR. KAMINSKI: Do you know where
4 the --

5 CHAIRPERSON MILLER: He didn't --

6 INVESTIGATOR PERU: Correct.

7 MR. KAMINSKI: And how close
8 would you --

9 CHAIRPERSON MILLER: You have to
10 let him answer the question, though.

11 INVESTIGATOR PERU: Yes, I
12 couldn't give you an estimate on distance.

13 MR. KAMINSKI: Okay. That's all
14 the questions I have.

15 CHAIRPERSON MILLER: Okay. And
16 ANC, any other questions?

17 MR. McBEE: Yes, thank you very
18 much. I want to look at Exhibit 32, which
19 is a picture. You say you don't have --

20 INVESTIGATOR PERU: Yes, if I
21 could see it? I don't have a copy with me.

22 MR. McBEE: Well, if you

1 notice --

2 CHAIRPERSON MILLER: I'm sorry.

3 Exhibit 32 of what?

4 MR. McBEE: His presentation of
5 his --

6 CHAIRPERSON MILLER: His
7 investigative report?

8 MR. McBEE: Yes.

9 CHAIRPERSON MILLER: Okay.

10 MR. McBEE: And you notice that
11 there is an orange cone. Did you notice
12 several out there in the field?

13 INVESTIGATOR PERU: No, I
14 didn't --

15 MR. McBEE: There's an orange
16 cone?

17 MR. KAMINSKI: -- notice the
18 orange cone.

19 MR. McBEE: Did you know by those
20 orange cones that there are actually PVC
21 vents there because of the oil containers
22 that are underneath this ground?

1 INVESTIGATOR PERU: No, I'm not
2 aware.

3 MR. McBEE: It is my
4 understanding from -- is that --

5 CHAIRPERSON MILLER: Wait. I
6 just want to warn you don't testify now.

7 MR. McBEE: Huh?

8 CHAIRPERSON MILLER: It sounded
9 like you might be going to testify.

10 MR. McBEE: No, no, no, no. I
11 just wanted to bring --

12 CHAIRPERSON MILLER: Okay.

13 MR. McBEE: --he had these
14 pictures.

15 CHAIRPERSON MILLER:

16 MR. McBEE: Second thing, did you
17 notice any lighting at the site?

18 INVESTIGATOR PERU: No. On the
19 land itself?

20 MR. McBEE: Yes.

21 INVESTIGATOR PERU: Correct.

22 There's no I did not see --

1 MR. McBEE: Thank you.

2 COMMANDER HICKSON: I did not see
3 any lighting on the land itself.

4 MR. McBEE: And I notice in
5 another one of your photos that you had a
6 picture that showed signage there by DDoT
7 there is no parking during stadium events.

8 INVESTIGATOR PERU: Which photo
9 was that, sir? Which exhibit was that?

10 MR. McBEE: It's up near the
11 front where you had captured some -- look at
12 Exhibit --

13 INVESTIGATOR PERU: Yes, I
14 have --

15 MR. McBEE: -- 12 and you'll
16 notice that underneath where it says pay for
17 parking it says no parking during stadium
18 events. So this is not just baseball?

19 INVESTIGATOR PERU: Correct.
20 Well, according to the street sign, during
21 stadium events, is what it says, that street
22 parking is unavailable. Yes.

1 MR. McBEE: Not available? And
2 what would you guesstimate the footage along
3 Potomac Avenue to be from South Capitol
4 Street down to 1st Street?

5 INVESTIGATOR PERU: I wouldn't.
6 I'm not an expert on distance. You know,
7 it's deceiving because of where the road
8 curves. So it would be hard to say.

9 MR. McBEE: Okay. I was going to
10 ask the same question about the waterfront
11 area along the Anacostia.

12 The other question that I have
13 here really is when you looked at this land
14 did you notice a slope to this land?

15 INVESTIGATOR PERU: I could look
16 at the photos and tell you, the photos that
17 I took.

18 MR. McBEE: No, I mean the
19 Applicant here showed a picture, which is
20 two-dimensional, but it doesn't really give
21 a topo, which is the ability, you know, of
22 where it -- you know, from South Capitol

1 Street down to 1st Street there's a definite
2 slope to that land. It's not flat. It's
3 not like we could go out and play baseball
4 on that land.

5 INVESTIGATOR PERU: I could
6 testify to say that it's -- I do recall it
7 not being a perfectly flat surface.

8 MR. McBEE: Thank you very much.

9 CHAIRPERSON MILLER: Okay. Thank
10 you. Any redirect?

11 MR. KAMINSKI: Could I ask one
12 quick question here?

13 CHAIRPERSON MILLER: Okay.

14 MR. KAMINSKI: Did you --

15 CHAIRPERSON MILLER: No. Wait.

16 No.

17 MR. KAMINSKI: No, I can't?

18 Okay.

19 CHAIRPERSON MILLER: We've gone
20 beyond your party.

21 MS. SALGUERO: One question on
22 redirect. Since you weren't able to enter

1 the area, how do you know whether it's
2 sloped or not?

3 INVESTIGATOR PERU: Well, I took
4 several pictures from the bridge --

5 MS. SALGUERO: Okay.

6 INVESTIGATOR PERU: -- from
7 different angles to try and capture the
8 bridge shot down. I could take pictures --

9 MS. SALGUERO: And what is the
10 distance from the bridge to, you know --

11 INVESTIGATOR PERU: The bridge is
12 right next to the parcel of the land.

13 So I was able to stand on the
14 bridge and take a picture.

15 MS. SALGUERO: Okay.

16 INVESTIGATOR PERU: My best photo
17 of the property was from standing on the
18 bridge.

19 CHAIRPERSON MILLER: Okay. Thank
20 you very much.

21 INVESTIGATOR PERU: You're
22 welcome.

1 CHAIRPERSON MILLER: You can be
2 excused.

3 INVESTIGATOR PERU: Okay.
4 Thanks.

5 CHAIRPERSON MILLER: Okay. So at
6 the beginning of this hearing I said that we
7 were going to go out of order and take up
8 our next witness, Commander Hickson, or
9 present your case. Do you want to testify?
10 My understanding was you wanted to testify
11 and then get back to work.

12 COMMANDER HICKSON: Yes, ma'am.

13 CHAIRPERSON MILLER: So if you're
14 going to testify, would you --

15 COMMANDER HICKSON: Oh, from
16 there? All right.

17 (Laughter.)

18 CHAIRPERSON MILLER: And I guess
19 I would need to swear you in still. Do you
20 swear to tell the truth, the whole truth,
21 nothing but the truth?

22 COMMANDER HICKSON: I do.

1 CHAIRPERSON MILLER: Okay. Thank
2 you.

3 COMMANDER HICKSON: So you can
4 start by identifying yourself again for the
5 record and then just testify however you
6 want to present your case.

7 COMMANDER HICKSON: Okay. My
8 name is Daniel Hickson. My last name is
9 spelled H-I-C-K-S-O-N. I'm the commander of
10 the 1st District, which is the police
11 district where the application is pending.

12 The Metropolitan Police
13 Department filed a protest on this
14 application for a license from ABRA, and
15 basically our concerns -- and I'll try to do
16 them in what I think are the priority to us.

17 The first is just the size of the
18 site. A six-acre venue, as it was presented
19 by the Applicant, that he wants alcohol to
20 be able to roam freely within six acres is
21 just too large of an acre. It's too large
22 of an area for anybody. This is not a

1 slight on the Applicant, but for anybody to
2 properly secure to prevent underage
3 drinking, to prevent the disorder, you know,
4 that accompanies alcohol unfortunately a lot
5 of times.

6 I did meet with the Applicant one
7 time. We discussed a possibility of -- you
8 know, the fact that there was no structure
9 there. There wasn't like a bar area. I
10 know in our discussions the Applicants would
11 mention things like say at the waterfront
12 Cherry Blossom Festival where ABRA gives a
13 one-day, but there's a defined area there
14 that's fenced in that people can't leave
15 carrying a drink that's manned and secured.
16 And there wasn't any plan for that.

17 And the other thing is just, you
18 know, to keep an eye on the crowd. This
19 site could hold -- I wouldn't even be able
20 to guess how many people. You know,
21 thousands of people on this six-acre site.
22 And how you would be able to monitor the

1 crowd to prevent disorder for occurring,
2 I'm not sure how that could possibly take
3 place.

4 Next, following just the size of
5 the site, is the traffic concerns that we
6 have. Investigator Peru was struggling --
7 the ballards they're called that are erected
8 on the median there on Potomac, those are
9 all part of a traffic operation plan that
10 has been developed by input from the
11 community, the ANC, DDoT, Department of
12 Public Works, Metropolitan Police
13 Department. And so the plan, at least as
14 originally presented by the Applicant,
15 doesn't fit at all into that plan that was
16 negotiated with the community and put in
17 place. Although I do understand now that
18 they withdrew from the original idea of
19 having a crosswalk right in the middle of
20 the block.

21 Like Investigator Peru, I
22 couldn't guess how long that block is, but

1 it's a really long block. I'm going to
2 guess it's at least a couple hundred yards,
3 if not, you know, 300 yards, but it's a very
4 long block from South Capitol to 1st Street.

5 But anyway, they also are
6 applying for a parking lot within this
7 venue. I think it's like 30-some spaces,
8 something along that line. And so they want
9 to alter from the traffic plan and allow
10 vehicles that are traveling westbound on
11 Potomac to make a left to go into the lot,
12 but that's currently prohibited by the
13 direction of the ballards and also by the
14 Traffic Safety Plan that's been put in
15 place. And they want cars -- that they
16 egress from their property. They want them
17 to be able to make a left-hand turn and
18 travel westbound on Potomac. And again,
19 that would be prevented by the plan and the
20 physical structures that are currently in
21 place.

22 When there's large events there

1 -- you know, it was done purposely to only
2 have the two crosswalks. If you're ever
3 there as an event is getting ready to start
4 or letting out, the traffic moves pretty
5 well there. So we actually have crosswalks
6 that Metropolitan police officers man at
7 both ends of those in order to be able to,
8 you know, ensure the safety of pedestrians
9 crossing there.

10 The next point where we have
11 concern about is -- I just kind of call it
12 the general disorder to the community. And
13 this line, you know, I'm talking about
14 things like noise, as an example with noise.
15 I know the Applicant applied for an
16 entertainment endorsement. They spoke to me
17 about having an open stage there where they
18 could host concerts and bands and things
19 like that.

20 And as to the questions I asked
21 earlier of Investigator Peru, you know, I
22 mean there's residents a block from there.

1 So to say that there's no residential --
2 across the street's the Nats Stadium, but
3 across the street on South Capitol Street
4 from the Nats Stadium there are private
5 residents a block away. And then a block-
6 and-a-half there's a brand new condo
7 building that just went up on South Capitol
8 Street that's now occupied.

9 And not only are they asking for
10 the entertainment endorsement, they're
11 asking for it to go to 2:00 or 3:00 a.m., I
12 think almost to the full hours of the ABRA
13 license. And that's a concern to me because
14 I know who's going to be answering the --

15 (Laughter.)

16 COMMANDER HICKSON: -- 500 calls,
17 you know, for the loud noise from people who
18 live in the place. And I know who's going
19 to be in the communities explaining to
20 people about, you know, why we aren't
21 locking up the owners of, you know, the
22 establishment. And it's a problem.

1 You know, it's an open venue, so
2 it's not like it's a club where at least we
3 can work with the owners of clubs sometimes
4 about keeping their doors closed and maybe
5 doing some type of remodeling that will, you
6 know, allow soundproofing from coming out
7 and things like that. And there's nothing,
8 absolutely nothing that's going to limit the
9 noise as it goes into the community.

10 Another in the same vein with the
11 disorder is there is no plumbing down there,
12 as one of the gentlemen asked earlier. And
13 from what I understand they can't put any
14 plumbing in there because they can't go into
15 the ground at all. Anything they do has to
16 be above the surface. So in our meetings I
17 believe they related they were talking about
18 bring in port-a-johns. So I'm sure the
19 citizens are going to love having port-a-
20 johns permanently across the street.

21 But also I know when they do
22 these a lot of times at other events down

1 there -- and the Yards Park has them. And
2 then we end up with problems of people --
3 the port-a-john's backed up. People end up
4 urinating in public. We get called down
5 there for that. And then, you know, so I
6 have concern about that, that there's not
7 going to be adequate facilities down there
8 to take care of the people who are coming
9 there.

10 And then next would be on the
11 application there's information on the
12 application that was originally filed that I
13 don't believe is accurate. I'm not saying
14 it's false. I don't think it's complete. I
15 noticed on the application it says that the
16 Applicants don't have any interest in any
17 other ABC establishments, and I don't
18 believe that's true.

19 And then also again in the
20 application it says that there are no
21 residential areas in the vicinity of the
22 proposed site, and I disagree with that

1 assertion as well. And in the application
2 they say that the food service is going to
3 be provided by a variety of local
4 restaurants and people like that who will
5 come down and serve the food. In our
6 meetings they did talk about also they'll
7 bring food trucks in I think.

8 But I do know that when the
9 Fairgrounds originally opened their business
10 plan also was to have the restaurants come
11 down there out of those containers they have
12 on there and serve food. And that was their
13 answer. And that has never happened because
14 it was a business plan that didn't work
15 because the restaurants up in Barracks Row
16 were not interested in going down there. So
17 the only time they do have food is they get
18 food trucks there for some of their weekend
19 events.

20 And then within the site itself,
21 as I said earlier, there's no utilities
22 there at all that I can see. There is no

1 fencing on the river side. There is -- I
2 call them silt fencing like they make you do
3 for environmental. You know, it's like the
4 cloth that the water can run through, so it
5 sticks up maybe two-and-a-half feet.
6 There's actually two layers of that, you
7 know, before you get to the river as you're
8 still on their property going out.

9 And the answer to the earlier
10 question, it definitely does grade away from
11 the road down toward the river. That's it.

12 CHAIRPERSON MILLER: Okay. Thank
13 you very much.

14 Now we'll start with the
15 Applicant.

16 MEMBER SILVERSTEIN: Well, wait.
17 Wait.

18 CHAIRPERSON MILLER: What?

19 MEMBER SILVERSTEIN: Oh.

20 MEMBER ALBERTI: It's not ready
21 for the Board questions.

22 MEMBER SILVERSTEIN: I'm sorry.

1 Yes, okay.

2 (Laughter.)

3 MEMBER ALBERTI: I mean it's
4 either going to be the Protestants or the
5 Applicant.

6 CHAIRPERSON MILLER: Okay. I'll
7 tell you what it's going to be: It's going
8 to be the Applicant. That's the order of
9 procedure. And I don't believe that these
10 parties have a right to cross-examine a
11 fellow Protestant. You're all Protestants.
12 So it's the Applicant and then --

13 MEMBER ALBERTI: Well, they
14 have --

15 CHAIRPERSON MILLER: I will
16 read --

17 MEMBER ALBERTI: He's their
18 witness. They can ask him questions as
19 their witness, I would imagine.

20 MEMBER SILVERSTEIN: From their
21 own time, that is.

22 CHAIRPERSON MILLER: He is an

1 individual party that's part of the
2 Protestants. If you all want to open this
3 up and have each party ask questions of each
4 other's parties, we're going to be here all
5 day. I have the rules in front of me that
6 go to opposing -- 17.4.1, "In any proceeding
7 before the Board, each party shall have the
8 right to present in person by counsel or by
9 designated representative the party's case
10 or defense including oral and documentary
11 evidence, to submit rebuttal evidence and to
12 cross-examine opposing witnesses unless the
13 matter at issue has been dismissed by the
14 Board."

15 So my ruling is -- and if you
16 want to interpret this otherwise --

17 MEMBER SILVERSTEIN: Let's go.

18 CHAIRPERSON MILLER: Okay. So
19 then we'd turn to the Applicant who is on
20 the opposing side.

21 MS. SALGUERO: Good afternoon.

22 COMMANDER HICKSON: Good

1 afternoon.

2 MS. SALGUERO: You mentioned the
3 Traffic Operations Plan, and I just wanted
4 to know specifically --

5 MEMBER SILVERSTEIN: Please speak
6 up.

7 MS. SALGUERO: -- how would you
8 envision the TOPP plan -- how the Applicant
9 violated the TOPP plan?

10 COMMANDER HICKSON: Well, because
11 the TOPP plan calls for no traffic to cross
12 the medium on Potomac Avenue.

13 MS. SALGUERO: Okay.

14 COMMANDER HICKSON: And that's
15 what the TOPP plan calls for. And the
16 Applicant wants traffic -- in their plan
17 they plan to have traffic be able to cross
18 that medium to make a left turn off of
19 westbound Potomac into their lot. They also
20 plan to have traffic egressing from their
21 lot, make a left turn going westbound. And
22 that is all prohibited within in the Traffic

1 Plan.

2 MS. SALGUERO: And also you do
3 have a large number of police officers on
4 duty during Nats games, correct?

5 COMMANDER HICKSON: Not really.

6 MS. SALGUERO: How many
7 officers --

8 COMMANDER HICKSON: We don't
9 schedule anybody extra in the 1st District.
10 The Special Operations Division I believe
11 has -- I'm not sure of the numbers. It's a
12 dozen or under.

13 MS. SALGUERO: A dozen or under?

14 COMMANDER HICKSON: Yes.

15 MS. SALGUERO: And --

16 COMMANDER HICKSON: The Nats also
17 employ off-duty policemen inside the
18 stadium. Those officers are not working for
19 the city.

20 MS. SALGUERO: And how does MPD
21 usually monitor the safety of people in an
22 open-air environment or event?

1 COMMANDER HICKSON: What type of
2 an open-air event?

3 MS. SALGUERO: For example, I
4 know that there is a licensee at the museum.
5 It's the barbecue event.

6 COMMANDER HICKSON: Yes. Oh, I
7 know that. Hill Country at the --

8 MS. SALGUERO: Hill Country.

9 COMMANDER HICKSON: -- Building
10 Museum. I know that because I get
11 complaints every time they open from all the
12 condos there over on 6th Street about the --
13 and we checked and they have their licenses,
14 they have an ABRA entertainment endorsement
15 and they have live bands with amplified
16 sound. And every time they -- they only
17 open like on Fridays and Saturdays. And I
18 bet you on the 4th of July we probably had,
19 you know, 15 radio runs from the people in
20 the area about the music, the people that
21 live there.

22 MS. SALGUERO: Just noise

1 complaints?

2 COMMANDER HICKSON: Pretty much
3 noise complaints there, yes.

4 MS. SALGUERO: And is there an
5 acceptable resolution to MPD's concerns
6 about the Applicant?

7 COMMANDER HICKSON: For which
8 area?

9 MS. SALGUERO: For operations.

10 COMMANDER HICKSON: I met with
11 the Applicant and I told him, you know, that
12 we would at least look at it if they were to
13 come up with a plan that had a defined area
14 for alcohol possession and consumption that
15 had some type of physical barrier. And
16 again, I use as an example like if you go to
17 the festivals, you can't just walk four
18 blocks carrying a beer. But they'll have
19 like a beer garden area that has fencing
20 around it and then they have security people
21 stationed at the exit points so that nobody
22 can leave carrying alcohol.

1 So for that piece of it, you
2 know, I can't say that the chief would
3 withdraw her protest, but I think that's the
4 most important piece is to have a defined
5 area that's defined by a physical structure.

6 The traffic, I believe, at least
7 in my meetings with the Applicants, they
8 sounded like they were willing to just go by
9 the TOPP plan to make it work.

10 The noise, the only thing to me
11 would be not having an entertainment
12 endorsement. I know, you know, if there's
13 an entertainment endorsement, again it's an
14 outside place. I know that the police
15 department, ABRA, DCRA, everybody's going to
16 be bombarded with noise complaints.

17 MS. SALGUERO: And do you get any
18 noise complaints about the Nats Stadium just
19 right across?

20 COMMANDER HICKSON: No. Well,
21 first season when they did the fireworks
22 after 10:00 and -- you know, so we talked to

1 them about that. And if the game goes
2 beyond it, they don't do the fireworks
3 anymore after 10:00. I can't really think
4 of any noise complaints that we've had out
5 of the Nats.

6 MS. SALGUERO: And as far as
7 proximity to residents, would you say that
8 the Nats Stadium is closer to residents --

9 COMMANDER HICKSON: Yes.

10 MS. SALGUERO: -- than this area?

11 COMMANDER HICKSON: Yes.

12 Definitely.

13 MS. SALGUERO: That's it.

14 CHAIRPERSON MILLER: Okay. Thank
15 you. Board questions? Mr. Silverstein?

16 MEMBER SILVERSTEIN: Thank you
17 for your service, commander. Thank you very
18 much.

19 Let's first talk about pedestrian
20 safety. Will this involve, opening this,
21 people walking across South Capitol Street?

22 COMMANDER HICKSON: I'm sorry?

1 MEMBER SILVERSTEIN: If this were
2 to be granted, would this necessarily
3 involve people walking across or trying to
4 cross South Capitol?

5 COMMANDER HICKSON: I mean it
6 wouldn't physically have to occur, but most
7 likely it would, you know, just like it does
8 at the Nats games. Because there's very
9 limited parking on the southeast side to go
10 over to the southwest side, which is across
11 South Capitol Street. Particularly there on
12 South it's, you know, kind of an
13 industrial/commercial area, so it's a little
14 more open for parking. So a lot of folks go
15 over that way to try to get parking.

16 MEMBER SILVERSTEIN: It's a major
17 arterial street leading in and out of the
18 city, isn't it?

19 COMMANDER HICKSON: It is. One
20 of the concerns with that though, too, is
21 that the Applicants also said they did not
22 want to concern themselves at all with all a

1 stadium schedule. So they made it clear
2 that they were going to do their events
3 whenever they did their events and they
4 weren't going to schedule around or try to
5 make things work. So that means that they
6 could have something going on the time that,
7 you know, 40,000 people are leaving the
8 stadium.

9 And South Capitol Street, you
10 know, if somebody would just go down there
11 some night at the end of a -- say, when the
12 Phillies are in town and watch South Capitol
13 and Potomac -- matter of fact, I think maybe
14 in May, you know, the officer directing
15 traffic trying to get people across the
16 street got hit by a car there in the
17 intersection with his visibility vest on
18 directing traffic. So it's a very hectic
19 intersection, particularly surrounding
20 events again in the --

21 MEMBER SILVERSTEIN: So it's kind
22 of feast or famine down there? When there's

1 an event it's gridlock and when there isn't,
2 you have --

3 COMMANDER HICKSON: On South
4 Capitol Street --

5 MEMBER SILVERSTEIN: -- possible
6 problems with speeding and --

7 COMMANDER HICKSON: Well, as
8 Investigator Peru said, South Capitol
9 Street, it's never dead on South Capitol
10 Street. I mean, you know, if you're coming
11 over from Ward 8, you know, that's how
12 you're going to come into the city. You
13 might get off 295 and get on the 11th Street
14 Bridge, but most likely if you're coming
15 from Ward 8, you're going to come across
16 South Capitol. Or if you're coming from PG
17 County on the Suitland Parkway you're going
18 to come across the South Capitol Street
19 Bridge. So it always has traffic. But
20 pedestrians is definitely particularly --

21 MEMBER SILVERSTEIN: I haven't
22 had my picture took there, but I've noticed

1 that there are some speed cameras along
2 there.

3 COMMANDER HICKSON: There are.

4 MEMBER SILVERSTEIN: So this is
5 not --

6 COMMANDER HICKSON: There are
7 cameras everywhere, sir.

8 (Laughter.)

9 MEMBER SILVERSTEIN: No, I mean
10 my question is, if we are going to -- one of
11 the matrixes that we have to consider is
12 pedestrian safety.

13 COMMANDER HICKSON: Yes, sir.

14 MEMBER SILVERSTEIN: And does
15 pedestrian safety overall concern you here,
16 the idea that you might have to pick
17 somebody up off the street?

18 COMMANDER HICKSON: Well, I
19 mean --

20 MEMBER SILVERSTEIN: Or scrape
21 them.

22 COMMANDER HICKSON: -- it

1 concerns me if too many people are trying to
2 cross South Capitol Street. That's just a
3 bad street to cross. And which is why when
4 there's events we put officers down there to
5 get people across. People do cross there
6 sometimes. I would feel better if they went
7 up a block. You know, if they got up closer
8 to O Street, or somewhere like that, because
9 traffic seems calm some now.

10 But right there, they're coming
11 off of that bridge. They've just been on
12 the Suitland Parkway doing 50 miles an hour
13 and they come across the bridge and the
14 speed limit changes to 25, but I think it
15 takes a little time for them to transition
16 to 25. So it concerns me anytime I see kids
17 crossing at that particular intersection.

18 MEMBER SILVERSTEIN: And
19 normally, commander; and I'll finish with
20 this -- normally I ask if there are any red
21 flags, and, you know, you spent probably 15
22 minutes giving me a dozen of them. So I'm

1 going to have to change the question to you.
2 Is there anything that you think could be
3 done to fix this up to make it acceptable,
4 or frankly are there just so many variables
5 and so many problems that at this point this
6 application is unfixable to you? What can
7 we do to fix it?

8 COMMANDER HICKSON: Well, I think
9 counsel had asked me the same question. As
10 I said, you know, for us even to begin to
11 even consider looking at it, to me they have
12 to come with some type of a defined area
13 where alcohol is going to be contained and
14 not just roaming about.

15 Another one would be the, you
16 know, no entertainment endorsement. There
17 would have to be a lot of other -- but those
18 would be the big ones. Without those it's
19 not even worth trying to talk about the
20 port-a-johns and, you know, trash and things
21 like that. I think unless those big ones --
22 those to me are the real biggies.

1 MEMBER SILVERSTEIN: I'm going to
2 leave the security questions to my
3 colleagues. No further questions.

4 CHAIRPERSON MILLER: Others? Mr.
5 Jones?

6 MEMBER JONES: Thank you, Madam
7 Chair.

8 Just for clarification from my
9 standpoint, you indicated that you actually
10 sat down and met with the Applicant?

11 COMMANDER HICKSON: Yes, they
12 called and we set a meeting and they came to
13 my office and met with me. And I also
14 talked to counsel, I believe, on the phone.
15 She called and kind of asked me some of the
16 same questions. It might have been before
17 the meeting, but, yes, I did.

18 MEMBER JONES: Okay. Did you
19 have an opportunity to express the concern
20 that you just raised regarding the structure
21 -- excuse me, the contained confined area
22 regarding alcohol service?

1 COMMANDER HICKSON: I did. They
2 told me they were going to work on that and
3 they were going to present me with a drawing
4 or something by the end of the next week.

5 MEMBER JONES: Did you ever
6 receive said drawing?

7 COMMANDER HICKSON: No.

8 MEMBER JONES: Okay. So I
9 believe in the world of not impossible,
10 right? Maybe hard to do, but not
11 impossible. But in this instance I don't
12 have enough experience to know whether it is
13 or it isn't. So given the size of the area
14 that we're talking about and this current
15 layout, could you conceive in any way, shape
16 or form a certain number of security that it
17 would take in order to ensure the security
18 and safety of the patrons that would be in
19 this area?

20 COMMANDER HICKSON: With alcohol
21 or without?

22 MEMBER JONES: With alcohol.

1 COMMANDER HICKSON: With alcohol?

2 MEMBER JONES: The eway in which
3 they applied for their application, the way
4 in which they put together the application.
5 So it sounds like with the roaming alcohol,
6 with the size of a area this large, could
7 you put a ratio on it? For example, they
8 need one security officer per 50 patrons, or
9 something to that effect.

10 COMMANDER HICKSON: To me this
11 application is a whole different animal.
12 It's not just the number of people. It's
13 the size. So if you only have 100 people in
14 there, but you got a security guy here and
15 he has to walk, you know, 150 yards to get
16 to somebody that there's an issue with, you
17 know, it's too big. So you'd have to
18 distribute your security personnel
19 geographically, if you will, as well as just
20 by the number of people. I just don't think
21 it's feasible for having alcohol in that
22 large of an area and have it properly

1 secured.

2 MEMBER JONES: Okay. Let me
3 change it this way: If you were challenged
4 by your superiors to provide security for an
5 area of this size, not necessarily with
6 alcohol service, but an area of this size,
7 what approach would you take to ensure --
8 would you have enough people under your
9 command, under your disposal to even secure
10 an area of this size?

11 COMMANDER HICKSON: For what?

12 MEMBER JONES: Huh?

13 COMMANDER HICKSON: For what?

14 MEMBER JONES: To secure an area
15 of this size for revelry.

16 COMMANDER HICKSON: For what?

17 MEMBER JONES: Entertainment.

18 COMMANDER HICKSON: What kind of
19 entertainment? Who's the entertainer?

20 MEMBER JONES: Rock concert.

21 COMMANDER HICKSON: I mean --

22 MEMBER JONES: Let's say it's Lil

1 Wayne.

2 COMMANDER HICKSON: How many
3 people?

4 MEMBER JONES: Lil Wayne --

5 COMMANDER HICKSON: Okay.

6 MEMBER JONES: -- and his crew.

7 COMMANDER HICKSON: All right.

8 How many people?

9 MEMBER JONES: As many people as
10 can fit in that space.

11 COMMANDER HICKSON: Ooh. I don't
12 know. Wow.

13 (Laughter.)

14 COMMANDER HICKSON: I don't know
15 if I have enough working for me.

16 MEMBER JONES: You don't think
17 you have enough people working for you?

18 COMMANDER HICKSON: I was being
19 facetious.

20 (Laughter.)

21 COMMANDER HICKSON: I don't know.

22 MEMBER JONES: I kind of got that

1 impression.

2 (Laughter.)

3 COMMANDER HICKSON: I wouldn't
4 want to take that task on in an open
5 environment like that. I'd have to really
6 consult with some folks. I mean I think it
7 would be, you know, a very, very, very
8 considerable commitment of resources. And,
9 you know, I would only do it of course if my
10 boss told me to do it, but you know, I sure
11 wouldn't volunteer for that assignment, the
12 one you just named, Lil Wayne with --

13 MEMBER JONES: Lil Wayne and his
14 crew.

15 COMMANDER HICKSON: -- as many
16 people as could possibly get in there. And
17 alcohol, you know?

18 (Laughter.)

19 MEMBER JONES: Okay. Fair
20 enough. You indicated during your testimony
21 earlier that you did note that the ground
22 wasn't level.

1 COMMANDER HICKSON: Yes.

2 MEMBER JONES: But I didn't
3 understand what the so what was in your
4 statement. Was it just to point that out as
5 an inconsistency?

6 COMMANDER HICKSON: The question
7 was asked earlier I believe by counsel
8 whether or not it was. And Investigator
9 Peru said he really wasn't sure. I mean I
10 know for a fact, I've stood on the sidewalk,
11 it grades down toward the river.

12 MEMBER JONES: But you weren't
13 mentioning that in terms of a security
14 concern that you had?

15 COMMANDER HICKSON: No.

16 MEMBER JONES: Okay. Just a
17 point of information?

18 COMMANDER HICKSON: Yes, sir.

19 MEMBER JONES: Okay. Thank you.
20 Thank you, Madam Chair.

21 CHAIRPERSON MILLER: Other
22 questions? Mr. Alberti?

1 MEMBER ALBERTI: Good afternoon,
2 Commander Hickson. This is probably
3 obvious, but I'll ask it since we're on
4 security. What kind of fencing would have
5 to be put in to protect on the river side?
6 You can't leave it open. I mean you've got
7 people drinking.

8 COMMANDER HICKSON: Well, I mean,
9 I think that's beyond my area of expertise.
10 I just know that if somebody fell or
11 something, you know, that we would be
12 involved in that. But I think somebody else
13 would have -- but the question again was
14 asked earlier was there fencing? And so I
15 was just kind of answering the earlier
16 question. I've been down there multiple
17 times. I've looked at it. You know, I'm
18 through that area on a regular basis.

19 MEMBER ALBERTI: So that's one of
20 the details we don't have currently. As
21 we're evaluating this we don't have that
22 detail.

1 COMMANDER HICKSON: Well, and
2 that's why I was just answering the question
3 that was asked. There is no what I would
4 say is fencing. What there is is there are
5 two distinct layers of I call silt
6 fencing --

7 MEMBER ALBERTI: Right.

8 COMMANDER HICKSON: -- that they
9 use during construction that you're required
10 to when you get your permit to keep runoff
11 -- or keep sort of from getting runoff.

12 MEMBER ALBERTI: Can someone had
13 Commander Hickson the Licensee's Exhibit 1,
14 or can the Licensee hand Commander Hickson
15 that exhibit?

16 COMMANDER HICKSON: Okay.

17 MEMBER ALBERTI: Okay. So that's
18 the Exhibit. It's got a red outlined area
19 in it.

20 COMMANDER HICKSON: Yes.

21 MEMBER ALBERTI: Okay. What's
22 the nature of that area? Is it commercial?

1 Is it residential? What's the nature of
2 that area?

3 COMMANDER HICKSON: It's mostly
4 residential in that outlined area.

5 MEMBER ALBERTI: Okay. And where
6 is the new condo that you spoke of in
7 relationship to that red outlined area?

8 COMMANDER HICKSON: Well, if
9 you're holding it north --

10 MEMBER ALBERTI: Right.

11 COMMANDER HICKSON: -- like now
12 north's up here.

13 MEMBER ALBERTI: Right.

14 COMMANDER HICKSON: So it would
15 be this northern parcel right here.

16 MEMBER ALBERTI: Okay. That
17 northern parcel?

18 COMMANDER HICKSON: And then --

19 MEMBER ALBERTI: Outside the
20 square or inside?

21 COMMANDER HICKSON: Inside the
22 square.

1 MEMBER JONES: Okay.

2 COMMANDER HICKSON: And these are
3 private houses.

4 MEMBER ALBERTI: Okay. And just
5 along South Capitol Street south of that,
6 what's there? Do you know what that is?

7 COMMANDER HICKSON: There's a U-
8 Haul place and Caps Liquor. I mean the only
9 thing I can think of you've got the new
10 condos. I think it's called the Savoy. You
11 got a brand new -- actually it's rental
12 apartments, I think -- brand new apartment
13 building there. Then you have a block that
14 has some private -- now I'm traveling south
15 from there. You have some private row
16 houses. And then below that I know that
17 there is -- the last thing is like the U-
18 Haul. I can't remember what's in between.

19 MEMBER ALBERTI: What's below
20 that? Okay. So that big building there is
21 the U-Haul?

22 COMMANDER HICKSON: Yes, the big

1 building is U-Haul.

2 MEMBER ALBERTI: All right. I
3 know which building. It's just south of the
4 Red Line there on East Capitol Street is the
5 U-Haul. Okay.

6 Now as I'm looking north, I'm
7 looking at the stadium. I guess that's 1st
8 Street. You know, this map looks kind of
9 like a commercial area. Do you know if
10 that's what's there currently?

11 COMMANDER HICKSON: On 1st
12 Street, S.E.?

13 MEMBER ALBERTI: Yes, along the
14 river.

15 COMMANDER HICKSON: I'm not sure
16 what all is already open. Yards Park is
17 over there, to begin with. You know, it's
18 an outdoor recreational venue.

19 MEMBER ALBERTI: Right.

20 COMMANDER HICKSON: It's actually
21 privately owned.

22 MEMBER ALBERTI: Right, to the

1 left of Yards Park. Between 1st Street and
2 Yards Park, do you know what's there?

3 COMMANDER HICKSON: Right now
4 there's parking lots, there's -- I'm trying
5 to remember if the trapeze camp closed.
6 There's a couple businesses. Yes, there's
7 an old red brick building. That's the D.C.
8 Water Building. The Youth Conservation
9 Corps is down there on that --

10 MEMBER ALBERTI: I'm going to ask
11 the next question on the assumption that
12 you're pretty in tuned with development and
13 plans for that area. Do you know if there's
14 any plans to develop that lot?

15 COMMANDER HICKSON: Absolutely.

16 MEMBER ALBERTI: And do you know
17 if it would include residential, to your
18 knowledge?

19 COMMANDER HICKSON: Lot of
20 residential, including the land that this is
21 going to be on.

22 MEMBER ALBERTI: Eventually

1 you're saying?

2 COMMANDER HICKSON: Yes, that's
3 been approved I believe for residential
4 development for an apartment building.

5 MEMBER ALBERTI: Okay. So
6 potentially in the future that land just
7 east of 1st Street along the river could
8 have residences in there?

9 COMMANDER HICKSON: Yes.

10 MEMBER ALBERTI: Now in your
11 experience when you have outdoor
12 entertainment -- well, no, just when you
13 have noise emanating from an establishment,
14 be it licensed for alcohol, for whatever
15 reason, all right, do you see an increase in
16 complaints about noise as it gets later in
17 day or not? And is there any correlation
18 between the time of day and the number of
19 complaints that you get?

20 COMMANDER HICKSON: For ABC
21 establishments?

22 MEMBER ALBERTI: Any venue --

1 COMMANDER HICKSON: Yes, I
2 mean --

3 MEMBER ALBERTI: -- that's
4 producing noise.

5 COMMANDER HICKSON: -- with ABC
6 establishments basically we get I'd say 95
7 percent of our complaints, one, when they
8 have entertainment, live entertainment, and
9 two, at closing time, you know, when people
10 leave together en masse and they're talking
11 and they're walking through people's
12 neighborhoods to their car. You know,
13 that's when we get most of our -- and so I
14 would say, yes, most of it. And
15 entertainment for the most part is, you
16 know, at night, so I would say it's -- later
17 in the day is when we get most of those.

18 MEMBER ALBERTI: Well, let me put
19 a hypothetical, all right? If you had
20 entertainment noise, if you had
21 entertainment being heard from this location
22 in that close-by residential neighborhood at

1 9:00 at night and it was heard at 1:00 in
2 the morning, would you expect more
3 complaints at 9:00 at night or at 1:00 in
4 the morning?

5 COMMANDER HICKSON: I mean I
6 would get complaints at both, but I would
7 definitely get more at 1:00 in the morning.
8 Plus just about everybody in this community
9 is very well-versed on the disorderly noise
10 at night statute.

11 (Laughter.)

12 COMMANDER HICKSON: So they know
13 that at 10:00 p.m. they start calling 9-1-1,
14 you know?

15 MEMBER ALBERTI: Okay. Mr. Jones
16 asked you about, you know, how many officers
17 it would take you to secure this place, you
18 know, if you had to estimate that. Well,
19 what I'm going to ask you is if you had an
20 event with 2,000 people there, alcohol
21 included, all right, and entertainment; I
22 don't care what the entertainment is, what

1 would that mean in terms of your resources
2 just to secure the public?

3 COMMANDER HICKSON: Not the venue
4 you're saying, but to --

5 MEMBER ALBERTI: Not the venue.
6 Just the public.

7 COMMANDER HICKSON: -- secure the
8 surrounding area?

9 MEMBER ALBERTI: Yes.

10 COMMANDER HICKSON: I mean I know
11 you say you don't care who it is, but it
12 depends on who it is and what's going on
13 there. And, you know, there's clubs that
14 have entertainment that, you know, you don't
15 get calls to and there's clubs that have
16 entertainment that as soon as the
17 entertainment arrives calls start, you know?

18 MEMBER ALBERTI: Okay.

19 COMMANDER HICKSON: So I don't
20 know if I --

21 MEMBER ALBERTI: In the worse
22 case scenario. I'm not going to mention the

1 kind of music or a band, but you think about
2 the worst one you can think of and what
3 would it mean for resources for you?

4 COMMANDER HICKSON: Well, I mean,
5 I don't know if you want me to use club
6 names, but we have some clubs that I've been
7 responsible for that hold 2,000 people and,
8 you know, they have a significant impact on
9 our calls for service. When they are
10 operating with, you know, over 1,500 people,
11 it significantly impacts us.

12 MEMBER ALBERTI: Well, what does
13 that mean to you? Do you have to bring in
14 special operations officers? Do you have
15 to --

16 COMMANDER HICKSON: No, just
17 means I steal officers from other
18 neighborhoods to put over there. I mean,
19 you know, you can't bring people in just for
20 the two hours surrounding closing time. And
21 so, you know, you --

22 MEMBER ALBERTI: You would steal

1 people from other PSAs?

2 COMMANDER HICKSON: From your
3 neighborhood.

4 MEMBER ALBERTI: From my PSA?
5 (Laughter.)

6 COMMANDER HICKSON: But I mean I
7 think I've testified before, you have a
8 defined group of people working. And when
9 things happen, you just have to move people
10 and you have to redeploy. And so, you know,
11 you use what's available there.

12 Now, you know, we are heavier
13 staffed on, you know, Friday and Saturday
14 nights, as an example, in the 1st District
15 because we have so many entertainment areas,
16 but you still have to take them from
17 somewhere. They don't just --

18 MEMBER ALBERTI: You're familiar
19 with these neighborhoods and you're familiar
20 with outdoor entertainment. I mean I know
21 you're familiar with, because it's in your
22 area; well, I think it is, RFK.

1 COMMANDER HICKSON: Oh, yes.

2 MEMBER ALBERTI: All right. And
3 we have outdoor concerts there.

4 COMMANDER HICKSON: Oh, yes.

5 MEMBER ALBERTI: Oh, yes. All
6 right. And how far do you think the noise
7 emanates? Do you think that neighborhood in
8 red would be able to hear a loud band
9 playing in that area?

10 COMMANDER HICKSON: I'm trying to
11 remember the name of the thing they had at
12 RFK last year. It's this kind of techno
13 music that has this beat that goes on.

14 MEMBER ALBERTI: Yes.

15 COMMANDER HICKSON: I mean I have
16 emails that I've saved where I got them from
17 8th and H, N.E. where people said that their
18 china was shaking. And, you know, I mean --

19 MEMBER ALBERTI: Eighth and H?
20 If I had my --

21 COMMANDER HICKSON: Eighth and H,
22 N.E. Now, that was the only time I've ever

1 had anything like that. Normally from RFK
2 we get complaints going over to about 17th
3 Street. You know, basically from 17th
4 Street over to the stadium and then north up
5 into Kingman Park.

6 MEMBER ALBERTI: Okay. So 17th
7 Street is how many blocks from those
8 grounds?

9 COMMANDER HICKSON: About two
10 blocks. No, from the stadium -- no, that's
11 the armory. From the stadium it's closer to
12 four blocks. About two blocks from the
13 stadium.

14 MEMBER ALBERTI: Because the
15 stadium's really at 21st Street, sort of?

16 COMMANDER HICKSON: Yes.

17 MEMBER ALBERTI: Okay. So it's
18 four blocks?

19 COMMANDER HICKSON: Yes, it's
20 about four blocks. But they don't really
21 have concerts there in the stadium. They
22 have them --

1 MEMBER ALBERTI: No, but
2 on the grounds. On the parking lot grounds.
3 I mean I'm using it as a comparison because
4 it's a completely outdoor area.

5 COMMANDER HICKSON: Right.

6 MEMBER ALBERTI: As this would
7 be.

8 COMMANDER HICKSON: Yes, I mean
9 I'm saying it depends. You know, if it's in
10 lot 8 or if it's in lot 4. Usually they're
11 held in lot 8, which is on C Street and
12 Oklahoma Avenue. And so --

13 MEMBER ALBERTI: Would you
14 approximate that distance as at least a
15 third of a mile, if not almost a half mile
16 from where those concerts --

17 COMMANDER HICKSON: Where they
18 could hear us?

19 MEMBER ALBERTI: From the lots
20 where they generally have --

21 COMMANDER HICKSON: Oh, I'd say
22 at least a minimum.

1 MEMBER ALBERTI: Of?

2 COMMANDER HICKSON: Of a half
3 mile.

4 MEMBER ALBERTI: Minimum a half
5 mile? Okay. And what do you think the
6 distance from those homes are in that red
7 area to this lot?

8 COMMANDER HICKSON: Tenth of a
9 mile.

10 MEMBER ALBERTI: Okay. Thank
11 you. I have no further questions.

12 CHAIRPERSON MILLER: Other
13 questions?

14 (No audible response.)

15 CHAIRPERSON MILLER: I have just
16 one question.

17 COMMANDER HICKSON: Yes, ma'am.

18 CHAIRPERSON MILLER: And I'm not
19 sure, you might have addressed it, but I'd
20 like to hear your answer. Is there anything
21 comparable in the city to what's being
22 discussed here with respect to a six-acre

1 open space with a mobile bar and no
2 restrooms?

3 COMMANDER HICKSON: No, I think
4 this would be completely brand new. I don't
5 know of anywhere that anything anywhere near
6 the size of the place. Although I'm not,
7 you know, an ABC expert, but I don't know of
8 anywhere that has mobile bars that move
9 around and serve drinks anywhere. I don't
10 know if that exists. There are that I'm
11 aware of at least several places that have
12 outdoor entertainment endorsements. I just
13 wish I had known to --

14 CHAIRPERSON MILLER: Is that a
15 permanent license? An open space that has
16 this type of license?

17 COMMANDER HICKSON: Well, you
18 have the Fairgrounds, but I don't know if
19 there's is permanent. I can't remember if
20 there's is permanent or if they get them for
21 special events. But the Fairgrounds has
22 outdoor entertainment. You know, RFK and

1 the Armory has them, sometimes outdoor
2 entertainment. They do have alcohol. They
3 operate off of somebody's catering license.
4 And then the one that somebody asked me
5 about earlier, Hill Country Barbecue
6 currently has some kind of a temporary
7 license they have. They are on the grounds
8 of the National Building Museum on I think
9 Friday and Saturday, and holidays. And I
10 think they've also applied for a permit next
11 door to this one.

12 CHAIRPERSON MILLER: By where?

13 COMMANDER HICKSON: Next door to
14 this one.

15 CHAIRPERSON MILLER: Oh, okay.
16 So the one at the National Building Museum,
17 that must be a fairly small area.

18 COMMANDER HICKSON: You mean --

19 CHAIRPERSON MILLER:
20 Geographically.

21 COMMANDER HICKSON: -- the square
22 footage? Yes. Yes.

1 CHAIRPERSON MILLER: The open
2 area.

3 COMMANDER HICKSON: Oh, yes, it's
4 nothing like this.

5 CHAIRPERSON MILLER: It's not six
6 acres?

7 COMMANDER HICKSON: No. No.

8 CHAIRPERSON MILLER: Oh, the Hill
9 Country? Is that what --

10 COMMANDER HICKSON: Hill Country
11 Barbecue. They actually have a bricks and
12 mortar restaurant on 7th Street over in
13 Gallery Place. And then they operate this
14 place on the weekends.

15 CHAIRPERSON MILLER: Okay. So
16 the areas that you're talking about are much
17 smaller geographically in size?

18 COMMANDER HICKSON: Yes. I mean
19 there's nothing --

20 CHAIRPERSON MILLER: And they
21 don't have mobile bars, that you know of?

22 COMMANDER HICKSON: I don't know

1 of anywhere in the city that has that.
2 Maybe there is somewhere, but I've never
3 seen it.

4 CHAIRPERSON MILLER: Right.
5 Okay. Nothing I'm aware of either. Okay.
6 That's all my questions. Thank you very
7 much.

8 I'm sorry. Wait. Do you have
9 any questions on Board questions only,
10 follow-up on Board questions?

11 MS. SALGUERO: Well, I just would
12 like to ask a question on the definition of
13 "mobile." When they presented the location,
14 are you talking about bars that literally
15 move around or just --

16 COMMANDER HICKSON: Well I
17 understand at one point their business plan
18 called for that, you know, to go around, to
19 actually be able to almost -- like I was
20 envisioning in my mind when it was presented
21 was almost like, you know, the ice cream
22 carts that they push around by the Mall, but

1 they would have alcohol. But, you know, I
2 also know they talked about making like a
3 permanent bar also.

4 MS. SALGUERO: Bar areas.

5 COMMANDER HICKSON: And I don't
6 know if you would really that's mobile, but
7 again they can't go in the ground on this
8 property at all.

9 MS. SALGUERO: Right.

10 COMMANDER HICKSON: So maybe
11 technically it would be mobile. I
12 believe --

13 MS. SALGUERO: So would a better
14 characterization be maybe just like a non-
15 permanent structure but still a static bar
16 location?

17 COMMANDER HICKSON: I was under
18 the impression that they were at least
19 exploring both. I don't --

20 MS. SALGUERO: Okay.

21 COMMANDER HICKSON: You know, I
22 know that I had discussions with them about

1 the -- what you're describing, more of a
2 static location. And part of that came in
3 the discussion when we talked about having a
4 defined area where alcohol would be limited
5 and -- because I asked them how -- you know,
6 because again environmental safety is
7 outside of my area, but I understand that
8 one of the issues with that property is you
9 can't dig at all on that property. So I
10 asked them, well, how would you do that and
11 they explained to me that there are other
12 places -- they said there was other places
13 that have done this and basically they kind
14 of sit them down and I guess they sit on
15 type of frame right on the ground.

16 MS. SALGUERO: Okay. So they
17 also did talk about how they -- just non-
18 permanent, but a stationary --

19 COMMANDER HICKSON: Yes.

20 MS. SALGUERO: -- bar location?
21 Okay.

22 COMMANDER HICKSON: Yes, they

1 did.

2 MS. SALGUERO: Okay.

3 COMMANDER HICKSON: Definitely.

4 CHAIRPERSON MILLER: Okay. Well,
5 thank you very much for taking the time to
6 come down here.

7 COMMANDER HICKSON: All right.

8 CHAIRPERSON MILLER: We
9 appreciate your testimony.

10 Okay. So now we will revert to
11 the regular schedule. It's the Applicant's
12 time to present its case.

13 MS. SALGUERO: Just one moment.

14 Good afternoon. I would like to
15 call my first witness, Kijun Sung, the owner
16 of Dos Ventures.

17 CHAIRPERSON MILLER: Okay. Good
18 afternoon. Do you swear to tell the truth,
19 the whole truth, nothing but the truth?

20 MR. SUNG: I do.

21 CHAIRPERSON MILLER: Okay.

22 MS. SALGUERO: Can you please

1 state your name and your relationship with
2 Dos Ventures?

3 MR. SUNG: My name is Kijun Sung,
4 K-I-J-U-N, S-U-N-G. I am the managing
5 member of Dos Ventures, LLC.

6 MS. SALGUERO: Okay. And on your
7 application of the owner, on your personal
8 history affidavit, did you list on No. 16 as
9 having been a member and owner of other ABC
10 licensees?

11 MR. SUNG: Yes, I am currently a
12 managing member of three other licensees.
13 Jasper Ventures, doing business as Capitale;
14 2408 Wisconsin Avenue, LLC, doing business
15 as Mason Inn; and Prospect Dining, LLC,
16 doing business as George.

17 MS. SALGUERO: And you did
18 disclose that on your personal history
19 affidavit?

20 MR. SUNG: Yes, I did.

21 MS. SALGUERO: Okay. Great. Now
22 can you describe your experiences with

1 managing these ABRA locations?

2 MR. SUNG: I've had a license
3 from ABRA since 2000 or 2001, going back
4 about 13 years. I've been involved in every
5 aspect of the operations from training
6 bartenders, training security to managing
7 the evenings for the events. In addition to
8 the business I just mentioned, I've had one-
9 day licenses from ABRA. I've thrown events
10 at different venues in the city from Old
11 Post Office Pavilion to Carnegie Library,
12 Mellon Auditorium, Kastles Stadium, to name
13 a few.

14 MS. SALGUERO: Now I like to
15 enter Exhibits 2, 3 and 4 at this time. And
16 they're listed as 1st Street Field Executive
17 Summary, Crowd Control Plan, and Alcohol
18 Control Plan.

19 Does the Protestants have any
20 objections to those exhibits being entered?

21 CHAIRPERSON MILLER: Okay. Let
22 me say this: Are you asking that they be

1 admitted into evidence at this point?

2 MS. SALGUERO: That's correct.

3 CHAIRPERSON MILLER: Okay. I
4 didn't admit Exhibit 1 yet.

5 MS. SALGUERO: Oh, okay.

6 CHAIRPERSON MILLER: So would you
7 like --

8 MS. SALGUERO: I would like to
9 admit Exhibit 1, the aerial of the site.

10 CHAIRPERSON MILLER: Okay. So 1
11 through 4, correct?

12 MS. SALGUERO: One through four
13 at this time.

14 CHAIRPERSON MILLER: And there's
15 no objection, is there?

16 (No audible response.)

17 CHAIRPERSON MILLER: Okay. Then
18 Exhibits 1 through 4 are admitted.

19 MS. SALGUERO: Now on Exhibit 2
20 it is your executive field summary for the
21 concept. And can you please summary your
22 business plan as it was discussed in Exhibit

1 2?

2 MR. SUNG: Yes, this was the
3 business plan that we presented to ANC when
4 we went before them, ANC 6D. Basically it's
5 threefold: Number one, the predominant
6 activity on this venue is to be a sports
7 league. We intend to develop the site so as
8 to have three kickball fields and several
9 bocce lanes. And this will occur
10 approximately nine months out of the year.

11 We'll have several seasons. One
12 spring season, two summer seasons and one
13 fall season. The games will be played on
14 two to three weekday nights for about two to
15 three hours before it gets dark and one
16 weekend afternoon, either a Saturday or a
17 Sunday. So you're talking about three to
18 four days a week over the course of
19 approximately nine months.

20 That will be the predominant use
21 for the space. And that will probably have
22 a maximum occupancy of at most 200 to 300

1 people. There will be nights when we'll
2 probably have between 50 to 100.

3 The second programming for the
4 site is to offer a venue for the Nationals
5 games. Offer, number one, parking. We are
6 zoned and approved for 30 parking spaces on
7 this site. Number two, offer food via food
8 trucks. And Number three, offer beverages,
9 both soft and alcoholic. Our projections
10 for this programming is anywhere from a
11 couple hundred up to approximately 1,000
12 people, and this would occur on game days.

13 And finally the third prong of
14 our business plan is to have a large
15 flexible outdoor venue for organizations,
16 for companies to come and have unique
17 events. We've talked to a lot of people who
18 have an interest in such space.

19 One of the ones that we're
20 working on right now is with Washington Life
21 magazine. They hold an annual event called
22 The Young and the Guest List. In past years

1 they've had their event at the National
2 Building Museum. It's approximately a
3 1,000-person black tie event going from
4 approximately 6:00 or 7:00 p.m. until 10:00
5 p.m. And what they would like to do here is
6 to erect a large fence and have a nice The
7 Young and the Guest List event, which
8 they've had in the past.

9 So what we love about the space
10 is that it is outdoors, it has a great view
11 of the river and we think that a lot of
12 different uses can be made of it. So those
13 are our three primary business programs that
14 we have in mind.

15 MS. SALGUERO: For Exhibit 3 can
16 you discuss your alcohol control plan and
17 how you plan to manage the alcohol on site?

18 COMMANDER HICKSON: Yes.
19 Actually the alcohol control plan is Exhibit
20 4. And what we will do -- I mean for this
21 sports leagues it will all be 21 and over,
22 so we are talking about an enclosed space.

1 We will check the IDs of every person coming
2 in. So I think that will address any
3 concerns about underage drinking.

4 For game days we will obviously
5 allow families to come in, so we will
6 wristband anybody who is 21 and over. And
7 in addition to that all servers and all
8 managers will be trained to check the IDs of
9 people who already have wristbands in case
10 there's any doubt about their age. And we
11 will have security roaming to make sure that
12 no one who does not have a wristband has an
13 alcoholic beverage in their hand.

14 In addition, the only drinks that
15 will be served to those under 21 will be in
16 closed containers; bottled waters, canned
17 sodas, Red Bull in cans, so that anyone
18 holding a cup we will instantly know that
19 it's an alcoholic beverage. And if they're
20 going to be holding an open container they
21 must have a wristband.

22 I think I've covered the alcohol

1 control plan.

2 MS. SALGUERO: I believe you were
3 to also have security.

4 COMMANDER HICKSON: Yes, so we
5 will always maintain at least a security to
6 customer ratio of 75 to 1. And they will
7 always be roaming to make sure that patrons
8 don't try to go past barriers, especially
9 toward the river. We will erect barriers to
10 prevent people from getting anywhere close
11 to the river's edge. As Commander Hickson
12 already testified, there is a double silt
13 fence that runs along parallel to the river.
14 It's set back about 50 feet from the river's
15 edge. Those are approximately two-and-a-
16 half to three feet tall. In addition to
17 that, we will erect yet another parallel
18 line of barriers, bike racks, to prevent
19 people from wandering close to the water's
20 edge.

21 MS. SALGUERO: I would like to
22 submit Exhibits 5 and 6 of your health,

1 medical and safety plan and your lost and
2 found plan.

3 CHAIRPERSON MILLER: Is there an
4 objection?

5 (No audible response.)

6 CHAIRPERSON MILLER: Okay. Not
7 hearing any, 5 and 6 are admitted.

8 MS. SALGUERO: And all of these
9 definitions, your health, medical and safety
10 plan, your alcohol control plan, your crowd
11 control and your lost and found were
12 submitted to the ANC, is that correct?

13 MR. SUNG: That's correct.

14 MS. SALGUERO: Now I would like
15 to submit Exhibits 8 and 9, letters from
16 D.C. Bocce League and letters from the WAKA
17 Kickball and Social Sports.

18 CHAIRPERSON MILLER: Did you
19 intentionally skip 7, by the way? Did you
20 skip 7?

21 MS. SALGUERO: Yes, I will come
22 back to --

1 CHAIRPERSON MILLER: Okay. Just
2 wanted to make sure.

3 MS. SALGUERO: It's 8 and 9 at
4 the moment.

5 CHAIRPERSON MILLER: Okay. Eight
6 and nine. Okay. No objections?

7 (No audible response.)

8 CHAIRPERSON MILLER: All right.
9 Then 8 and 9 are admitted.

10 MS. SALGUERO: Can you please
11 describe your relationship with the D.C.
12 Bocce League and the WAKA Kickball?

13 MR. SUNG: Yes. So we've spoken
14 to the various kickball leagues and the
15 social sports leagues and they're all on
16 board to have their fall seasons with us,
17 assuming we get approved. So everyone's
18 very excited and they're basically ready to
19 go.

20 They'll draw upon people who live
21 close to the area. They currently have
22 leagues all over the city. And, you know,

1 they have it down on the Mall, they have it
2 up in Adams Morgan, they have it up in
3 Petworth and they want to start leagues down
4 here. So the people that it will draw from
5 are people who are within a couple of Metro
6 stops, within walking distance, within
7 biking distance. So I think this will be
8 actually fantastic for both them and the
9 community that's there right now.

10 MS. SALGUERO: And can you
11 describe the patrons that you anticipate
12 during game days?

13 MR. SUNG: Game days will be
14 drawing from the patrons who will be going
15 to the Nationals games before, during and
16 after.

17 MS. SALGUERO: So patrons that
18 are already in the area?

19 MR. SUNG: Correct.

20 MS. SALGUERO: And leaving the
21 baseball game?

22 MR. SUNG: Correct.

1 MS. SALGUERO: I would like to
2 submit Exhibit 10, which is pictures of the
3 pedestrian safety routes and pictures of the
4 site.

5 CHAIRPERSON MILLER: Any
6 objections? Yes, sir?

7 MR. McBEE: Madam Chair, I just
8 want to make clarification. If you would
9 ask the Applicant if in fact these items
10 have already been submitted to us. We're
11 doing our due diligence over here to try to
12 check against what we've been submitted, so
13 if you could ask if this is something new
14 that we haven't seen. That's all we're
15 asking clarification on.

16 CHAIRPERSON MILLER: Okay.

17 MR. McBEE: It appears so far
18 that the items that we've seen had been
19 submitted to us at the last ANC meeting that
20 they were at.

21 CHAIRPERSON MILLER: Okay. Could
22 you respond to that?

1 MS. SALGUERO: This exhibit was
2 not submitted to the ANC. And so these are
3 pictures that were mostly recently taken.

4 MR. SUNG: Exhibit 10 is a new
5 item, correct.

6 MS. SALGUERO: Exhibit 10 is a
7 new item. But previous exhibits have all
8 been submitted to the ANC?

9 MR. SUNG: That's correct.

10 MS. SALGUERO: Okay. Great.

11 Now --

12 CHAIRPERSON MILLER: Wait a
13 minute. Okay.

14 MR. MCBEE: Well, I think we have
15 an objection here, because we haven't seen
16 this and we haven't had an opportunity to
17 review it. So we're objecting to the
18 submission of this item here today. I mean
19 we've had some opportunity to have dialogue
20 and to try to mediate some of these issues.
21 I'm not sure why this wasn't submitted
22 earlier. And so we object to this

1 submission.

2 CHAIRPERSON MILLER: Do you want
3 to respond to that?

4 MS. SALGUERO: During the rules
5 of procedure the exhibits are presented to
6 the Board and also given to you. We did
7 write in our PIF that we would be taking
8 pictures of the area to illustrate, to
9 create a -- you know, these are visual
10 images in order to explain how the
11 operations will occur, to kind of elucidate
12 a little bit the business plan and put it in
13 a visual perspective. So these are
14 basically just pictures of the area again.
15 And we did write that in our PIF that we
16 would be presenting pictures.

17 CHAIRPERSON MILLER: Okay. And
18 when were they taken?

19 MS. SALGUERO: These pictures
20 were taken I believe this week.

21 MR. SUNG: Two days ago.

22 MS. SALGUERO: Two days ago.

1 CHAIRPERSON MILLER: Okay. And
2 who took them?

3 MS. SALGUERO: An employee of Dos
4 Ventures took them.

5 CHAIRPERSON MILLER: Okay. Have
6 you looked at the pictures?

7 MR. McBEE: Well, we've looked at
8 them and we have some concerns because I'm
9 not sure why the pictures that were
10 presented by the investigator wouldn't
11 suffice. But we do have objection to why
12 this wasn't --

13 CHAIRPERSON MILLER: Right, I
14 heard your objection that it wasn't --

15 MR. McBEE: Right.

16 CHAIRPERSON MILLER: -- presented
17 to you earlier. And is there any objection
18 you want to state with respect to the
19 substance of the exhibit?

20 MR. McBEE: And we're not sure
21 also about the time and day these were
22 taken. I mean there are big questions here,

1 because you know, they're asking for hours
2 until 2:00 a.m., 3:00 a.m.

3 CHAIRPERSON MILLER: Okay.

4 MR. McBEE: So you understand
5 my --

6 CHAIRPERSON MILLER: I understand
7 what you're saying. I'm going to admit the
8 exhibit as I think it is illustrative of the
9 site. And the Protestants will have an
10 opportunity to cross-examine the witness
11 further about the pictures.

12 MS. SALGUERO: So, Mr. Sung, can
13 you describe what you see on the first page?
14 So we have pedestrian safety and your
15 crosswalks. Can you describe the crosswalk
16 section that the first two pictures are of?

17 MR. SUNG: Yes. So the first
18 picture on the left-hand side at the top
19 shows one of two crosswalks at the
20 intersection of South Capitol and Potomac
21 Avenue. This is currently there and this is
22 what pedestrians who choose to cross have

1 been using. And particularly on game days,
2 if they're parking across South Capitol
3 Street toward the west, these are the
4 crosswalks they would use to get to
5 Nationals Stadium. Similarly, if we opened,
6 these are the crosswalks that our customers
7 and patrons would use to cross Potomac
8 Avenue, as well as South Capitol Street, if
9 necessary.

10 And then the second picture is
11 just a view of the home plate entrance from
12 our lot. So it's looking north. And
13 similarly this is from one of the two gates.
14 The bottom picture is from the vantage point
15 of one of our two 25-foot gates that faces
16 home plate.

17 MS. SALGUERO: And that entrance
18 gate on the bottom picture, it is closest to
19 1st Avenue?

20 MR. SUNG: You know, I can't tell
21 if this is the gate that's closer to the 1st
22 Avenue or to South Capitol Street. I

1 apologize. I can't tell.

2 MS. SALGUERO: Okay. So the
3 second page is mainly more pictures of the
4 crosswalks, correct?

5 MR. SUNG: These are the
6 crosswalks. The upper left-hand corner is
7 the crosswalks that you'll have on the other
8 side, so away from South Capitol Street
9 toward 1st Street and Potomac Avenue. There
10 are two sets there as well.

11 MS. SALGUERO: They're pretty
12 wide, you would say? Ample crosswalks?

13 MR. SUNG: Wider than a typical
14 crosswalk, correct.

15 MS. SALGUERO: Now on the third
16 picture there were questions about the
17 double silt fence?

18 MR. SUNG: Yes.

19 MS. SALGUERO: And a view of the
20 edge on Potomac Avenue?

21 MR. SUNG: Correct. So on the
22 third page of these photos you'll have two

1 photos of the silt fence that's been talked
2 about before. The silt fences, I should
3 say. One is a close-up. And they run all
4 along the site and they're set back
5 approximately 50 feet from the river's edge.
6 And what you have on the right-hand side are
7 pictures of the bulkhead that shows the
8 river's edge.

9 MS. SALGUERO: So you said it was
10 double silt fence, correct?

11 MR. SUNG: That's correct.

12 MS. SALGUERO: And then that was
13 the edge of the Anacostia River?

14 (No audible response.)

15 MS. SALGUERO: Okay. And on the
16 last page you see from your corner view of
17 the area that it is mostly a commercial zone
18 surrounding that?

19 MR. SUNG: We don't have any
20 immediate residential neighbors, although
21 there are some, as has been previously
22 testified to on South Capitol Street.

1 MS. SALGUERO: Great. So that's
2 just a view from the ground level of the
3 interior of the location.

4 Now I'd like to enter Exhibit 11,
5 which is a building permit that's been
6 procured. And can you, Mr. Sung, describe
7 the construction plans for the riverfront?

8 MR. SUNG: So we have to do some
9 site work to do our programming, so we're
10 going to remove the vegetation and then
11 we'll be laying down something called RC-6
12 crushed gravel, a product called stone dust,
13 which is just gravel that's been crushed
14 even finer. That's why they call it a dust.
15 And initially we wanted to lay down some sod
16 or grass, but it's not going to be possible
17 for us, so we won't be laying down grass.
18 And by laying down this finer material on
19 top of the existing gravel, it will have a
20 tendency to level out the bumpiness of the
21 current site.

22 MS. SALGUERO: Now you have

1 submitted drawings to DCRA, correct?

2 MR. SUNG: Yes.

3 MS. SALGUERO: On Exhibit 11 and
4 Exhibit 12 we have occupancy drawings that
5 have been submitted to DCRA to determine
6 occupancy of this space.

7 We'd like to submit 12 and 13.

8 And these are the two proposed
9 uses for the space, one being your social
10 league drawing as Exhibit 12 and on Exhibit
11 13 it is your non-game event.

12 Now I know that we have an
13 enlarged drawing that -- may I use as a
14 demonstrative prop?

15 CHAIRPERSON MILLER: Yes.

16 MS. SALGUERO: Okay. Great.

17 MR. McBEE: Madam?

18 CHAIRPERSON MILLER: Yes, sir?

19 MR. McBEE: We're just looking
20 here at this drawing. I can't read this
21 fine print even on a good day. I would need
22 even a powerful magnifying glass. And so we

1 really object. We just can't understand
2 what's going on here in this drawing here.

3 CHAIRPERSON MILLER: What I
4 understand is that Applicant's counsel has a
5 blown-up version of what's in our exhibits.

6 MS. SALGUERO: Yes, we do.

7 CHAIRPERSON MILLER: And I
8 believe that the Applicant maybe will
9 explain it now. So it hasn't been moved
10 into evidence yet.

11 MR. McBEE: Well, I don't
12 remember seeing this. And I'm not saying
13 that it hasn't been submitted to us, but I'm
14 just saying that it's, you know, just to get
15 here today and to be able -- you know, this
16 has got many details on it. I mean I'm just
17 concerned.

18 CHAIRPERSON MILLER: Okay.

19 MS. SALGUERO: So we did on the
20 PIF say that we --

21 CHAIRPERSON MILLER: All right.
22 Well, it's not in evidence yet. I hear what

1 you have to say and I want to see what --

2 MR. McBEE: Well, I'm just
3 objecting because I think it's unfair for us
4 here to be presented today this drawing and
5 not have an opportunity to fairly vet it.
6 And that's what I'm concerned about.

7 MS. SALGUERO: Just as a means of
8 explanation, you know, these are the
9 drawings that have been submitted to DCRA in
10 order to move forward on getting a
11 Certificate of Occupancy. Since this is a
12 405.1 pending your Certificate of Occupancy,
13 we'd like to say that the basis for moving
14 forward to getting the Certificate of
15 Occupancy are based on these two uses at
16 DCRA. And so we would like to present it.

17 We did present it into evidence
18 for the Protestants to look at it and we
19 have blown up. We realize it is a little
20 bit smaller, and that was unfortunately just
21 a function of our architectural printing.
22 And we did enlarge it for that issue, if

1 they need time to review it.

2 CHAIRPERSON MILLER: Okay. But
3 you didn't show it to them ahead of time at
4 all?

5 MS. SALGUERO: We did not. It
6 was what was submitted for your Certificate
7 of Occupancy.

8 CHAIRPERSON MILLER: Right.
9 Right.

10 MS. SALGUERO: And there have
11 been claims of no plans being, you know,
12 produced. And we are producing plans to
13 show that --

14 CHAIRPERSON MILLER: Okay.

15 MS. SALGUERO: -- there is a
16 basis, that there are other D.C. agencies
17 reviewing these. So we'd like to tell you
18 this is what they're reviewing.

19 CHAIRPERSON MILLER: Okay. I'm
20 inclined to admit it because it is something
21 in the public record. Do the Board Members
22 have any other comments on that?

1 MR. KAMINSKI: Madam Chair, the
2 first thing is I represent a different
3 Protestant in the group.

4 CHAIRPERSON MILLER: Right. Yes,
5 go ahead.

6 MR. KAMINSKI: I'm also on the
7 ANC. Ron's also.

8 CHAIRPERSON MILLER: Yes, right.

9 MR. KAMINSKI: He represents the
10 ANC.

11 CHAIRPERSON MILLER: Right.

12 MR. KAMINSKI: I haven't seen
13 this either.

14 CHAIRPERSON MILLER: Yes.

15 MR. KAMINSKI: And I think the
16 objection here is that not that they haven't
17 done a wonderful of constructing this, but
18 how can we comment on this? How do we know
19 the authenticity of this? How do we know
20 what this really represents? We can hardly
21 see it.

22 CHAIRPERSON MILLER: Okay.

1 MR. KAMINSKI: And I think that
2 it is improper to accept something like that
3 when we -- you know, they're representing
4 this as their plan. This is the plan that
5 we've never seen, but we can't even see the
6 plan.

7 CHAIRPERSON MILLER: Right.

8 MR. KAMINSKI: And you all are
9 going to make a decision based on a plan
10 that nobody can see.

11 CHAIRPERSON MILLER: Right. I
12 mean I hear your concerns and I would say
13 that, you know, sometimes -- has the
14 commander seen the plan, Commander Hickson?

15 MS. SALGUERO: I believe he saw
16 an earlier drawing of the plan. There was
17 an earlier plan of the drawing. There has
18 been, you know, plans moved forward at DCRA
19 that are based on this that we would like to
20 submit as evidence, which has been issued by
21 DCRA talking about Certificate of
22 Occupancy --

1 CHAIRPERSON MILLER: Right.

2 MS. SALGUERO: -- loads for the
3 area. And that's why we'd like to --

4 CHAIRPERSON MILLER: Okay.

5 MS. SALGUERO: -- put this in to
6 have a foundation.

7 CHAIRPERSON MILLER: I know. I
8 hear what you're saying. It is because it
9 is a public record I'm inclined to let it
10 in. But also just let me say this: Just
11 because we let something in, you know, we
12 give it a certain amount of weight, whatever
13 we think the weight is appropriate. And we
14 certainly taken into account that the ANC
15 and the other parties have had not seen it
16 and may not be able to address it as
17 thoroughly as they might have had they seen
18 it before.

19 MR. KAMINSKI: Actually there's
20 another issue here, and it was pointed out
21 by Cathy Lanier, which is the D.C. agencies
22 that are looking at all these different

1 aspects of the construction, they're not
2 sharing information. For example, on the
3 environmental approvals there's a complete
4 discussion of laying sod on this site. And
5 here we see there's construction on this
6 site. So I would urge you to seriously
7 consider whether any of this stuff is valid.

8 CHAIRPERSON MILLER: Okay. Well,
9 we'll take, you know, your views into
10 consideration when deciding how much weight
11 to give it.

12 Okay. So let me just say that
13 Exhibit 11 through 13, which are all DCRA
14 documents, are admitted. But I would
15 appreciate if your witness would take the
16 time to explain this to the Protestants, as
17 well as the Board.

18 MS. SALGUERO: Certainly we'll
19 describe it as clearly as we can. And make
20 note, these were drawings submitted for
21 Certificate of Occupancy. And now this is
22 for occupancy load and exits at this point.

1 CHAIRPERSON MILLER: Occupancy
2 load and what?

3 MS. SALGUERO: And exits.

4 CHAIRPERSON MILLER: Access?
5 Okay.

6 MS. SALGUERO: Exits. So this
7 would be Potomac Avenue, correct?

8 MR. SUNG: Yes, so we have
9 Potomac Avenue here, the Anacostia River
10 here and the stadium north of here.

11 MS. SALGUERO: Okay. And where
12 are your two exits?

13 MR. SUNG: Currently there are
14 two curb cuts and they're what lead to the
15 25-foot fences that -- gates that current
16 exist. So this is South Capitol Street.
17 One we would create the parking spaces, the
18 30 parking spaces that's shown right here.
19 And then this area down here we would have
20 food trucks and portable johns.

21 MS. SALGUERO: Okay. And you
22 have one, two, three, four, five sections

1 where you propose to have bar areas, is that
2 correct?

3 MR. SUNG: That's correct. So
4 this would be a typical game day setup.
5 None of these are permanent structures, so
6 we're not doing construction per se. These
7 are all temporary structures that we would
8 install off site and wheel on to the
9 property. So, yes, we show several --

10 CHAIRPERSON MILLER: Could you
11 speak louder? I can't hear. Could you
12 speak louder because you're kind of facing
13 that way?

14 MR. SUNG: Sorry.

15 CHAIRPERSON MILLER: That's okay.

16 MR. SUNG: So none of these are
17 permanent structure that we're constructing
18 on site. They're either already
19 manufactured pieces or they're build off
20 site and they'll be brought onto the site.
21 So for instance, obviously the portable
22 toilets as well as the bars, the temporary

1 bars that will be wheeling off the site.

2 And I think that's what Commander Hickson
3 was talking about. He understood them to be
4 mobile bars, but they're not mobile. During
5 the course of an event we're not going to be
6 able to move them. They'll be stationary.

7 MS. SALGUERO: And you propose to
8 put double bike racks along this rectangular
9 shape, is that correct?

10 MR. SUNG: Correct. So obviously
11 it is a big lot. So we do want to be able
12 to restrict -- obviously there's nothing
13 going on for instance on this east side. We
14 don't want to be able to not monitor people.
15 So they will not be allowed physically to go
16 past the parking lot. We'll be putting up
17 bike rack barriers. And similarly along the
18 silt fence we'll be putting up barriers as
19 well so that they can't wander off past the
20 silt fence. And we'll also have security
21 personnel posted along the barrier so that
22 they can keep a watch of anyone kind of

1 wanting to attempt to get past the barrier.

2 MS. SALGUERO: Do the Protestants
3 -- can they see --

4 MR. KAMINSKI: Well, I'm looking
5 at what was presented to us at our meeting
6 and it looks totally different than what you
7 have here. This is a presentation that was
8 given to us about the design. I mean of
9 course we have concerns about how many
10 people are going to be required on site
11 to --

12 CHAIRPERSON MILLER: Okay. Let
13 me just interrupt here, okay, because we're
14 getting out of our procedure. So what the
15 procedure will be is you finish, you know,
16 and then we're going to let the Protestants
17 ask all the questions they want. And you
18 can hold that up for them at that time.
19 Okay?

20 MS. SALGUERO: And so on the
21 second exhibit -- I want to show the game
22 day exhibit.

1 Now just to identify the site,
2 can you show where you propose to have the
3 kickball and the bocce?

4 MR. SUNG: Correct. So this is
5 the same setup except instead of the large
6 rectangular area we had before, we have
7 these diamonds which are the kickball
8 fields. And again there's no construction
9 that goes onto create these kickball fields.
10 It's not serious. It's a social sport. So
11 the leagues themselves are going to bringing
12 the bases on site. And at most we'll have
13 chalk lines indicating the various
14 boundaries.

15 So we have three kickball fields.
16 And we show various lanes for bocce courts
17 down here as well as up here. And we show
18 three bars. One here, one here and one
19 here. And the location of the port-a-johns
20 remain the same, down here below the parking
21 spaces.

22 MS. SALGUERO: And these bars are

1 not mobile?

2 MR. SUNG: Correct. They will be
3 stationary during the events.

4 MS. SALGUERO: Stationary? Okay.
5 Great. And you will have port-a-johns on
6 site?

7 MR. SUNG: Yes, they'll be right
8 here.

9 MS. SALGUERO: And trash
10 receptacles?

11 MR. SUNG: Yes, all around the on
12 site and we'll have daily pickup of trash.

13 MS. SALGUERO: So moving on just
14 briefly, we'd like to submit Exhibit 14,
15 which is a letter from the developer just
16 stating the proposed use of this site. As
17 Commander Hickson spoke of, he alluded to a
18 development on site. And we wanted to
19 confirm the work through -- this is a letter
20 from a letter from John Begert, which is MRP
21 Realty. And they are working with the
22 owners of the site to develop a 310-unit

1 condo building on that six-acre lot. And
2 the prospective construction will be between
3 the next two to three years.

4 Is that your understanding,
5 Kijun, as well of what will happen on that
6 site?

7 MR. SUNG: That's correct. Our
8 use and license on this site is limited.
9 They'll be doing their development in
10 stages. And as early as next summer they'll
11 be taking up about a third of the site to
12 start the ground work for their mixed-use
13 development.

14 MR. McBEE: Ma'am, we'd like to
15 object again because this is not the owner
16 of the property. This is a realty firm.
17 This is not the owner. Florida Rock, LLC I
18 think is the actual owner. They've come to
19 us. We've been dealing with them for over
20 20 years. They've been active in trying to
21 -- I just think this is sort of a hearsay
22 item here from the realty firm.

1 And I'm not even sure what the
2 relationship between the realty firm and
3 Florida Rock is at the moment. Florida Rock
4 has submitted a PUD to our ANC and it's more
5 than just a building that's going to be
6 going up on that site, quite an exclusive
7 development that they're looking at. One of
8 the things they're waiting on I think is for
9 the new bridge to come through, the W Street
10 Bridge.

11 So I just question the validity
12 of this letter and whether it can actually
13 speak. So I object to this letter.

14 MS. SALGUERO: We've been told
15 that according to property records that MRP
16 owns half that lot and they have partnered
17 with the development with Florida Rock
18 Properties. There are several news reports
19 to that effect.

20 MR. McBEE: Madam, I'm not sure
21 she can speak to this either, because you
22 know, we have a PUD. You know, they weren't

1 mentioned as part of the development team.
2 And I think his testimony in this letter
3 needs to be stricken.

4 CHAIRPERSON MILLER: Well, I
5 think that the purpose that this letter is
6 being offered is to show that the license
7 will be for a temporary period of time. I
8 think that's all that it goes to.

9 Now are you questioning whether
10 this is an authentic letter from Mr. Begert?

11 MR. McBEE: I'm objecting that he
12 cannot testify.

13 CHAIRPERSON MILLER: He cannot
14 testify to his knowledge about the
15 development? I'm not sure why not. I mean
16 I'm not sure why you couldn't testify to
17 your knowledge about some development in the
18 area.

19 MR. McBEE: I think the question
20 we have is one of the questions we've had
21 all along is -- you know, is to the elusive
22 kind of process that's been going on. We're

1 just wanting to deal with the details. And
2 I'm just trying to point out here to the
3 Commission that, you know, this again is an
4 issue where we don't feel like that we've
5 had the real information from the owner of
6 the property. It could be correct. I'm not
7 saying it's not.

8 I'm just saying to you from our
9 perspective here at the ANC that this not
10 who filed, who presented, who testified in
11 front of us, who went in front of the Zoning
12 Commission. So I'm just saying to you this
13 is something that's an anomaly to us and I
14 just want to bring it up.

15 CHAIRPERSON MILLER: Okay.
16 Normally, you know, we would not. And it's
17 something if it was totally irrelevant,
18 redundant or possibly prejudicial, but
19 normally the standard is irrelevant or
20 redundant. And therefore, I think that it
21 is somewhat relevant as it goes to the
22 timing here. So I'm going to admit it and

1 we'll give it, you know, the weight it's
2 worth considering the comments that you've
3 made.

4 Okay.

5 MS. SALGUERO: Just to confirm,
6 within a two or three-year period you don't
7 anticipate using the lot as it stands now?

8 MR. SUNG: As I understand it the
9 current plans are to develop the site, and
10 their time frame is as soon as next year and
11 definitely within the next three to four
12 years. Correct.

13 MS. SALGUERO: Thank you. We
14 would to enter Exhibit 15, which is a letter
15 from an ANC commissioner from the single
16 member district that deals directly with
17 this area, Mr. David Garber.

18 CHAIRPERSON MILLER: Okay.

19 MS. SALGUERO: Exhibit 15.

20 CHAIRPERSON MILLER: Exhibit 15,
21 a letter from, yes, David Garber, dated
22 August 13.

1 MS. SALGUERO: David Garber.

2 He's the ANC commissioner, 6D-07.

3 Mr. Sung, you have spoken with
4 your ANC commissioner? He is the ANC
5 commissioner for your single member district
6 where the proposed site is, correct?

7 MR. SUNG: Correct.

8 MS. SALGUERO: And he is
9 supportive of this?

10 MR. SUNG: Yes, he's always
11 supported our developing the site for the
12 programs that we just discussed.

13 MR. McBEE: You know, again --

14 CHAIRPERSON MILLER: Is there an
15 objection?

16 MR. McBEE: Yes, I'm objecting
17 because --

18 CHAIRPERSON MILLER: Okay.

19 MR. McBEE: -- where is Mr.
20 Garber? He could certainly come here just
21 like we've come here today to testify.

22 MS. SALGUERO: He is --

1 CHAIRPERSON MILLER: Are you with
2 a different party?

3 MR. DARCONTE: Huh?

4 CHAIRPERSON MILLER: You're with
5 a different party?

6 MR. DARCONTE: Yes, I'm with the
7 protest party with Mr. Kaminski. I live in
8 the SMD that Mr. Garber represents. And
9 from his letter many of in the
10 neighborhood --

11 CHAIRPERSON MILLER: Wait a
12 second. What's your objection?

13 MR. DARCONTE: My objection is
14 that nobody in the neighborhood has ever
15 even heard about this. And the letter
16 states that many support.

17 CHAIRPERSON MILLER: Okay. Wait
18 a second. I'm sorry. Usually we have one
19 rep from each group, each party, so I can't
20 let you address that. But anyway, I'm going
21 to let this in. It's a letter from an
22 ANC commissioner. It's relevant and it's

1 not redundant.

2 Mr. Jones, do you have a concern?

3 MEMBER JONES: Just a point of
4 order here.

5 CHAIRPERSON MILLER: Okay.

6 MEMBER JONES: I don't know if it
7 was made clear to you before or not, but
8 there's one person representing each of the
9 groups. The ANC, one representative, one
10 spokesperson. But you can feel free to
11 whisper in their ear, pass a note if you
12 have a concern to be addressed. It can only
13 be addressed by one person.

14 MR. MCBEE: Well, I think the
15 issue that he's trying to make; and I'll
16 speak on behalf of the --

17 CHAIRPERSON MILLER: No, you're
18 not his representative. You can't speak on
19 behalf of him.

20 MR. KAMINSKI: How about if I
21 speak for him. He is part of my group.

22 CHAIRPERSON MILLER: Yes, you are

1 the representative of that group. That's
2 right.

3 MR. KAMINSKI: So just a couple
4 of things: First thing is I am the ANC
5 commissioner for the area occupied by
6 Nationals Stadium. So my SMD sits right on
7 Potomac Avenue. If I stood in my SMD, I
8 would be looking across the street at this
9 place. I object to this, so that's why I'm
10 protesting.

11 And I think the point that Mr.
12 Darconte has made is that there's been no
13 community discussions about this, there's
14 been no meetings that have been hosted by
15 Commissioner Garber to discuss the
16 implications of this. Mr. Garber is an
17 avid blogger and as far as I know I've only
18 see one post about this, and that was quite
19 some time ago. And you'll notice that he's
20 not here to --

21 CHAIRPERSON MILLER: Okay. Let
22 me say this: You're going to have a chance

1 to testify. And this letter is not being
2 accepted on behalf of, you know, the ANC or
3 anything.

4 MR. KAMINSKI: Okay.

5 CHAIRPERSON MILLER: It's being
6 accepted on behalf of Mr. Garber.

7 Okay. So let's move on or we're
8 going to run into some time problems here.

9 MS. SALGUERO: With regard to
10 relationship with ANC, Mr. Sung, you went
11 several times to speak with the ANC starting
12 in April, correct?

13 MR. SUNG: Correct. We initially
14 met with the ABRA Subcommittee with the ANC.
15 We presented our plans there, both informally
16 and at their monthly meeting. They then
17 recommended us to ANC as a whole to a
18 meeting with the ANC on a Monday night. I
19 want to say April or -- probably May was the
20 first ANC meeting we went to. At that time
21 they agreed to give us a stipulated license.
22 And then at the next monthly meeting they

1 decided to file a protest because the
2 protest period was coming up.

3 And actually we had agreed
4 between the ANC and us to try to push back
5 the roll call so that we would be able to
6 operate on a stipulated license. But in
7 that time MPD filed its protest and ABRA
8 declined to push back the roll call. So
9 that's pretty much the chronology of why
10 we're here today. We had hoped to operate
11 under a stipulated license to give them an
12 opportunity to see how we operate and, you
13 know, see what their concerns were, if any,
14 and to try to work out to appease their
15 concerns.

16 MS. SALGUERO: So how do you
17 think your operation will impact the
18 neighborhood?

19 MR. SUNG: Well, I think, yes,
20 sports leagues will be a great addition to
21 the neighborhood and I don't think that
22 there will be much in terms of impact,

1 because as we said, at most there's going to
2 be 200 to 300 people for those sports league
3 nights and afternoons.

4 I don't think there's going to be
5 any impact to the traffic or parking. Most
6 people are going to be walking, riding their
7 bikes or taking the Metro. Similarly, the
8 game day programming, we're not adding to
9 the load that's there. We'll be servicing
10 the patrons that come to the games. And
11 then lastly, we're going to be open to
12 private events such as The Young and the
13 Guest List.

14 And we've studied the TOPP that's
15 in effect. We've also studied the new
16 recommendations that were issued in 2013.
17 We think they're wonderful and we full
18 intend to comply with them and to
19 incorporate all of the suggestions that are
20 contained in the new recommendations so that
21 our impact on the neighbor is only positive
22 and not negative.

1 MS. SALGUERO: And you discussed
2 the concern of Commander Hickson as far as
3 entertainment?

4 MR. SUNG: Yes. so we don't
5 intend to have any loud music or amplified
6 music beyond the hours of 10:00. The only
7 reason we've requested the licensed hours
8 that we have is to allow maximum flexibility
9 in the event that we may have an event that
10 goes longer, a one-off event. So, you know,
11 for instance The Young and the Guest List
12 may go a little bit longer. They may want
13 to have background music that can't be heard
14 outside the confines of the space. But we
15 didn't want to tie our hands. That's why
16 the hours are stated as the way they are.

17 MS. SALGUERO: And you offered
18 that to Commander Hickson, correct?

19 MR. SUNG: Yes, absolutely.
20 Absolutely.

21 MS. SALGUERO: Okay. That's all
22 for the moment.

1 CHAIRPERSON MILLER: Okay. It's
2 time for cross-examination. There are two
3 protesting groups here now and you can
4 decide whoever wants to go first, or if you
5 want to do one for everybody. However you
6 want to do it. But only one person from
7 each group.

8 MR. KAMINSKI: So I'm
9 representing -- here I'm speaking,
10 questioning and representing residents who
11 live in this area.

12 CHAIRPERSON MILLER: Okay.

13 MR. KAMINSKI: I wish we would
14 have an opportunity to really examine this
15 chart.

16 CHAIRPERSON MILLER: Okay. Let
17 me ask you this: Would you like a 10-minute
18 break or something to examine it?

19 MR. KAMINSKI: No, I'm looking at
20 it trying to figure it out. I'm slowly
21 figuring it out.

22 CHAIRPERSON MILLER: Okay.

1 MR. KAMINSKI: But I have a few
2 questions. In terms of -- you know, we have
3 several public housing areas that are right
4 across South Capitol and we have a lot of
5 kids that live in those neighborhoods. And
6 those kids, in my opinion, they need good
7 adult role models. And you have this
8 facility here where people are going to do
9 public drinking in an open-air environment.

10 And you've stated you've got this
11 great alcohol control plan, but I'm just
12 wondering if you could explain how -- and
13 I'm going to estimate for you what this
14 length is here. This is about 800 feet, the
15 length of the property that sits on Potomac
16 Avenue, from the first crossing path to the
17 second. And there is a chain link fence
18 there that's on the property. I'm assuming
19 that's where the crowd control is going to
20 be around.

21 Can you explain, Mr. Sung, how
22 you're going to prevent somebody from

1 transferring a wristband or transferring
2 alcohol along that large perimeter? How are
3 you going to stop that?

4 MR. SUNG: Within the property?

5 MR. KAMINSKI: Within the
6 property, yes.

7 MR. SUNG: Well, the only time
8 that you would have that risk is during game
9 day activities, because the sports leagues
10 are going to be all 21 and over. So the
11 only time that that could possibly happen is
12 when we're open to the general public with
13 the Nationals play their games. In those
14 instances, like I said, we will have
15 security, as well as ABRA managers, as well
16 as the servers to keep an eye out for
17 anybody underage who might be tempted to try
18 to consume an alcoholic beverage.

19 MR. KAMINSKI: So could this
20 happen?

21 MR. SUNG: Could what happen?

22 MR. KAMINSKI: Could they

1 transfer these armbands or could drinks be
2 exchanged through this chain link fence to
3 the kids in the neighborhood?

4 MR. SUNG: Oh, I don't think you
5 can slide a drink through the chain link
6 fence, no.

7 MR. KAMINSKI: What about the arm
8 bands?

9 MR. SUNG: I think those would be
10 pretty tough, too, because if you've ever
11 had a plastic wristband, you would have to
12 cut it in order to take it off and give it
13 to somebody else.

14 MR. KAMINSKI: Okay. I'm looking
15 at this chart here and I'd just like to
16 point out something. This site is right at
17 the terminus of the new Frederick Douglass
18 Bridge. It's in the new Capital Gateway
19 area. This is the major area --

20 CHAIRPERSON MILLER: Okay. Wait.

21 MEMBER SILVERSTEIN: There's no
22 question.

1 CHAIRPERSON MILLER: Yes, I got
2 to stop you.

3 MR. KAMINSKI: Okay.

4 CHAIRPERSON MILLER: It's only
5 time for questions.

6 MR. KAMINSKI: Okay. So this is
7 my -- I'll start with a couple questions
8 here.

9 CHAIRPERSON MILLER: You might
10 sometimes say something just to set the
11 context, but that's too much.

12 MR. KAMINSKI: Can you tell me
13 what these little symbols are right here?

14 CHAIRPERSON MILLER: Oh, can you
15 articulate that a little bit more for the
16 record?

17 MR. KAMINSKI: These little boxes
18 that are very hard to read from a distance.
19 Can you read those?

20 MR. SUNG: Sure.

21 CHAIRPERSON MILLER: Which
22 diagram? Three-eight-seven-seven. Okay.

1 MR. KAMINSKI: Yes.

2 MR. SUNG: These are portable
3 toilets.

4 MR. KAMINSKI: And how many are
5 there?

6 MR. SUNG: Right here you see --
7 there's about --

8 MR. KAMINSKI: It says 20.

9 MR. SUNG: Yes, that's correct.

10 MR. KAMINSKI: And how many are
11 here?

12 MR. SUNG: Another 20.

13 MR. KAMINSKI: Another 20? And
14 how many are -- let's see, I saw some more.
15 How many are up here?

16 MR. SUNG: That's another 20.

17 MR. KAMINSKI: And then what
18 about over here?

19 MR. SUNG: Another 20.

20 MR. KAMINSKI: Another 20?

21 MR. SUNG: Yes.

22 MR. KAMINSKI: And then tell me

1 something else: What is this number 12,200?
2 What is that for? It says total occupants.
3 What is that?

4 MR. SUNG: Right. That is the
5 maximum number of people that can be on the
6 site at any given time.

7 MR. KAMINSKI: Twelve thousand
8 people?

9 MR. SUNG: Correct.

10 MR. KAMINSKI: Okay. That's all
11 the questions I have.

12 CHAIRPERSON MILLER: Okay. ANC?

13 MR. McBEE: Yes. Were you at
14 both of the ANC presentations?

15 MR. SUNG: Yes, I was.

16 MR. McBEE: And do you remember
17 that one of your partners specifically
18 indicated to us at the ANC that there were
19 no other people that had ABC license or
20 experience? That's what I heard. Do you
21 remember that?

22 MR. SUNG: Do I remember what

1 statement?

2 MR. McBEE: Well, I'm stating
3 that I did not -- today when you started
4 your testimony you talked about your
5 experience since 2001. I didn't hear any of
6 that at the presentation. And you talked
7 about that we were a group of young
8 entrepreneurs trying to make this work. In
9 fact --

10 CHAIRPERSON MILLER: Wait.

11 MR. McBEE: I'm just asking --

12 CHAIRPERSON MILLER: Be careful
13 not to do any testimony and actually asking
14 questions.

15 MR. McBEE: Okay. So I'm just
16 saying you didn't provide your testimony
17 today about your experience with ABRA for
18 the liquor license at our meeting.

19 MR. SUNG: I didn't do much of
20 the presentation at the ANC --

21 MR. McBEE: That's fine. Thank
22 you, sir. The other question is you noted

1 here earlier that you're using rock and
2 stone dust. Why?

3 MR. SUNG: That was what was
4 recommended to us by our architect, the
5 general contractors that we spoke to.

6 MR. McBEE: So the Department of
7 the Environment had nothing to do with this?

8 MR. SUNG: Oh, yes. Instead of
9 the grass, yes. The DoE told us that the
10 site underneath the existing gravel was
11 contaminated, so that we shouldn't dig below
12 the existing gravel and disturb the
13 contaminants.

14 MR. McBEE: And this will be
15 sufficient to remediate that issue?

16 MR. SUNG: It won't remediate the
17 contamination, but we will be complying with
18 the existing laws.

19 MR. McBEE: Now are you willing
20 to advise -- I mean do your partners
21 understand this is a contaminated site? You
22 advised them of that?

1 MR. SUNG: My partners?

2 MR. McBEE: Well, when I say
3 "partners," you talked about that you have a
4 bocce league. You also have a kickball
5 league that's going to come here. So they
6 were advised that they'll be playing on a
7 contaminated site?

8 MR. SUNG: They're aware of the
9 fact that the site has contamination, yes.

10 MR. McBEE: Okay. Is there a
11 reason why you -- I objected earlier about
12 the letter. Was there a reason why you
13 didn't offer your contract with Florida
14 Rock? I'm just trying to understand. If
15 there's financial data, I don't need to see
16 that. I just wondered, you know, why you
17 didn't offer that up. Is there a
18 particular --

19 MR. SUNG: Are you talking about
20 our lease?

21 MR. McBEE: Do you have a
22 contract to lease that property?

1 MR. SUNG: Yes, we do.

2 MR. McBEE: Okay. And that's why
3 I'm saying why wouldn't you have offered
4 that up instead of this letter?

5 MR. SUNG: Oh, we've actually
6 submitted it to ABRA and if you had asked
7 for it, we certainly would have shared it
8 with you.

9 MR. McBEE: Well, I would
10 appreciate if we could get a copy of that.

11 MR. SUNG: Sure.

12 MR. McBEE: And then who have
13 been engaging? You talked about working
14 with the community. Who have you been
15 engaged in in the community about their
16 participation or about other participation
17 with any of these events that you're
18 proposing here?

19 MR. SUNG: About any of the
20 events?

21 MR. McBEE: Well, there was noted
22 -- yes, I mean about have you engaged the

1 community? Have you talked to people in the
2 community?

3 MR. SUNG: Yes. So our sports
4 league partner, United Social Sports, has
5 asked the residents in the community, are
6 you interested in playing kickball and bocce
7 at this site? And the answer has been an
8 overwhelming yes.

9 MR. McBEE: And how many people
10 is that?

11 MR. SUNG: You know what, the
12 United Social Sports is here, so I'm sure
13 they'd be happy to tell you.

14 MR. McBEE: I mean one of the
15 things we've talked about here was about the
16 stipulated license earlier.

17 MR. SUNG: Correct.

18 MR. McBEE: And you had talked
19 about the potential -- and in fact I'm
20 wondering why we're still here today,
21 because if I remember correctly that you
22 said if we don't get this stipulated

1 license; you may not have been the partner
2 who said this, this will destroy our
3 business plan, that we will not be able to
4 move forward.

5 MS. SALGUERO: Correct.

6 MR. McBEE: So you didn't get the
7 stipulated plan, but we're still here today
8 in this venue.

9 MR. SUNG: Correct.

10 MR. McBEE: So I'm just wondering
11 how we're still here.

12 MR. SUNG: We stated that our
13 business plans for 2013 would be gone, and
14 that's correct. We are going to miss the
15 2013 baseball season as a result of being
16 delayed.

17 MR. McBEE: Okay. Now will your
18 operation in any way impinge upon Florida
19 Rock to be able to develop this site?

20 MR. SUNG: No.

21 MR. McBEE: But we don't have a
22 copy of the contract that you have, so I'm

1 wondering if in fact that if they get
2 extended because of -- they may have their
3 own business partners to develop the site.
4 What's going to happen?

5 MR. SUNG: I don't understand the
6 question.

7 CHAIRPERSON MILLER: I don't
8 understand the question either.

9 MR. McBEE: Well, how long do you
10 have an agreement to provide your services
11 there on the site, that you have use? Is
12 this an indefinite contract?

13 MR. SUNG: No, it's not.

14 MR. McBEE: How long?

15 MR. SUNG: Right now it only runs
16 through the 2013 season, and we've been
17 talking about extending it for the next
18 season.

19 MR. McBEE: So basically you
20 don't have a contract for next year?

21 MR. SUNG: That's correct.

22 MR. McBEE: It's only this fall

1 that you would potentially be able to use
2 this?

3 MR. SUNG: Correct.

4 MR. McBEE: When you say the 2013
5 season, clarify for me. Because I'm
6 thinking Nationals. I'm thinking the end of
7 September. You know, I mean, can you
8 clarify that?

9 MR. SUNG: That's correct. If
10 I'm remembering correctly, our current
11 license runs through October of 2013.

12 MR. McBEE: And will the Douglass
13 Street Bridge, the new bridge impinge upon
14 you?

15 MR. SUNG: I don't know.

16 MR. McBEE: Okay. So it's going
17 to start next year, so I just think you
18 should be aware of that.

19 MR. SUNG: Thank you.

20 MR. McBEE: And my other issue is
21 that you talk about pedestrian safety. We
22 addressed that issue. Last year we did have

1 a pedestrian killed, and a policeman struck
2 last year. And it's interesting to hear the
3 commander. The MPD does not in fact --

4 CHAIRPERSON MILLER: Okay. You
5 need to ask a question. You can testify
6 later.

7 MR. McBEE: So you weren't aware
8 of that? That's one of the reasons that we
9 have been very concerned about pedestrian
10 safety, particularly there at South
11 Capitol --

12 MR. SUNG: No, you actually --

13 MR. McBEE: -- and Potomac
14 Avenue.

15 MR. SUNG: You actually mentioned
16 this at our first ANC meeting, so we are
17 aware of that.

18 MR. McBEE: Okay. I think I'm
19 finished.

20 CHAIRPERSON MILLER: That
21 completes your questioning?

22 Okay. Are there Board questions?

1 Mr. Alberti?

2 MEMBER ALBERTI: I'll start off.
3 Good evening, Mr. Sung.

4 MR. SUNG: Hello.

5 MEMBER ALBERTI: Thank you for
6 bearing with us. Wow. All right. So let's
7 start from I guess where I first started
8 having questions which was your pictures of
9 crosswalks. Nice pictures of crosswalks.
10 Love them. Where are they?

11 MR. SUNG: Where are the existing
12 crosswalks?

13 MEMBER ALBERTI: Yes.

14 MR. SUNG: Yes, so there are --

15 MEMBER ALBERTI: And maybe you
16 could show them -- we've got that drawing
17 there. Maybe you could show them in
18 relationship to that nice drawing.

19 CHAIRPERSON MILLER: I just want
20 to tell people to be careful about getting
21 your papers on the microphones. Okay.

22 MR. SUNG: River, Potomac, South

1 Capitol.

2 MEMBER ALBERTI: Okay.

3 MR. SUNG: There's a crosswalk
4 right here.

5 MEMBER ALBERTI: So at the --

6 MR. SUNG: So across South
7 Capitol.

8 MEMBER ALBERTI: -- sort of the
9 south, southwestern end of that property?

10 MR. SUNG: There's a crosswalk
11 right here.

12 MEMBER ALBERTI: Okay. Both
13 again southwest corner of that property,
14 which is the corner of Potomac and South
15 Capitol, is that correct?

16 MR. SUNG: Correct.

17 MEMBER ALBERTI: Okay.

18 MR. SUNG: There's a similar set
19 right here at this end, which is where
20 Potomac turns into 1st Street.

21 MEMBER ALBERTI: Okay.

22 MR. SUNG: So one on Potomac, one

1 on 1st.

2 MEMBER ALBERTI: Okay. Very
3 good. And I think you should keep that
4 drawing available because it's been very
5 helpful to me.

6 So how many entrances will you
7 have to the property?

8 MR. SUNG: Currently there's two,
9 but I've been told by our architect that
10 we'll have to create at least two more, if
11 not three more, if we're going to have the
12 capacity that the fire marshal has approved
13 us for.

14 MEMBER ALBERTI: Okay.

15 MR. SUNG: And I believe our
16 architect can talk about that more.

17 MEMBER ALBERTI: So how would you
18 plan to use those points of egress and
19 ingress?

20 MR. SUNG: If we were going to
21 have any significant number of people, we'd
22 have to keep them open and they would have

1 to be manned by security personnel.

2 MEMBER ALBERTI: Well, I need a
3 little more specificity. Quite frankly, the
4 problem I'm having here is I've got a blank
5 slate. All right? And as I said earlier
6 with Commander Hickson, I can see infinite
7 numbers of configurations. And one of the
8 things -- I'm saying this to help you --

9 MR. SUNG: Yes, sir.

10 MEMBER ALBERTI: -- frame your
11 responses. I need more specificity. I mean
12 when I'm considering a license for a
13 building, I have a pretty good idea where
14 the entrances are. They're limited where
15 they can put new entrances and exits and
16 balconies. But that's the case here.
17 You've got a whole block face where you
18 could put entrances and exits.

19 So you've got basically two
20 models. What do you mean by game day? Is
21 that the large events or the kickball
22 events?

1 MR. SUNG: Game day refers to the
2 Nationals games. Sorry for the ambiguity.
3 And the kickball events we call it the
4 sports league.

5 MEMBER ALBERTI: Okay. So you
6 have sports league and then you have I'll
7 say large events, because I assume Nationals
8 would -- am I correct in assuming that a
9 game day, Nationals day, would be similar to
10 if you had a special -- a large event when
11 you had a band coming in on a non-game day.
12 Is that correct?

13 MR. SUNG: Because of our
14 location on Potomac, I don't think we're
15 going to have thousands of people on a
16 Nationals game day. I expect that to be
17 between 500 to 1,000. We'll be ecstatic if
18 we get that traffic flow on game days.

19 MEMBER ALBERTI: All right. So
20 let's start from a different point of view.
21 Let's talk about the configuration -- well,
22 actually let's talk about this configuration

1 where you've got kickball fields and bocce
2 ball courts. So this is all going to be a
3 crushed gravel dust area?

4 MR. SUNG: Correct.

5 MEMBER ALBERTI: Basically kind
6 of a rough but hard-packed surface, is what
7 I'm guessing.

8 MR. SUNG: Yes.

9 MEMBER ALBERTI: I mean I
10 wouldn't want to fall on it, but it's pretty
11 smooth, I'm gathering, right? You can roll
12 it out with heavy steamrollers or whatever
13 they're using today. Right?

14 MR. SUNG: Yes.

15 MEMBER ALBERTI: You're going to
16 play kickball on those kind of surfaces.
17 It's playing kickball on a blacktop surface
18 of my elementary school.

19 MR. SUNG: Correct.

20 MEMBER ALBERTI: What about the
21 bocce ball courts? What are they going to
22 look like?

1 MR. SUNG: Similar. They like to
2 play on hard surfaces as well. But they'll
3 be -- if I'm understanding correctly,
4 they'll be like boxed in. A rectangular --
5 it's a lane and it will be boxed in to
6 create the boundaries.

7 MEMBER ALBERTI: Where you have
8 seen bocce ball courts?

9 MR. SUNG: Where have I seen
10 them?

11 MEMBER ALBERTI: Yes.

12 MR. SUNG: Well, one of the
13 business models that we looked at was an
14 outdoor bocce ball court/bar in San Diego.
15 And they've done very well, so we thought
16 we'd replicate it here.

17 MEMBER ALBERTI: And what was the
18 surface of the bocce ball courts there?

19 MR. SUNG: It was like a -- very
20 similar. It's like a compacted dirt.

21 MEMBER ALBERTI: Sand?

22 MR. SUNG: No, not sand. Not

1 sand.

2 MEMBER ALBERTI: The reason I
3 ask, all right; and this is more of a
4 comment, is every bocce ball sort of -- I'll
5 call it professional, or even if it's
6 amateurs playing, but avid bocce ball
7 players and courts -- the courts where I see
8 avid bocce ball players playing, Little
9 Italy for instance, in New York, Little
10 Italy in Baltimore, the courts in Southeast
11 D.C. by Capitol Hill, they all have sand on
12 the bottom. This is why I ask. I mean it's
13 an odd thing for me. And so the reason I
14 was asking -- so you're not going to have
15 sand in there. You're just going to be
16 removing those bocce ball boxes when they're
17 not in use. Is that what the deal is?

18 MR. SUNG: Correct. Correct.

19 MEMBER ALBERTI: So when you have
20 the kickball fields there, this big
21 rectangular area, all right, three fields
22 within this rectangular area that I see on

1 -- which is Exhibit 12, is that?

2 MR. SUNG: Yes.

3 MEMBER ALBERTI: Yes, Exhibit 12.

4 Will that be fenced in in any way?

5 MR. SUNG: The fields will not
6 individually be fenced in. There will be
7 barriers --

8 MEMBER ALBERTI: Not each
9 individual field. The perimeter.

10 MR. SUNG: Yes, the perimeter
11 toward the silt fence and the river will be
12 -- there will be barriers there.

13 MEMBER ALBERTI: So there won't
14 be -- around that rectangle that you display
15 here, there won't be barriers around that
16 rectangle?

17 MR. SUNG: That's correct.

18 MEMBER ALBERTI: Okay. On the
19 south side, along the river, what are the
20 barriers going to look like?

21 MR. SUNG: They'll be -- if
22 you've seen those bike racks --

1 MEMBER ALBERTI: Normal bike rack
2 is about 36 to 42 inches high?

3 MR. SUNG: Correct. Correct.

4 MEMBER ALBERTI: How many rows of
5 them?

6 MR. SUNG: Two rows.

7 MEMBER ALBERTI: Two rows?

8 MR. SUNG: Yes.

9 MEMBER ALBERTI: Two rows
10 parallel to each other?

11 MR. SUNG: Correct.

12 MEMBER ALBERTI: Okay. On the
13 eastern end is there any fencing dividing
14 off any portion of this? Because you don't
15 show it here. Is there any fencing towards
16 the east of the parking lot? Is there any
17 area -- is there any fencing that divides
18 this property?

19 MR. SUNG: Between the parking
20 area and the --

21 MEMBER ALBERTI: East of the
22 parking area. Or west. I'm sorry. West of

1 the parking area is there any fencing that
2 divides this property into sections?

3 MR. SUNG: Currently, no. But
4 when we do operate the kickball fields we'll
5 put up the bike racks that people don't
6 wander off beyond the parking area.

7 MEMBER ALBERTI: And would you do
8 the same when you have other events, non-
9 kickball events?

10 MR. SUNG: Yes, to the extent
11 that we don't -- if we're not using that
12 area it will always be --

13 MEMBER ALBERTI: Okay.

14 MR. SUNG: -- physically blocked
15 off.

16 MEMBER ALBERTI: What are your
17 plans for using that area?

18 MR. SUNG: Currently we don't
19 have any.

20 MEMBER ALBERTI: But potentially
21 you could?

22 MR. SUNG: Potentially we could.

1 Absolutely. Absolutely.

2 MEMBER ALBERTI: All right. And
3 your application as it stands now would not
4 prohibit use of that area?

5 MR. SUNG: (No audible response.)

6 MEMBER ALBERTI: Okay. So then
7 now when you don't have kickball fields, not
8 using kickball fields, and you're using it
9 for an event that has entertainment, okay,
10 if you didn't use the area west of the
11 parking lot, how many people could you
12 accommodate in that area, maximum?

13 MR. SUNG: Are you talking about
14 Exhibit 13?

15 MEMBER ALBERTI: Well, you know,
16 all of this stuff is moveable, so I'm
17 assuming that it could be configured so --
18 I'm giving a hypothetical. You're dividing
19 this land area into two parts, west of the
20 parking lots and east of the parking lots.
21 East of the parking lots is where you seem
22 to be implying that you have entertainment

1 in that area. What's your maximum number of
2 people that you could accommodate?

3 MR. SUNG: I'm not sure of the
4 exact number. Our architect could certainly
5 tell us the capacity if we didn't use the
6 area west of the parking lot. He's here
7 today, too.

8 MEMBER ALBERTI: Okay. So do you
9 have any figures for maximum capacity for
10 any portion of this and can you tell me
11 about that?

12 MR. SUNG: Well, we do know that
13 for the vast majority; I would say 95
14 percent of our proposed use, which is the
15 sports leagues and the game day activities,
16 that we'll be well under our maximum
17 capacity. As I said, we'll have at most 200
18 to 300 people for the sports leagues and 500
19 to 1,000 people for the game day activities.

20 MEMBER ALBERTI: Okay. I can't
21 ignore the other five percent.

22 MR. SUNG: Okay.

1 MEMBER ALBERTI: So I have to ask
2 you about that.

3 MR. SUNG: Yes, sir. So for
4 instance, I mentioned The Young and the
5 Guest List.

6 MEMBER ALBERTI: Yes.

7 MR. SUNG: That event had 1,000
8 people last year at the National Building
9 Museum. So again, I believe that is well
10 below our maximum capacity, even if we only
11 used half the area.

12 MEMBER ALBERTI: Okay.

13 MR. SUNG: But, yes, you're
14 absolutely correct. We are going to
15 actively open ourselves to organizations and
16 companies that want to come and have events.
17 And there may be events that exceed that
18 number.

19 MEMBER ALBERTI: By how much?

20 MR. SUNG: We don't know and
21 that's why we wanted to present a maximum
22 capacity. And we've worked with DCRA and

1 the fire marshal to get that, and we've been
2 told that that number is 12,000 if we use
3 the whole lot.

4 MEMBER ALBERTI: So I have your
5 anticipated occupancy of around 1,000 max,
6 but I have a potential for 12,000.
7 Realistically what's the largest event you
8 think you would be holding?

9 MR. SUNG: Well, for instance,
10 one of the many people that we've talked to
11 is Living Social. They've thrown large
12 events. They've thrown events where they've
13 had a couple thousand people. And when we
14 presented them with this site, they got very
15 excited and they mentioned Cirque du Soleil,
16 that they had contact at Cirque du Soleil
17 who might be interested for this site. So I
18 think if we were to be able to get them for
19 several months, we're talking a couple
20 thousand people.

21 MEMBER ALBERTI: So in terms of
22 impact on your business model, if

1 hypothetically you put a cap of -- and I'm
2 just throwing this out because this is the
3 number that used, 2,000 -- what would the
4 impact be on your business model if that was
5 the maximum occupancy for this site?

6 MR. SUNG: It's tough to say, but
7 I think that it's the big events that will
8 generate the most revenue, so it will have
9 an appreciable impact on us.

10 And, you know, one of the things
11 that we were talking about amongst ourselves
12 was just, you know, do we want to offer some
13 sort of mechanism by which if we have a very
14 large event we come in front of ABRA and
15 say, hey, we have this event. We'd love to
16 throw it. And these are the safety measures
17 that we're taking. You know, can you rubber
18 stamp it or can you review it and let us
19 know if you have any concerns? I mean
20 that's one of the things that we discussed,
21 because we understand the concerns that the
22 ANC has raised.

1 But we did want to explain that
2 the overwhelming majority of the programming
3 for this site is not very large. But we do
4 hope to have some larger events, especially
5 if we're there for more than six months or
6 more than a year because that will give us
7 an opportunity to make the site more
8 visible. It will get more PR. So we might
9 be able to attract larger events.

10 MEMBER ALBERTI: Okay. As you've
11 configured it here in diagram No. 13, you've
12 got a rectangular area which would -- if you
13 were to configure it like this, where would
14 the patrons be restricted to?

15 MR. SUNG: They would be
16 restricted to the parking area, to the areas
17 where the food trucks are shown. And so
18 they wouldn't be able to go west of the
19 parking area. And they would not be able to
20 go much further south than where the food
21 truck area ends, as well as where the lower
22 corner of the rectangular area is shown,

1 because that's where the double bike rack
2 rows would be.

3 MEMBER ALBERTI: And as you said
4 earlier you do not know -- what I heard you
5 say; and correct if I'm wrong, you do not
6 know what the maximum capacity is for that
7 area that you just described?

8 MR. SUNG: I could only hazard a
9 guess. I would think, you know, just based
10 on what the architect has explained to me as
11 to the way the capacity is computed, I would
12 think it's going to be about 5,000 to 6,000.

13 MEMBER ALBERTI: Do you know how
14 long that area is from the east end to the
15 west end?

16 MR. SUNG: The entire lot?

17 MEMBER ALBERTI: The area we just
18 talked about.

19 MR. SUNG: I think I can take a
20 stab at the square footage. I can't tell
21 you what the length would be.

22 MEMBER ALBERTI: Okay. That's

1 fine. I'll take whatever I can get.

2 MR. SUNG: I think --

3 MEMBER ALBERTI: One of the
4 things I'm having problems with your
5 diagrams -- they're really nice diagrams,
6 but they don't have any dimensions.

7 MR. SUNG: I think that the
8 entire lot is 25,000 square feet.

9 MEMBER ALBERTI: How much?

10 MR. SUNG: Two hundred fifty
11 thousand square feet, more or less. When
12 you take into account the fact that there's
13 a double silt fence -- you can't use the
14 area beyond the silt fence, so it cuts it
15 down by at least 10 to 20 percent. And then
16 if we're talking about not using the area
17 west of the parking lot, I think you're
18 cutting out at least another 75,000 square
19 feet. So I think what you're in effect left
20 with is anywhere from 125 to 150,000 square
21 feet.

22 MEMBER ALBERTI: So let's get

1 back to what you speculated about earlier.
2 I mean it's conceivable that for very large
3 events, over some -- I mean if there was a
4 cap put on the capacity here, below 12,000,
5 it's conceivable that you could apply for
6 one-day substantial changes. I mean if you
7 had to go that route, all right, assuming
8 that those substantial changes were granted
9 based on your history of responsible
10 behavior for the events, would it have any
11 impact on your bottom line?

12 MR. SUNG: Correct. I think --

13 MEMBER ALBERTI: No, I said would
14 it? I didn't offer a suggestion.

15 MR. SUNG: It might because the
16 substantial change could take several months
17 versus a one-day license, which we could
18 probably process --

19 MEMBER ALBERTI: Well, that's
20 what I meant. I'm sorry. I misspoke. For
21 a one-day substantial change.

22 MR. SUNG: Correct. The only

1 impact that would have is just scheduling.
2 My experience in getting one-day licenses is
3 that ABRA is very good about processing
4 those.

5 MEMBER ALBERTI: Okay.

6 MR. SUNG: So if we were to have
7 a large event, it probably wouldn't take
8 place within two weeks. It would probably
9 be a matter of months before we'd execute
10 it. So, yes.

11 MEMBER ALBERTI: Well, let's
12 obviously have sort of a similar discussion
13 about entertainment, because you mentioned
14 something about 10:00 p.m. for
15 entertainment.

16 MR. SUNG: Correct.

17 MEMBER ALBERTI: That's sort of
18 your general plan, which is not to have
19 entertainment past 10:00 p.m. And you would
20 have infrequent events that would have
21 entertainment past 10:00 p.m.?

22 MR. SUNG: That's correct.

1 MEMBER ALBERTI: So it's
2 conceivable that you could operate the same
3 way for special events with entertainment
4 after 10:00 p.m. You could apply for a one-
5 day substantial change and it would not
6 affect your bottom line. Is that correct?

7 MR. SUNG: Yes. Again, I just
8 don't know. When you say "substantial
9 change," to me that means placarding and
10 going through a whole other --

11 MEMBER ALBERTI: No, no. One
12 day. One day substantial change.

13 MR. SUNG: Okay. One day
14 License? Okay.

15 MEMBER ALBERTI: Let me make it
16 clear to you what I'm talking about. A one-
17 day substantial change refers to -- it's
18 what you think of as a one-day license, I
19 think.

20 MR. SUNG: Okay.

21 MEMBER ALBERTI: But I refer to
22 it -- if you have a current license, we

1 technically call it a one-day substantial
2 change --

3 MR. SUNG: Oh, okay.

4 MEMBER ALBERTI: -- where a
5 current licensee says I want to expand my
6 operations just for this one date.

7 MR. SUNG: I see.

8 MEMBER ALBERTI: And they apply
9 to ABRA. All right. So conceivably you
10 could operate under that model. Would that
11 have much of an impact on your bottom line?

12 MR. SUNG: I guess it just
13 depends how quickly a potential event
14 planner wants a signed contract without any
15 contingencies, but --

16 MEMBER ALBERTI: So you've been
17 in this business for quite a while.

18 MR. SUNG: Yes, sir.

19 MEMBER ALBERTI: So I assume that
20 you are knowledgeable about contracting with
21 entertainment groups. How much lead time do
22 you usually need?

1 MR. SUNG: For larger events
2 typically you see them get planned at least
3 two, three months, up to a year out in
4 advance.

5 MEMBER ALBERTI: Okay. All
6 right. And it takes you two weeks, three
7 weeks to get a one-day substantial change,
8 that's been your experience, from ABRA?

9 MR. SUNG: I've never gotten a
10 one-day substantial change. I've gotten one
11 day licenses. And, yes, the one-day
12 licenses I've been able to get fairly
13 quickly from ABRA.

14 MEMBER ALBERTI: I think we're
15 talking about the same thing. All right.

16 I'm going to pause there. I
17 don't have any further questions right now.

18 CHAIRPERSON MILLER: Others?

19 MEMBER JONES: Yes, Madam Chair.

20 CHAIRPERSON MILLER: Okay. Mr.
21 Jones?

22 MEMBER JONES: Sir, I know you

1 went over this already, but I just want to
2 help me better understand so I can put
3 proper weighting on these.

4 You have three primary functions
5 or objectives that you're going to have, or
6 offerings for this site. One of them was a
7 sports league-type activities. Three
8 kickball fields and a bocce area. You're
9 also going to have what you call game day
10 events. And the third thing was special
11 events.

12 So can you tell me what game
13 events are again, just to make sure I'm
14 clear? What's taking place during game day
15 events?

16 MR. SUNG: We'll be offering
17 parking. We have 30 spaces that we're
18 approved for. We'll be offering food
19 through the use of food trucks. And we'll
20 be offering beverages, soft beverages as
21 well as alcoholic beverages.

22 MEMBER JONES: Okay. And this is

1 just taking advantage of the overflow of the
2 games that are occurring at Nationals
3 Stadium?

4 MR. SUNG: Correct.

5 MEMBER JONES: So would it be a
6 similar concept to maybe like a bullpen
7 area?

8 MR. SUNG: Much nicer, but yes.

9 MEMBER JONES: Okay. Got it.
10 All right. Thank you.

11 And you indicated that your
12 primary function or purpose would be the
13 first item that I mentioned, which would be
14 the sports leagues, correct?

15 MR. SUNG: Correct.

16 MEMBER JONES: How are you
17 defining primary? Just in terms of number
18 of people, revenue, time? I'm trying to
19 understand what you mean by that.

20 MR. SUNG: Number of days.

21 MEMBER JONES: Number of days?
22 Okay.

1 MR. SUNG: Over the course of the
2 year. Correct.

3 MEMBER JONES: And the number of
4 days, as you have it currently planned out
5 how many days a week would it be?

6 MR. SUNG: Three to four days.

7 MEMBER JONES: Three to four
8 days? Okay. Then the next item would just
9 obviously be tied to the number of the games
10 that are home games for the Nats, correct?

11 MR. SUNG: Correct.

12 MEMBER JONES: Okay. Is it
13 conceivable that you could have a game day
14 event at the same time that you're having a
15 sports league event?

16 MR. SUNG: It's conceivable that
17 it would happen on the same day.

18 MEMBER JONES: Yes.

19 MR. SUNG: But we might have an
20 afternoon game day and a sports league event
21 that occurs in the evening.

22 MEMBER JONES: Okay. Are you

1 saying that you could not or that you would
2 not have them coincide? Because it seems
3 like you have sufficient space to
4 accommodate both. So it seems like it's a
5 business decision to not have them occur at
6 the same time.

7 MR. SUNG: We really have to work
8 out that detail with the sports leagues
9 because they'll want a commitment from us on
10 which days are available and, you know, if
11 they can work around the Nationals' game
12 schedule.

13 MEMBER JONES: Okay. Well, what
14 would take precedence, game day events or
15 sports league?

16 MR. SUNG: The sports league
17 would take preference, yes.

18 MEMBER JONES: Go it. Now in
19 terms of the third item, which would be the
20 special events -- I'm calling it that -- the
21 third item that you would be using for your
22 third item service, you'd be offering for

1 your facility space, what would you
2 anticipate being the number of special
3 events you'd be trying to host in a year?

4 MR. SUNG: Our goal would be to
5 do at least one a month. Whether that's
6 possible, we don't know. Just a lot of it
7 is up in the air because we just don't know
8 how long we'll be able to be there because
9 of the development plans for the property.
10 And that's really up to owner, the landlord.

11 MEMBER JONES: Understood. So in
12 marching down this path you've mentioned
13 business plans and business models multiple
14 times. From a revenue standpoint breakdown
15 for me the three revenue streams -- and from
16 a percentage standpoint. I don't need to
17 know dollars and cents per se, but from a
18 percentage standpoint what's the percentage
19 contribution of sports leagues, what's the
20 percentage contribution of game day, and
21 what's the percentage contribution of
22 special events?

1 MR. SUNG: Sports leagues we plan
2 to operate three to four times a week for a
3 course of nine months. And then game days
4 we have 81 games, home games. So I think
5 it's going to be probably a 60/30 split
6 there. And then the remaining 10 percent
7 for special events, private events. Those
8 we expect to be larger and much more
9 intensive affairs because they'll typically
10 be very high-end, like The Young and the
11 Guest List where we'll be, you know, doing a
12 lot of work to prepare.

13 MEMBER JONES: Okay. Understood.
14 So 60 for sports league, 30 for game day and
15 10 percent for special events?

16 MR. SUNG: That's just our
17 projection, yes.

18 MEMBER JONES: But that's what
19 you have in your projections right now?

20 MR. SUNG: That's right.

21 MEMBER JONES: Okay. So from
22 that standpoint what contribution, what

1 percentage of that percentage is directly
2 related to the sale of alcohol by category?

3 MR. SUNG: Probably most.

4 MEMBER JONES: Most?

5 MR. SUNG: Yes.

6 MEMBER JONES: So upward of 75
7 percent or more for each category?

8 MR. SUNG: I would say so. Our
9 other sources of revenue would be rental
10 fees if we have special events. And I think
11 that's it. Maybe more than 75 percent.

12 MEMBER JONES: Okay. So the
13 majority of your business plan is hinged and
14 contingent upon being able to sell alcohol?

15 MR. SUNG: Correct. And a very
16 insignificant amount from parking with the
17 30 spaces that we have.

18 MEMBER JONES: Correct. Okay.
19 All right. Good to have.

20 As far as the special events, you
21 mentioned you spoke with Cirque du Soleil?

22 MR. SUNG: No, we haven't.

1 MEMBER JONES: Oh, you haven't?

2 MR. SUNG: We spoke to
3 LivingSocial who mentioned that Cirque du
4 Soleil might be interested because they have
5 a relationship with them and they were
6 looking for a space in D.C.

7 MEMBER JONES: Okay. How serious
8 would you be about exploring that
9 opportunity with Cirque du Soleil?

10 MR. SUNG: That would be
11 wonderful.

12 MEMBER JONES: Okay. So that
13 would be something you'd be in favor of?

14 MR. SUNG: Yes.

15 MEMBER JONES: Have you taken the
16 time to think about what the impact
17 would be to your site operations by hosting
18 Cirque du Soleil at your venue?

19 MR. SUNG: We would want to have
20 it in the winter months when the leagues are
21 not active, as well as the games in the off
22 season. So it would have to be restricted

1 to the winter months.

2 MEMBER JONES: Winter months?

3 Okay. From the standpoint of I guess impact
4 to the neighborhood, what would you
5 anticipate to be the impact to the
6 neighborhood of a Cirque du Soleil-type of
7 event?

8 MR. SUNG: I think --

9 MEMBER JONES: Understanding how
10 they operate, where they're in a location
11 for an extended period of time and they have
12 multiple shows per day, etcetera, what would
13 you anticipate to be the impact in terms of
14 -- well, what would you expect to be the
15 impact?

16 MR. SUNG: I think depending on
17 the capacity that they're going for, the
18 impact could be fairly minimal to fairly
19 significant. And I think we would employ
20 all of the requirements of the TOPP plan
21 that has already been established, as well
22 as the new recommendations to the extent

1 that, you know, the attendance or the
2 traffic to the site will be more than let's
3 say 1,000 or 2,000. But even 2,000 is
4 fairly significant.

5 But the TOPP plan talks about,
6 you know, 15,000, 30,000, 40,000. So I
7 don't mean to discount 1,000 to 2,000
8 people. It is significant. But we would
9 definitely abide by the TOPP and a lot of
10 the measures that they've talked about such
11 as crossing guards, extensive signage,
12 working with DDoT, as well as SOD of MPD to
13 make sure that we have a smooth influx of
14 people in and a smooth exit out of the area.

15 MEMBER JONES: Okay. But from I
16 guess other ancillary impacts of such an
17 activity, do you have any idea what the
18 capacity is generally for -- for example,
19 Cirque du Soleil had an opportunity to lease
20 out the venue at the Plateau at the National
21 Harbor, in that area. Are you familiar with
22 that facility at all?

1 MR. SUNG: No.

2 MEMBER JONES: No? Okay. Are
3 you familiar with the parking requirements
4 associated with a single Cirque du Soleil
5 show of that magnitude?

6 MR. SUNG: I don't.

7 MEMBER JONES: Okay.

8 MR. SUNG: As I said, I haven't
9 spoken to Cirque du Soleil yet. That's just
10 a concept that was mentioned as a
11 possibility and I'm open to it. And
12 obviously it would require a lot more
13 planning and learning the details of what
14 their requirements are to see if it's even
15 feasible here.

16 MEMBER JONES: Okay. You also
17 mentioned that you would not have
18 entertainment after 10:00. Was that based
19 on a particular event day-type? For
20 example, sports league cut off at 10:00.
21 Game day cut off at 10:00, if you have it.
22 What about the special events? Would that

1 be part of your lease contract with the
2 people for whom that would be leasing your
3 venue?

4 MR. SUNG: And that's why I
5 mentioned before -- that's why we wanted the
6 maximum flexibility. That's what we applied
7 for until like 2:00 a.m. It's because there
8 may be a special event where they may want
9 to play background music past 10:00 p.m. So
10 that's why we -- but for the programming
11 that we come up with for the sports leagues
12 and for the game day, we don't anticipate
13 nor will we need to have bands or DJs going
14 past 9:00, 10:00.

15 MEMBER JONES: Okay. And just
16 going back to the revenue, I just want to
17 make sure I'm clear. Are you confident and
18 sure in your business plan in terms of how
19 you broke down the percentages in terms of
20 the revenue streams? Based on what I'm
21 hearing it would seem as though you have a
22 lot more revenue that you'd be counting on,

1 a lot more revenue from your special events
2 types of activities given the volume, given
3 the magnitude of those events versus the 81
4 or plus game day events where you're talking
5 about maybe up to 1,000 based on your
6 numbers and 200 people per game day for
7 sports league activities. Not a whole lot
8 of turnover in -- not a whole lot that I
9 would see being generated in terms of
10 revenue, but maybe I just don't appreciate
11 how much people are willing to rent and pay
12 for bocce or a kickball field.

13 MR. SUNG: Right.

14 MEMBER JONES: So you mentioned
15 10 percent for your special events. Is that
16 a really realistic number, or is it just a
17 guess?

18 MR. SUNG: It's a projection. If
19 it's greater, that's fantastic. You know,
20 that's sort of where, you know, we project
21 we might be able to generate a greater
22 profit margin. So I think you may be right.

1 It might be more. But, you know, at this
2 point we're talking about the future and we
3 really don't know.

4 MEMBER JONES: Okay. And had you
5 given any consideration -- obviously from a
6 businessman's standpoint you never want to
7 limit yourself to -- for the standpoint of
8 being able to be flexible. But in terms of
9 working with the community as a concept,
10 would there be an consideration to
11 potentially capping the number of special
12 events you'd be willing to do, or would that
13 throw your business plan out of whack to the
14 point where it would make it a non-starter?

15 MR. SUNG: You know, we're
16 flexible. That's why we approached the ANC
17 to see if we could work something out. So
18 I'm open to all suggestions. I don't want
19 to sit and say absolutely not, you know, but
20 I don't know what that number is. I'd have
21 to think about it.

22 MEMBER JONES: Fair enough.

1 Thank you.

2 Thank you, Madam Chair.

3 CHAIRPERSON MILLER: Okay.

4 Others?

5 MEMBER ALBERTI: I just have a
6 couple of follow-up questions --

7 CHAIRPERSON MILLER: Okay.

8 MEMBER ALBERTI: -- that I
9 neglected to ask earlier, and this has to do
10 with noise.

11 You can tell me what you're
12 familiar with of the ABRA statute that
13 governs noise, which is that noise,
14 amplified sound from an establishment cannot
15 be heard inside a residence that is in a
16 residential area. So as an ANC commissioner
17 myself and as a resident of 6A I'm quite
18 certain that that area that was in red
19 outlined on your Exhibit 1 is zoned
20 residential. I will double-check that, but
21 let's assume for a second that that is zoned
22 residential.

1 What are your plans for ensuring
2 that whatever time of day it is, because the
3 ABRA statute is not limited to hours of the
4 day -- how would you prevent your
5 entertainment from being heard in those
6 residences?

7 MR. SUNG: Yes, so I think we're
8 just going to have to test it out and see if
9 we can do it. Whether it's placement of any
10 speakers that we have -- and if we can't, we
11 can't go above a certain volume or level
12 without it not being heard in these
13 residences, then we won't have it. We fully
14 intend to comply.

15 MEMBER ALBERTI: That's fair
16 enough.

17 MR. SUNG: Yes.

18 MEMBER ALBERTI: That's fair
19 enough. This may seem like an obviously --
20 well, an easy question for you, but we have
21 a establishments that have a tough time
22 answering this, which is how will you

1 control that volume? It's easier said than
2 done. So explain to me. And if you don't
3 know, that's fair enough. How would you
4 control the -- to make sure that, you know,
5 as bands/entertainment differs, bass levels
6 differ, they have -- sound travels
7 differently depending on the nature of the
8 music. How would you manage that?

9 MR. SUNG: Right. So I mean
10 we've talked about this internally already
11 and, you know, one of the thoughts that we
12 had was obviously the direction of the
13 speakers. We would point them away from the
14 stadium, away from South Capitol Street
15 toward the water. And, you know, I think
16 for lack of a better phrase, I think it's
17 going to be trial and error. And obviously
18 before the event itself to have sound tests
19 and see, you know, whether it will travel or
20 not.

21 MEMBER ALBERTI: Fair enough.
22 Thank you.

1 CHAIRPERSON MILLER: Others?

2 MEMBER JONES: Just a real quick
3 follow-up.

4 CHAIRPERSON MILLER: Okay.

5 MEMBER JONES: In terms of
6 parking, have you thought about any
7 contingencies or how you would handle your
8 plan for dealing with a parking requirement
9 of let's say 150 to 200 cars?

10 MR. SUNG: Yes, so we've already
11 spoken to U Street Parking and we've already
12 secured an agreement that they will provide
13 upwards to 600 parking spaces for us if we
14 were to have a large event that required a
15 lot of parking.

16 MEMBER JONES: Okay. And U
17 Street Parking has a parking garage?

18 MR. SUNG: They have three
19 lots --

20 MEMBER JONES: Three lots? Okay.

21 MR. SUNG: -- near the stadium.

22 MEMBER JONES: And how close to

1 the stadium?

2 MR. SUNG: I know at least two of
3 them are within a couple blocks. I know one
4 of them is a little bit further out.

5 MEMBER JONES: Okay. So within a
6 couple of blocks you have access to let's
7 say 400, give or take?

8 MR. SUNG: Yes, actually he's
9 here, so he can tell us exactly how many
10 spaces he has at each lot and their
11 proximity to the stadium.

12 MEMBER JONES: Perfect. Thank
13 you.

14 Thank you, Madam Chair.

15 CHAIRPERSON MILLER: Okay. I
16 just have very few questions, quick ones.

17 When we started this hearing the
18 property was described as being about six
19 acres. And I think you stated that a lot of
20 that property is not being used. It's only
21 a part of the property. So can you tell me
22 how many acres is being used, or you intend

1 to use?

2 MR. SUNG: The area beyond the
3 silt fence we can't use. I'm going to guess
4 that that's, you know, 10 percent of the
5 property. And the area west of the parking
6 lot won't be used for the two primary
7 programs that we have in place. I estimated
8 that to be between 50 to 75,000 square foot.
9 Maybe more.

10 CHAIRPERSON MILLER: Can we have
11 it like in the same, you know, categories?
12 I mean if you're talking about square feet
13 and acres, and then I'm not sure how they're
14 comparing.

15 MR. SUNG: An acre, as I
16 understand it, is about 40,000 square feet.

17 CHAIRPERSON MILLER: Okay.

18 MR. SUNG: So 40,000 times 6 is
19 about 240,000 square feet. And I mentioned
20 that I believe the site is about 250,000
21 square feet.

22 CHAIRPERSON MILLER: Oh, okay.

1 Thank you. So what do you come up with?

2 How much are you intending to use?

3 MR. SUNG: I think our architect
4 can speak to this better, but my guess is
5 between three to four acres.

6 CHAIRPERSON MILLER: Three to
7 four acres? Okay. And the commander was
8 most concerned I think, or very concerned
9 about control of people drinking within your
10 area. And I'm not convinced, but maybe you
11 can clarify for me. Is it going to all be
12 partitioned off in some way, or fenced in
13 some way, or is it going to be open at
14 different places and really not totally, you
15 know, fenced in?

16 MR. SUNG: Yes, so I think the
17 concern for underage drinking won't be there
18 during the sports leagues because everyone's
19 going to be 21 and over who comes into the
20 space.

21 CHAIRPERSON MILLER: Right.

22 MR. SUNG: It will be a concern

1 during game days. And obviously we're not
2 going to allow any drinking on the parking
3 lot. So we're really restricting it east of
4 the parking lot. I think we're talking
5 about -- you know, that reduces this to half
6 the lot. And it is a flat area with --
7 there won't be columns there, there won't be
8 any permanent structures that will visually
9 obstruct our security. We're fairly
10 confident that we will have -- for instance,
11 during game day we will have more than
12 enough security to roam. And we'll have
13 managers, ABRA managers as well as servers
14 who can work together to make sure that
15 nobody without a wristband is holding an
16 open container, which means they have an
17 alcoholic drink.

18 CHAIRPERSON MILLER: And how
19 about the concern about the river?

20 MR. SUNG: So that one, I don't
21 believe anyone is going to accidentally
22 tumble into the river because of how far the

1 water's edge will be from, or is from the
2 silt fence. And in addition to the silt
3 fence we're going to have a double row of
4 bike racks.

5 And again, it is a relatively
6 flat area. It does slope toward the river,
7 but we are going to have security stationed
8 along the perimeter. So they will always
9 have a site line to see if somebody was
10 crazy and did want to try to climb the bike
11 racks, go over the two silt fences and then
12 walk toward the river's edge. I think that
13 I would be very apparent to us very quickly.

14 CHAIRPERSON MILLER: Okay. The
15 contaminated land, is that a danger to the
16 public for playing on it, walking on it?

17 MR. SUNG: We've gone through
18 DDoE and we've gotten their approval for the
19 use. And we've satisfied them that our
20 proposed use, our site development poses no
21 danger to the public or to the people who
22 will be on the lot.

1 CHAIRPERSON MILLER: So they
2 reviewed it for that purpose?

3 MR. SUNG: Yes.

4 CHAIRPERSON MILLER: Okay. So is
5 there something on the public record on
6 that?

7 MR. SUNG: Yes, we actually
8 received a letter certifying that our plans
9 have been approved by them, that we've met
10 all their requirements.

11 CHAIRPERSON MILLER: Okay. And
12 my last question is just to understand the
13 timing again. I know that it's somewhat
14 uncertain because the development timing may
15 not be exact or whatever, but are you saying
16 that you're not going for this fall, that
17 what you're aiming for is next spring, or
18 what?

19 MR. SUNG: Obviously the baseball
20 season ends in the fall, so we won't be able
21 to have the game day activities. We're
22 still hopeful that we may be able to have

1 fall sports leagues.

2 CHAIRPERSON MILLER: Okay.

3 MR. SUNG: And we're still
4 hopeful that we can have some special events
5 in September and October if we get a
6 license.

7 CHAIRPERSON MILLER: And during
8 the winter you may be using for large
9 events, or not

10 MR. SUNG: Probably not.

11 CHAIRPERSON MILLER: Okay.

12 MR. SUNG: I don't foresee a
13 special event opportunity in the cold
14 months.

15 CHAIRPERSON MILLER: This is just
16 seasonal?

17 MR. SUNG: Correct.

18 CHAIRPERSON MILLER: One other
19 question, I'm sorry, about the structure.
20 It's not going to be a mobile structure, but
21 it's going to be a temporary structure. And
22 I'm having a little difficulty envisioning

1 -- what is this structure?

2 MR. SUNG: Okay. Commander
3 Hickson talked about mobile bars. I think
4 he was led to believe that our bars were
5 going to be able to wander through the site
6 and serve, kind of like a golf cart. But
7 our bars are going to be -- they won't be
8 anchored to the ground like a traditional
9 bar, but they'll be built off site and
10 wheeled onto the site. But once on site,
11 they'll be stationary throughout the course
12 of an event.

13 CHAIRPERSON MILLER: Okay. Will
14 you also have table and chairs on game day,
15 game night?

16 MR. SUNG: Yes, we'll have picnic
17 tables.

18 CHAIRPERSON MILLER: Picnic
19 tables? Okay.

20 All right. Now I think that
21 concludes the Board questions. And you all
22 are entitled to follow up if you have any on

1 the Board questions.

2 MS. SALGUERO: I just have two
3 quick points.

4 CHAIRPERSON MILLER: Okay.

5 MS. SALGUERO: To speak to your
6 question about the review of the District
7 Department of Environment. I did skip
8 Exhibit 7, which was the letter from the
9 District Department of Environment.

10 MEMBER SILVERSTEIN: Are you
11 going to be testifying?

12 MS. SALGUERO: No, I apologize.
13 I was wondering if I could submit that
14 letter --

15 CHAIRPERSON MILLER: Right.

16 MS. SALGUERO: -- at this point.

17 CHAIRPERSON MILLER: Right.

18 MS. SALGUERO: I do think it was
19 previously --

20 MR. McBEE: Is this the letter of
21 May 22nd?

22 MS. SALGUERO: Yes, it was

1 submitted to the ANC, I believe.

2 MR. McBEE: Well, it's in the
3 package, but there's -- I object because
4 it's not approval.

5 CHAIRPERSON MILLER: Okay. You
6 object because the letter does not represent
7 approval? You object on the basis of the
8 substance of the --

9 MR. McBEE: Well, Madam Chair, it
10 does not give approval. What it does is it
11 talks about remediation. And at this point
12 in time as Ed Kaminski had --

13 CHAIRPERSON MILLER: Okay.

14 MR. McBEE: -- noted earlier it
15 mentions also in the letter about grass, and
16 it's other things. So it's not an approval
17 for remediation. So I think we've got --
18 I'm trying to look at the words and what
19 they mean. I'm trying to parse those.

20 CHAIRPERSON MILLER: Okay.

21 MR. McBEE: I'm not an attorney.
22 So I'm just doing my best here --

1 CHAIRPERSON MILLER: Okay.

2 MR. McBEE: -- as an ANC
3 commissioner to represent my community.

4 CHAIRPERSON MILLER: What I would
5 say is we will accept the letter into
6 evidence and certainly give it the weight
7 it's worth, but also give you the
8 opportunity when the Protestants put on
9 their case to address the letter.

10 Okay. So that is admitted.

11 Okay.

12 MS. SALGUERO: And just one more
13 point to clarify. And in discussions -- the
14 entertainment endorsement for 10:00 weekdays
15 or -- and -- or midnight weekends or 10:00
16 p.m. seven days a week?

17 MR. SUNG: I'm sorry?

18 MS. SALGUERO: I believe that
19 previously you would say that 10:00 p.m.
20 entertainment hours during weekdays and
21 midnight weekends, or 10:00 p.m. seven days
22 a week?

1 MR. SUNG: No, for the sports
2 leagues we won't need entertainment beyond
3 10:00 p.m. I know some games end late, so I
4 guess some night games go until -- go into
5 extra innings, so -- but again, we're not
6 going to be blasting music after hours. We
7 don't want to disturb neighbors.

8 MS. SALGUERO: That's it.

9 CHAIRPERSON MILLER: Okay.
10 Protestants have any follow-up questions on
11 the Board's questions?

12 MR. McBEE: Yes, ma'am.

13 CHAIRPERSON MILLER: If you have
14 a question based on any of the Board's
15 questions you can follow up.

16 MR. McBEE: Right. I just wanted
17 to go back to the letter in the --

18 CHAIRPERSON MILLER: But I don't
19 want to hear testimony right now.

20 MR. McBEE: Okay.

21 CHAIRPERSON MILLER: Not
22 testimony.

1 MR. McBEE: Well, I'm just going
2 to ask him that he has an understanding that
3 this letter means approval. And I'm just
4 wondering where --

5 CHAIRPERSON MILLER: Okay.

6 MR. McBEE: -- Mr. Sung, where
7 you got that approval from.

8 MR. SUNG: No, I don't think this
9 letter -- I don't understand this letter to
10 be a final approval. We do have a final
11 approval that is not this letter, but this
12 letter just indicates that we've been
13 involved DDoE, that they've made -- they've
14 put requirements on the development. For
15 example, there should be no excavation of
16 soils and that we do need to address storm
17 water management, which we have. We hired a
18 civil engineering firm and they came up with
19 a storm water management system that's been
20 approved by DCRA.

21 MR. McBEE: What I'm interested
22 in is your testimony when Madam Chair asked

1 you if this indicated approval. You said
2 yes.

3 MR. SUNG: I did not.

4 MR. McBEE: That was my
5 understanding when I heard that.

6 Also I was interested in as you
7 talk about your model here for business
8 there still seems to me the lack of
9 specificity, because when I hear your
10 testimony about the double bike rack I look
11 at the information that you had given us and
12 you note here on page 2 of 5 for alcohol
13 control plan, it says the entire event site
14 is surrounded by a six-foot tall fence. Now
15 you're talking about a bike rack. And I'm
16 not sure a bike rack is actually adequate in
17 keeping out -- that that would be an
18 adequate barrier myself, because people
19 would be opportunity bringing bikes up to be
20 putting bikes in. So I'm just concerned
21 where that element in your testimony would
22 serve as a barrier. Has that been your

1 engineering company indicating to you that's
2 the case?

3 MR. SUNG: Are you saying it's
4 not impossible to jump a bike rack? Is that
5 what you're saying?

6 MR. McBEE: I'm saying a bike
7 rack is usually about 36 inches, and given
8 that you're going to be going late in the
9 evening, I mean there's a possibility that
10 somebody could actually -- trying to get
11 their bike out or something along those
12 lines could fall over and --

13 CHAIRPERSON MILLER: Oh, sir, I
14 got to ask you to ask a question and not
15 give your testimony.

16 MR. McBEE: Well, the question is
17 to me --

18 CHAIRPERSON MILLER: You can do
19 that later.

20 MR. McBEE: What I don't
21 understand is you've testified two different
22 ways here, from my perspective, in what you

1 submitted as part of the testimony and
2 you've also submitted the bike rack. Which
3 one are you going to be using, six-foot tall
4 fence or are you going to be using a bike
5 rack?

6 MR. SUNG: There is a six-foot
7 tall fence that currently is on Potomac
8 Avenue and also separates the boardwalk
9 that's there from the site. As for the rest
10 of the space we intend to use the bike racks
11 as well as the distance that there exists
12 between the bike racks and the edge of the
13 water.

14 MR. MCBEE: So this entire event
15 site is not quite correct then. Okay?

16 Let's see. I have something else
17 I think.

18 And the question that I also want
19 to bring up, the environmental issue
20 here, and that is this whole piece about
21 impervious surface for your parking area.
22 It's in the letter from Department of the

1 Environment here. So crushed stone
2 certainly doesn't create an impermeable
3 surface here. And, you know, what they're
4 concerned about here is what they're
5 addressing to you --

6 MS. SALGUERO: May I --

7 CHAIRPERSON MILLER: Yes, do you
8 have an objection?

9 MS. SALGUERO: I do have an
10 objection just to relevance, because this
11 isn't within the purview of this debate.
12 This is maybe a DCRA or DoE issue. And I'm
13 not sure if it --

14 CHAIRPERSON MILLER: But it's
15 also going to be a follow-up on Board
16 questions.

17 MR. McBEE: You put this letter
18 into evidence, ma'am, and --

19 CHAIRPERSON MILLER: It's a
20 follow-up of -- it relates to that letter?
21 Is that what it is, your question?

22 MR. McBEE: Yes.

1 CHAIRPERSON MILLER: Try to just
2 ask a question though, because it's really
3 getting late. And that can be objectionable
4 that you're testifying instead of asking a
5 question.

6 MEMBER SILVERSTEIN:
7 Commissioner, I just also want to remind
8 you; and I want to be even-handed here, that
9 this will be taken from the time that you
10 need to present your side.

11 MR. McBEE: Okay. Well thank
12 you.

13 MEMBER SILVERSTEIN: And this is
14 against you, so spend it as you see fit, but
15 don't come asking for additional time on
16 either side at the end.

17 MR. McBEE: Okay. I'm finished.
18 Ed, do you have --

19 MR. KAMINSKI: I don't have any
20 questions.

21 CHAIRPERSON MILLER: Okay. Did
22 you? Mr. Kaminski, did you have a question?

1 MR. McBEE: Well, I just would --
2 one final note here is that could we get the
3 fire marshal -- he noted in his testimony a
4 fire marshal report. We haven't gotten a
5 fire marshal report, so we're just asking
6 for some --

7 CHAIRPERSON MILLER: The report
8 is not a part of the case, is it? You
9 didn't submit it?

10 MR. McBEE: No, it hadn't been
11 submitted, was my point.

12 MS. SALGUERO: A fire marshal
13 report?

14 CHAIRPERSON MILLER: Yes.

15 MR. SUNG: I don't have a fire
16 marshal report.

17 MS. SALGUERO: No, we haven't had
18 a fire marshal report submitted. We've only
19 done occupancy at this point to submit for
20 the number of occupancy, but not fire
21 marshal.

22 MR. McBEE: It was cited earlier

1 about the fire marshal report and --

2 CHAIRPERSON MILLER: Okay. I
3 don't know. After the break you can come
4 back and ask for it --

5 MR. McBEE: Thank you.

6 CHAIRPERSON MILLER: -- because
7 I'm not clear at this point where it is or
8 how it's relevant to the case.

9 MR. McBEE: We haven't seen it.
10 that's what we're saying.

11 CHAIRPERSON MILLER: Well, it may
12 not be relevant to the case.

13 MR. McBEE: Correct.

14 CHAIRPERSON MILLER: Okay. So
15 it's 6:13 and I want to get an idea as to
16 how many more witnesses there are. And then
17 we can take a break and the Board can assess
18 how we're going to proceed from here.

19 So let's start with the
20 Applicant. Do you have any more witnesses?

21 MS. SALGUERO: I just have one
22 witness, the architect, to address some of

1 the occupancy questions with specificity.
2 And David Garber, who is the ANC
3 commissioner, to speak to relevance. So
4 two. Excuse me.

5 CHAIRPERSON MILLER: And were
6 these individuals on the PIF?

7 MS. SALGUERO: The architect was
8 on the PIF, correct. David Garber, since
9 his letter --

10 CHAIRPERSON MILLER: His
11 letter --

12 MS. SALGUERO: -- we submitted
13 his letter, we wanted him to just confirm
14 that his testimony --

15 CHAIRPERSON MILLER: We'll see if
16 that's necessary.

17 MS. SALGUERO: Okay.

18 CHAIRPERSON MILLER: He wasn't on
19 the PIF and we'll see how much time we have.

20 MR. McBEE: Madam Chair, could we
21 also get some clarification on how much time
22 we have left as we sort of plan our --

1 CHAIRPERSON MILLER: Okay.

2 Right. Mr. Jones?

3 MEMBER JONES: The Protestants
4 have 55 minutes remaining. The Licensee has
5 33 minutes remaining.

6 MR. McBEE: Say that one more
7 time?

8 MEMBER JONES: The Protestants
9 have 55 minutes remaining. The Licensee has
10 33 minutes remaining.

11 CHAIRPERSON MILLER: And how many
12 witnesses? Do you know yet? Are you going
13 to go --

14 MR. McBEE: I think we're going
15 to strategize here about --

16 CHAIRPERSON MILLER: Okay.

17 MR. McBEE: -- who says what
18 and --

19 CHAIRPERSON MILLER: Okay. And
20 just before we go out, I don't want to hear
21 -- I just really want to hear like a
22 yes or a no almost. Do you object to Mr.

1 Garber before I

2 MR. McBEE: Yes, we object.

3 CHAIRPERSON MILLER: Okay. So
4 why don't we take -- and I recognize there
5 is another case here, and that's -- we're
6 going to assess how we're going to proceed.

7 MEMBER SILVERSTEIN: We're going
8 to be here until midnight, but that's not
9 necessarily --

10 MR. McBEE: And, Madam, we're
11 going to take a small break? Is that what
12 you -- I think I heard you saying?

13 CHAIRPERSON MILLER: Yes, I want
14 to give you all a small break to, you know,
15 plan your case now that you're going to go
16 on, and for us to assess. I know that there
17 is another case here and I want to be able
18 to come back and let them know, you know,
19 what time we might expect to go forward with
20 that case so they don't have to sit here for
21 the whole thing if they don't choose to.

22 So let me just figure out with

1 the Board Members how long a break we're
2 going to take.

3 MEMBER JONES: Ten.

4 CHAIRPERSON MILLER: A 10-minute
5 break. Okay.

6 (Whereupon, at 6:16 p.m. off the
7 record until 6:34 p.m.)

8 CHAIRPERSON MILLER: All right.
9 We are back on the record in the Riverfront
10 case. And I understand that the Applicant
11 may have one more witness.

12 MS. SALGUERO: If possible we'd
13 like to have ANC Commissioner 6D-07 David
14 Garber.

15 CHAIRPERSON MILLER: Okay. I
16 understand that and that you raised that
17 before. And he was not on the PIF and we
18 have a letter from him. And the other side
19 objected and the Board ruled that there was
20 reasonable basis for that objection. And so
21 we have his letter in the record.

22 MS. SALGUERO: Okay.

1 CHAIRPERSON MILLER: Okay. So
2 the architect?

3 MS. SALGUERO: Okay. Yes, we'd
4 like to call the architect for the
5 establishment, David Tracz.

6 CHAIRPERSON MILLER: Okay. Good
7 evening.

8 MR. TRACZ: Good evening. How
9 are you?

10 CHAIRPERSON MILLER: Do you swear
11 to tell the truth, the whole truth, nothing
12 but the truth?

13 MR. TRACZ: I do.

14 CHAIRPERSON MILLER: Okay. Yes,
15 I did mean to tell those of you who are in
16 the audience -- you can have a seat, sir --
17 those of you who are in the audience on the
18 other protest scheduled for today,
19 Brookland's Finest Bar & Kitchen, if you
20 would like to take a break, go have dinner,
21 whatever, we're not planning to start that
22 case until 8:00. Our day is running late

1 today.

2 MEMBER JONES: No, earlier than
3 8:00.

4 CHAIRPERSON MILLER: So feel free
5 to watch the hearings here. Feel free to
6 step out and have dinner or whatever you
7 choose. But we won't be taking that case
8 before 8:00, so you can safely slip away if
9 you like.

10 Okay. We're ready.

11 MS. SALGUERO: Could you please
12 state your name and relationship to the
13 Applicant?

14 MR. TRACZ: David Tracz, Studio
15 3877 Architecture and we are the architect
16 for the site.

17 CHAIRPERSON MILLER: Okay. I'm
18 having trouble hearing. I don't know if
19 it's because there's talking in the hearing
20 room. You could talk outside if you need
21 to. And you could probably speak up, if you
22 could.

1 MR. TRACZ: Sure. Certainly.

2 CHAIRPERSON MILLER: What's your
3 last name?

4 MR. TRACZ: David Tracz, T-R-A-C-
5 Z.

6 CHAIRPERSON MILLER: Thank you.
7 Okay.

8 MS. SALGUERO: David, you have
9 worked with the Applicant to create the
10 drawings that we submitted previously under
11 Exhibits 12 and 13, correct?

12 MR. TRACZ: Correct.

13 MS. SALGUERO: Great. And you
14 have also submitted these drawings to DCRA
15 to determine occupancy, is that correct?

16 MR. TRACZ: Correct.

17 MS. SALGUERO: Great. And I
18 would like to offer into the record Exhibit
19 -- I believe it will be 16, which was from
20 DCRA stating the occupancy load for the area
21 in question at this point. It is not on
22 that list. We just received this from DCRA

1 today. So I'm asking -- it was based on
2 these drawings, to submit these.

3 CHAIRPERSON MILLER: It is a
4 different Exhibit 16 than was listed on your
5 exhibit list.

6 MS. SALGUERO: Yes. Or, it's
7 Exhibit 17, excuse me. It would be Exhibit
8 17.

9 CHAIRPERSON MILLER: Exhibit 17.
10 And do you have copies for everyone?

11 MS. SALGUERO: I do have copies.

12 CHAIRPERSON MILLER: Okay. Our
13 staff isn't here right now. You can hand it
14 to me.

15 MS. SALGUERO: Now, David, can
16 you --

17 CHAIRPERSON MILLER: Are you
18 offering it into evidence?

19 MS. SALGUERO: Oh, may I? Yes, I
20 am offering it into evidence.

21 CHAIRPERSON MILLER: Okay. And
22 is there an objection?

1 MR. McBEE: Ma'am, we'd like to
2 object. Just getting this today is just not
3 appropriate.

4 CHAIRPERSON MILLER: Okay. So
5 you're objecting on the basis of your
6 getting it today? Okay. I appreciate that,
7 but I'm going to let it in as part of the
8 public record and we'll take that into
9 account and give it the weight that it
10 deserves.

11 Okay. Go ahead.

12 MS. SALGUERO: So, David, the
13 full occupancy load for the six acres is how
14 many individuals?

15 MR. TRACZ: Based on the drawing
16 that we have here, essentially what we had
17 done -- or collectively working with the
18 owners of the site, determined an area that
19 seemed most appropriate to denote as the
20 area of occupant load. What we were trying
21 to do is control the total level of
22 occupants in the space. And then from that

1 point we created that rectangle, which is
2 what is shown on all of the drawings that
3 you guys received today. And that occupant
4 load is about 12,220 people. Or, not about.
5 It is.

6 MS. SALGUERO: Now that
7 rectangular space, what is the square
8 footage for that?

9 MR. TRACZ: It is 56,000 square
10 feet.

11 MS. SALGUERO: And what is the
12 occupancy load for that?

13 MR. TRACZ: For that portion it
14 is 9,000, plus or minus.

15 MS. SALGUERO: So it would be
16 9,000?

17 MR. TRACZ: I'm sorry, 11,300.

18 MS. SALGUERO: Eleven thousand,
19 three hundred? Okay. And can you discuss
20 the exits?

21 MR. TRACZ: Correct. So for that
22 quantity of people that we have been

1 discussing, the 12,220 people, there are
2 basically requirements that are determined
3 in the International Building Code which
4 tell you how many inches you need per
5 person, a portion of entry per person. It's
6 about 0.2 inches per occupant. So it's a
7 simple calculation of how many occupants
8 times that 0.2-inch calculation, which tells
9 you how many feet you need. We have about
10 204 feet required to exit the 12,220 people.
11 On this drawing we show five 40-foot gates
12 which total 205 feet of exit.

13 CHAIRPERSON MILLER: And the
14 gates nearest to 1st Street, how many gates
15 are nearest to 1st Street?

16 MR. TRACZ: There are two gates
17 nearest to 1st Street with a total of five.

18 MS. SALGUERO: Can you state kind
19 of the square footage between the distance?

20 MR. TRACZ: Across the front of
21 the site there I actually -- I could hazard
22 a guess potentially of maybe 200 feet across

1 the full length of --

2 MS. SALGUERO: So it would be
3 about 200 feet to the corner of 1st Street
4 where there is a crosswalk?

5 MR. TRACZ: Yes. And actually at
6 that point that sidewalk continues, so there
7 is not -- you could actually get to the
8 other side of 1st Street without going
9 across a crosswalk.

10 MS. SALGUERO: Okay. Great. And
11 based on the occupancy you also have a total
12 number of portable --

13 MR. TRACZ: Restrooms?

14 MS. SALGUERO: -- restrooms in
15 there?

16 MR. TRACZ: Yes, 143 I believe is
17 the number that we calculated. Again,
18 that's all calculated by the International
19 Building Code. The following section
20 determines the number of restrooms you need
21 per occupant, determine the number of
22 lavatories. And then within that there's a

1 five percent requirement for accessible. So
2 there are accessible port-a-potties that are
3 provided.

4 MS. SALGUERO: And there is kind
5 of a division with the sections, correct?

6 MR. TRACZ: Yes, in the drawing
7 at this point we are -- have a -- using the
8 parking lot and the food truck section as a
9 divider between the east side of the site
10 and the west side of the site.

11 MS. SALGUERO: The west side will
12 not be used?

13 MR. TRACZ: Correct, other than
14 for some support functions, I believe.

15 MS. SALGUERO: Okay. Great. T
16 that's all the questions I have.

17 MR. TRACZ: Okay. Excellent.

18 CHAIRPERSON MILLER: That's all
19 your questioning?

20 MS. SALGUERO: Yes.

21 CHAIRPERSON MILLER: Okay. Do
22 you have questions, cross?

1 MR. McBEE: Yes, just a couple
2 quick questions.

3 CHAIRPERSON MILLER: Okay.

4 MR. TRACZ: Sure.

5 MR. McBEE: What's the scale?

6 MR. TRACZ: Of this drawing?

7 MR. McBEE: Yes.

8 MR. TRACZ: It is 1 to 520 -- 12
9 feet. Mostly because of the size of the
10 site.

11 MR. McBEE: Secondly, you
12 mentioned these openings here. Are these
13 curb cuts?

14 MR. TRACZ: They are not.

15 MR. McBEE: So they're just
16 openings? So parking will still exist on
17 the street in front of those sites?

18 MR. TRACZ: In front of the 30-
19 foot gates or the 26-foot gates? There are
20 two sets of gates.

21 MR. McBEE: Well, I'm assuming
22 that that's all parking and that still

1 parking will exist there where those gates
2 will be put in that's there now currently,
3 correct?

4 MR. TRACZ: I believe so, yes.
5 Yes.

6 MR. McBEE: Okay. And could you
7 talk a little bit about the lighting here?
8 You are the designer here for the site. Do
9 you have adequate lighting?

10 MR. TRACZ: We're working with
11 our client to figure out the lighting
12 component. We had initially talked about
13 some generator-based lights, but I think in
14 working with DCRA that we still need a
15 better solution. So we're working on that.

16 MR. McBEE: And what kind of
17 light -- I mean, or do you have somebody in
18 your firm that does lighting? I know we
19 have to deal with lighting quite frequently
20 on buildings that come to us.

21 MR. TRACZ: Yes.

22 MR. McBEE: And so, you know, one

1 of the things we get very concerned about is
2 lighting that will be directed into people's
3 eyes. So I'm just concerned about how
4 you're going to address this issue. And if
5 this is external lighting that's going to
6 need a generator, what's going to happen if
7 that generator goes out?

8 MR. TRACZ: At that point it's
9 sort of an operations component. But as far
10 as the lighting goes, we will be using
11 lights that aren't -- that are just as
12 acceptable under the normal building code
13 for light.

14 MR. MCBEE: When you say
15 "building code," building for what? I mean
16 are you talking about for -- I mean are
17 you --

18 MR. TRACZ: For an exterior space
19 and landscape lighting.

20 MR. MCBEE: Well, landscape
21 lighting is very dim and --

22 CHAIRPERSON MILLER: Okay. Try

1 not to testify.

2 MR. McBEE: Okay.

3 CHAIRPERSON MILLER: Just ask a
4 question.

5 MR. McBEE: Thank you. Okay.
6 And last question here: How long have you
7 been an architect?

8 MR. TRACZ: I've been a licensed
9 architect for six years.

10 MR. McBEE: Okay.

11 MR. TRACZ: But I've been working
12 as an architect for --

13 MR. McBEE: And have you designed
14 some outdoor venues like this before?

15 MR. TRACZ: I've worked on many
16 properties that do have outdoor venues. ATF
17 Building would be a good example.

18 MR. McBEE: And how large --

19 CHAIRPERSON MILLER: I'm sorry,
20 could you speak up a little bit?

21 MR. TRACZ: Yes, sure. ATF's
22 Headquarters was a project that I worked on.

1 Has a fairly significant exterior component.
2 It's 429,000 square feet. That's it's three
3 acres of exterior space.

4 MR. McBEE: And it will hold how
5 many people?

6 MR. TRACZ: That --

7 MR. McBEE: I mean this is
8 12,000. I'm mean that's a lot of people.

9 MR. TRACZ: Right. Well, and
10 bear in mind that that's a number driven by
11 the building code. When you --

12 MR. McBEE: And was this site --
13 you talk -- what's the name of the place?

14 MR. TRACZ: ATF's Headquarters.

15 MR. McBEE: And do they serve
16 alcohol?

17 MR. TRACZ: I don't believe so.

18 MR. McBEE: Thank you.

19 CHAIRPERSON MILLER: Okay. Yes?

20 MR. KAMINSKI: So, I have a
21 couple of questions.

22 CHAIRPERSON MILLER: All right.

1 MR. KAMINSKI: Have you costed
2 all of this?

3 MR. TRACZ: Have I --

4 MR. KAMINSKI: Have you costed
5 this? Have you given your customer a
6 ballpark cost on all of these architectural
7 features?

8 MR. TRACZ: I am not a general
9 contractor. They have spoken to general
10 contractors, but I --

11 MR. KAMINSKI: Are you aware of
12 any estimates of the cost?

13 MR. TRACZ: I think we've seen
14 some budgets, but I --

15 MR. KAMINSKI: And what were
16 those budgets?

17 MR. TRACZ: Most of that was
18 related to site work and it was under
19 20,000.

20 MR. KAMINSKI: In the 20,000
21 range?

22 MR. TRACZ: Yes.

1 MR. KAMINSKI: Do you have any
2 idea of pieces may have been?

3 MR. TRACZ: I don't at this point
4 in time.

5 MR. KAMINSKI: Okay. And this
6 letter here from DCRA talks about five gates
7 that are 40 feet apart. When they estimated
8 that did they look at your drawing here and
9 the position of your picnic tables, and did
10 it also look at the capacity of the sidewalk
11 with cars parked along this and the exits of
12 2,400 people from each of these exits? Did
13 they look at that?

14 MR. TRACZ: I can't speak to
15 that. I can't speak to what they looked at.

16 MR. KAMINSKI: So what's the
17 relationship between this letter and your
18 plan?

19 MR. TRACZ: Well, they reviewed
20 this plan.

21 MR. KAMINSKI: Yes.

22 MR. TRACZ: And the calculations

1 that are provided off to the side there.

2 MR. KAMINSKI: Yes.

3 MR. TRACZ: And that is how they
4 made the determination --

5 MR. KAMINSKI: So this letter
6 doesn't reference your plan. It just states
7 that they need five gates and -- what's -- I
8 still don't get the relationship between
9 this letter and your plan. Can you explain
10 that?

11 MR. TRACZ: In their review of
12 it?

13 MR. KAMINSKI: Yes, there's
14 nothing in this letter that references your
15 plan.

16 MR. TRACZ: I can't speak to that
17 component, what they chose to write in that
18 letter. I know that they reviewed this
19 plan. That's what I know.

20 MR. KAMINSKI: And what's the
21 source of this letter? Where did this come
22 from? How did they --

1 MR. TRACZ: From the Department
2 of Consumer and Regulatory Affairs, I think
3 it says on there.

4 MR. KAMINSKI: Okay. And what
5 about storm water runoff? What's your plan
6 for that?

7 MR. TRACZ: We have our civil
8 engineer that has worked through something
9 called a dry well which allows storm water
10 management to run off and be collected
11 essentially. I don't have the civil
12 drawings here with me, but it's actually
13 just in this area.

14 MR. KAMINSKI: A dry well? Is
15 that a feature that you have to dig down to
16 put in?

17 MR. TRACZ: No, in fact what we
18 need to do is plant at that point in time.

19 MR. KAMINSKI: This is not a
20 topographic map, is it? I see lines that
21 look like --

22 MR. TRACZ: There are some

1 topography.

2 MR. KAMINSKI: So what -- you
3 know, it was brought up before that there
4 was a slope to this lot. Can you estimate
5 what that slope might be from Potomac Avenue
6 down to the Anacostia?

7 MR. TRACZ: At this point in time
8 I could tell you it's about -- from this
9 line it's probably two feet. That line is
10 probably two feet.

11 MR. KAMINSKI: So you're --

12 MR. TRACZ: It's not a drop-off.

13 MR. KAMINSKI: It's a gradual
14 slope?

15 MR. TRACZ: Correct.

16 MR. KAMINSKI: Probably a four-
17 foot drop between Potomac Avenue and the
18 edge to the Anacostia potentially?

19 MR. TRACZ: Yes.

20 MR. KAMINSKI: And so when we
21 talk about playing fields, we talk about
22 bocce ball being a place where you play on a

1 level service and we talk about kickball,
2 what is the plan, the earthworks plan for
3 getting those fields in shape so that they
4 can be put on a surface that drops four feet
5 from Potomac Avenue to the Anacostia? How
6 would you do that?

7 MR. TRACZ: So first the play
8 fields don't extend -- so they go four feet.

9 CHAIRPERSON MILLER: Could you
10 speak up again?

11 MR. TRACZ: Sorry. Yes.

12 CHAIRPERSON MILLER: Because your
13 voice is going that way.

14 MR. TRACZ: Sorry. I'm talking
15 that way. Sorry.

16 CHAIRPERSON MILLER: Okay.

17 MR. TRACZ: So first off, the
18 playing fields don't cover that level of
19 that amount of ground.

20 MR. KAMINSKI: Yes.

21 MR. SUNG: So the differential
22 may be six inches at most. And that can be

1 made up in the RC-6.

2 MR. KAMINSKI: I'm looking at
3 that topographic line there and that would
4 be -- yes, that's a two-foot drop right
5 across the field there.

6 MR. TRACZ: Yes, I haven't
7 studied the exact numbers, but it could --

8 MR. KAMINSKI: If I understand
9 topographic maps, that's a two-foot drop
10 there.

11 MR. TRACZ: From across --

12 MR. KAMINSKI: From one edge of
13 that field to the other.

14 MR. TRACZ: Across the field?

15 MR. KAMINSKI: Yes. Is that
16 right?

17 MR. TRACZ: It could be, yes.

18 MR. KAMINSKI: That's all I have.

19 CHAIRPERSON MILLER: Okay.

20 MR. KAMINSKI: Oh, wait a minute.
21 One more quick question.

22 CHAIRPERSON MILLER: Are there

1 Board questions?

2 MR. KAMINSKI: Yes, I mean this
3 begs the question --

4 CHAIRPERSON MILLER: Oh, I
5 thought you were finished?

6 MR. KAMINSKI: No, I have a
7 related question.

8 So if you don't level this field
9 how would you play kickball or play bocce
10 ball on a field that's not level? What
11 would you do as the architect to prepare
12 this field for that kind of sports activity
13 since we saw like three kickball fields
14 here?

15 MR. TRACZ: I don't know that
16 they play on dead flat fields now. They
17 play on the Mall which has a significant --
18 probably maybe six to eight inches from side
19 to side. So that is not dead flat.

20 MR. KAMINSKI: So I'm looking at
21 the bocce ball courts and if I'm not -- tell
22 me if I'm right or wrong here --

1 CHAIRPERSON MILLER: Can I just
2 interrupt a second, because he's an
3 architect, and so I'm not sure if you're
4 going a little bit off topic as to how
5 you're going to play bocce ball on the
6 field.

7 MR. KAMINSKI: Well, I'm not
8 asking him how to play bocce ball. I'm just
9 trying to understand how the bocce ball
10 courts which seem to be straddling these
11 two-foot drop topographic lines --

12 MR. TRACZ: Well, keep in mind
13 that that's between those two lines. It's
14 not like it drops at that point.

15 MR. KAMINSKI: No, I understand.
16 From one line to the next there's a two-foot
17 drop in elevation and those two-foot drops
18 in elevation seem to be right across the
19 center of the bocce ball courts. So how
20 will -- as the architect what was your plan
21 for those bocce ball courts?

22 MR. TRACZ: I don't know that

1 they need to be flat.

2 MR. KAMINSKI: Okay. All right.

3 Thanks.

4 MR. TRACZ: Thank you.

5 CHAIRPERSON MILLER: Any Board
6 questions? Mr. Alberti?

7 MEMBER ALBERTI: Just a couple
8 quick questions, because I --

9 MR. TRACZ: Sure.

10 MEMBER ALBERTI: -- may have
11 missed part of your testimony. You talked
12 about approximately a 12,000 occupancy
13 figure for the entire area, is that correct?

14 MR. TRACZ: No, it's not the
15 entire area. It's a confined area shown on
16 that with a hatch pattern.

17 MEMBER ALBERTI: Twelve thousand
18 there?

19 MR. TRACZ: Twelve thousand
20 people, yes.

21 MEMBER ALBERTI: Twelve thousand
22 people just for that confined area?

1 MR. TRACZ: Correct.

2 MEMBER ALBERTI: What's the
3 square footage of that area?

4 MR. TRACZ: It is 11,378.

5 MEMBER ALBERTI: Three hundred
6 and seventy-eight what?

7 MR. TRACZ: Sorry. Fifty-six
8 thousand, eight hundred and forty-seven.

9 MEMBER ALBERTI: Fifty-six
10 thousand, eight hundred and forty-seven?

11 MR. TRACZ: And then in that area
12 it carries the 11,300 occupants.

13 MEMBER ALBERTI: What area is
14 this?

15 MR. TRACZ: This area here.

16 MEMBER ALBERTI: Okay. That's
17 11,000?

18 MR. TRACZ: It's 11,000. Sorry.
19 I misspoke there. The 12,000 includes the
20 food truck area, the feeding and bar areas
21 as well.

22 MEMBER ALBERTI: Okay. Not the

1 parking lot?

2 MR. TRACZ: Not the parking lot.

3 MEMBER ALBERTI: Thank you very
4 much for that, but my question is so how
5 would you as an architect determine
6 occupancy? Not in terms of, you know, what
7 would be allowed by DCRA, but just
8 potential.

9 MR. TRACZ: It's all a person per
10 square foot, occupant per square footage
11 number.

12 MEMBER ALBERTI: Okay. So the
13 total area that would be potentially
14 accessible to the public -- all right,
15 because that's the area to the southwest of
16 -- yes, including that area and the parking
17 lot, what's the total occupancy potential?

18 MR. TRACZ: Well, the entire site
19 is 256,000 square feet.

20 MEMBER ALBERTI: So you're
21 telling me I could do the -- and so what's
22 the --

1 MR. TRACZ: Five square feet per
2 person.

3 MEMBER ALBERTI: How much?

4 MR. TRACZ: Five square feet per
5 person.

6 MEMBER ALBERTI: Five square feet
7 per person? I can do the math. Okay. Very
8 good. Thank you.

9 CHAIRPERSON MILLER: Others? Mr.
10 Jones?

11 MEMBER JONES: Oh, yes. What's
12 the nature of your relationship with the
13 Applicant?

14 MR. TRACZ: I am their architect.
15 They're my client.

16 MEMBER JONES: You're under
17 contract?

18 MR. TRACZ: Correct.

19 MEMBER JONES: Okay. You have a
20 contract with them?

21 MR. TRACZ: Yes.

22 MEMBER JONES: Okay. What are

1 the terms of your contract?

2 MR. TRACZ: The terms of my
3 contract are an hourly basis.

4 MEMBER JONES: Okay. What would
5 the requirements to ask you to -- okay. So
6 what do you two do under your contract? How
7 do you know you've fulfilled your contract?

8 MR. TRACZ: At this point in time
9 it has been really to work with them to
10 determine the best use of this site and the
11 best occupancy that we could -- and that's
12 been sort of our working orders.

13 MEMBER JONES: Okay. And at what
14 point did you enter into this relationship?

15 MR. TRACZ: About three months
16 ago.

17 MEMBER JONES: One second.

18 Okay. You said three months ago?

19 MR. TRACZ: Yes.

20 MEMBER JONES: Okay. And on
21 behalf of this client have you submitted
22 drawings to any type of D.C. government

1 official agency directly?

2 MR. TRACZ: Yes.

3 MEMBER JONES: Okay.

4 MR. TRACZ: Yes, this drawing was
5 submitted to DCRA.

6 MEMBER JONES: It was submitted
7 to DCRA?

8 MR. TRACZ: This is the second
9 submission. They had some comments.

10 MEMBER JONES: Okay. And what is
11 your understanding of the current state as
12 it is seen by DCRA of this plan? Is it
13 fully approved and ready to move forward?
14 Is there some additional tweaking that needs
15 to be done? Can you explain that to me?

16 MR. TRACZ: We have some
17 additional tweaking --

18 MEMBER JONES: Okay.

19 MR. TRACZ: -- particularly
20 regarding lighting. And I believe that's
21 the only one I can remember right now.

22 MEMBER JONES: Okay. Lighting?

1 Now you're not a civil engineer, correct?

2 MR. TRACZ: I'm not a civil
3 engineer.

4 MEMBER JONES: Okay. So you're
5 not able to speak from an expert level
6 standpoint on what requirements would be
7 needed in order to make this come into line
8 with compliance of any civil type of
9 requirement --

10 MR. TRACZ: No.

11 MEMBER JONES: -- or a civil
12 engineering --

13 MR. TRACZ: No, we do have a
14 civil engineer who has been working on that.

15 MEMBER JONES: Okay. So you said
16 you have a civil engineer. Is he part of
17 your company?

18 MR. TRACZ: He is not part of our
19 company.

20 MEMBER JONES: Okay. So he --

21 MR. TRACZ: Nor is he part of my
22 contract.

1 MEMBER JONES: Say that one more
2 time?

3 MR. TRACZ: Nor is he part of my
4 contract.

5 MEMBER JONES: It is a part of
6 your contract?

7 CHAIRPERSON MILLER: No.

8 MEMBER JONES: It is not? Okay.
9 Got it. Thank you. Thank you, Madam Chair.

10 CHAIRPERSON MILLER: Okay. Other
11 Board questions?

12 (No audible response.)

13 CHAIRPERSON MILLER: Any follow-
14 up questions on the Board's questions?

15 (No audible response.)

16 CHAIRPERSON MILLER: Okay. I
17 guess you can be excused. I'm not hearing
18 any other questions.

19 Okay. So does that complete the
20 Applicant's case?

21 MS. SALGUERO: Yes.

22 CHAIRPERSON MILLER: Okay.

1 Protestants, who is going to go first, or
2 are you going to have one for all?

3 MR. McBEE: Mr. Kaminski here is
4 going to go first.

5 CHAIRPERSON MILLER: Okay.

6 MR. KAMINSKI: So I think the
7 plan we sort of have is I'm going to give a
8 brief statement. Then I'm going to call a
9 witness that's on my PIF, Mary Williams,
10 who's behind me. And then when she
11 completes her testimony, I'm going to turn
12 it over to Ron. Ron will probably make a
13 statement. He may have a witness that he
14 wants to call.

15 CHAIRPERSON MILLER: As in like
16 an opening statement? Is that what you
17 mean? Or a testifying statement? The
18 statement you're going to make, are you
19 going to make it under oath as a witness?

20 MR. KAMINSKI: Yes. Yes, I'm
21 going to --

22 MEMBER SILVERSTEIN: Madam Chair,

1 I would inquire as to how much time each
2 side has.

3 MEMBER JONES: So my -- I think
4 -- were you finished?

5 MR. McBEE: Yes.

6 MEMBER JONES: Okay. The
7 Protestants have 47 minutes remaining. The
8 Applicant has 29 minutes remaining.

9 MEMBER SILVERSTEIN: Thank you.

10 MEMBER JONES: You're welcome.

11 CHAIRPERSON MILLER: Okay. So
12 then are you going to take the witness
13 stand? Go under oath?

14 MR. KAMINSKI: Oh, okay.

15 CHAIRPERSON MILLER: Okay. Do
16 you swear to tell the truth, the whole
17 truth, nothing but the truth?

18 MR. KAMINSKI: I do.

19 CHAIRPERSON MILLER: Okay. Thank
20 you.

21 MR. KAMINSKI: So first let me
22 introduce myself. My name is Ed Kaminski.

1 I'm a resident in the Capitol Riverfront. I
2 live in the southwest and the near southeast
3 communities of Washington, D.C. that we're
4 discussing here. And I'm on the ANC. I'm
5 the vice-chairman of the ANC. I'm the
6 president of the Velocity Condominium
7 Association, which is a residential building
8 that is about maybe two blocks from this
9 site. It's actually not visible on some of
10 the maps that have been passed around. And
11 I'm also a board member of the Capitol
12 Riverfront Business Improvement District.
13 So I have a lot of things that I work on in
14 the neighborhood.

15 And I think my statement is just
16 kind of to reflect on the general concerns
17 of the 10 residents that my protest
18 represents and to urge the Board to think
19 about some of these issues as we understand
20 it. I'll kind of just enumerate them as
21 questions. And then I won't answer the
22 question, but I just would -- I think the

1 purpose of this is to give you some things
2 to think about.

3 I think one of the main things
4 that I thought about as I was listening to
5 this testimony was what is the actual
6 business model of this Applicant? What is
7 the way in which this Applicant is trying to
8 conduct business? And I think that question
9 raises a lot of concern because the revenue
10 that the Applicant has outlined indicates
11 that there may be a different mix of events
12 that are going on here than he possibly is
13 representing. And I would urge the Board to
14 think about that business model.

15 When they first presented this to
16 the ANC, they listed a whole bunch of
17 seasonal businesses, including a pop-up flea
18 market, a pumpkin patch with a haunted
19 house, a Christmas tree lot, parking lot
20 rental spaces, traveling circus enterprises,
21 D.C. bocce balls, all these different
22 things. And the residents in my

1 neighborhood keep asking why do you need a
2 liquor license to have any of those things
3 in that list? And I think that's a key
4 question. That relates back to the business
5 model. Why do we give a liquor license to
6 somebody that wants a Christmas tree lot?
7 Why do we give a liquor license to somebody
8 that wants a pumpkin patch? This is a key
9 question.

10 Also I would urge the Board to
11 think about the size of this lot. This is
12 not a small piece of property. This is
13 almost six acres. And as the commander has
14 indicated, there are lots of challenges with
15 securing a lot this size. And as we've
16 talked about in the capacity to hold people,
17 you know, you could be talking about 10 to
18 12,000 people, and that's just in the space
19 that they've identified as their business
20 area. There could be more space for more
21 people. It could actually be larger than
22 that.

1 Where would those people come
2 from? Well, they would come from the first
3 base entrance to the Nationals Ballpark,
4 because they're all over there. There's
5 40,000 people that could potentially go to
6 Nationals Stadium and they could come across
7 the street and go to this venue.

8 I think the traffic issue is also
9 a major concern for the residents. The TOPP
10 plan should not be treated lightly. This
11 was a very, very complex analysis of traffic
12 patterns in the Capitol Riverfront based on
13 the Nationals Park. And I can tell you, I
14 went to numerous meetings related to this
15 and we never considered any kind of
16 operation like this on Potomac Avenue.

17 And when the Applicant says they
18 will comply with TOPP, I don't even know
19 what that means. Because to comply with it,
20 you have to be integrated into the plan. We
21 have to look at how that traffic moves, how
22 people get to rapid transit, how those

1 people would move in this particular area,
2 and also how people would turn into this
3 facility. All those things have not been
4 considered.

5 Also I think disorder in the
6 community -- and our witness, Mary Williams,
7 is going to speak more directly to this.
8 But this entertainment endorsement is an
9 issue. My building, the building that I'm
10 the Velocity Condominium president for, sits
11 within a half a block of the Fairgrounds and
12 every time there is music that goes past the
13 limits of the law, I get emails from people
14 who live in my building asking me to do
15 something. I have called the owner of
16 Fairgrounds on at least three occasions and
17 had to discussions with this gentleman about
18 reducing noise.

19 And I can tell you that the way
20 that Capitol Riverfront is being built,
21 there's a lot of noise reflection that
22 occurs off of the buildings in that area.

1 It is very unpredictable that anybody could
2 state that they would not have any noise
3 problems from a venue like this, because
4 very likely the noise patterns are not --
5 you can't really understand what they would
6 be.

7 There are private residents that
8 sit very close to this site. They sit
9 within a block-and-a-half on South Capitol
10 Street. And there are also private
11 residents that really weren't identified in
12 any of these discussions that sit within
13 Yards Park. There is the Foundry Lofts
14 Apartments, which was finished recently.
15 It's completely occupied and it's within
16 about two blocks of this site. You can
17 actually see it on the map. Both of these
18 areas are being rapidly filled with new
19 residents.

20 And I can tell you that there
21 will be lots of concern with noise and with
22 disruption, particularly with people

1 drinking in an open space very close to
2 these housing areas. And although they
3 don't show this on the plan, in their
4 application I believe they talked about a
5 sound stage. Some place in that plan there
6 is a sound stage. I don't know where it is.
7 We couldn't find it there.

8 I would also urge the Board to
9 ask questions about the accuracy of
10 information. Time and time again both the
11 ANC and the citizens groups have come to see
12 that the business plans have changed. The
13 representations from various different
14 agencies within D.C. government were not
15 tied back to a specific document. There's a
16 lot of ambiguity here.

17 And this LLC does not have a
18 track record in Washington, D.C. Members of
19 the LLC might have a track record, but this
20 as a business entity has no track record.
21 So this is not like granting a license to
22 Gordon Biersch, for example, where you could

1 walk in and take a look at how they run
 2 their business. We're turning over a very
 3 large space to an organization that we have
 4 no track record. And I would submit to you
 5 and I think you should think about that
 6 there is tremendous risk in making a
 7 decision in favor of granting them a
 8 license. And that's all I have to say.

9 CHAIRPERSON MILLER: Okay. Then
 10 now you're subject to cross-examination.

11 Applicants, any cross?

12 MS. SALGUERO: If you don't mind
 13 handing me the map. Commissioner, where
 14 does your SMD end?

15 MR. KAMINSKI: My SMD ends right
 16 here.

17 MS. SALGUERO: Okay. Great. And
 18 are you a resident nearby as well?

19 MR. KAMINSKI: Yes, by building
 20 is right here.

21 MR. KAMINSKI: Okay. Can you
 22 give the scope of your SMD?

1 MR. KAMINSKI: My SMD runs --
2 it includes Nationals Park.

3 MS. SALGUERO: So it includes
4 Nationals Park here?

5 MR. KAMINSKI: The border would
6 be Potomac Avenue down along 1st Street and
7 back up into the Capitol Riverfront. And it
8 also crosses over South Capitol a little
9 further south than there.

10 MS. SALGUERO: So under your SMD
11 where are the residents? I know your SMD
12 ends here. That's all the ballpark,
13 correct?

14 MR. KAMINSKI: That's correct.

15 MS. SALGUERO: Okay. So --

16 MR. KAMINSKI: Yes.

17 MS. SALGUERO: -- your first
18 resident in your SMD, that would be closest
19 to Potomac Avenue?

20 MR. KAMINSKI: For my residents,
21 would be in the building I live in.

22 MS. SALGUERO: Which is?

1 MR. KAMINSKI: Which is right
2 here.

3 MS. SALGUERO: Right there?

4 MR. KAMINSKI: Yes.

5 MS. SALGUERO: Okay. And do you
6 think that they will hear noise?

7 MR. KAMINSKI: Absolutely.

8 MS. SALGUERO: From --

9 MR. KAMINSKI: We've already
10 talked about within a half mile. That's
11 much less than a half mile.

12 MS. SALGUERO: And you don't
13 think that the stadium with 40,000 people
14 would generate more noise for the neighbor
15 about three blocks up?

16 MR. KAMINSKI: No, actually it
17 doesn't. I mean you'd be surprised. The
18 amplification of music is a different issue
19 than the noise you get from a stadium. And,
20 you know, I've lived by the stadium for a
21 couple years now and there is noise from the
22 stadium, but it's not a persistent problem

1 that you would hear. It's not something you
2 would typically hear inside your residence.
3 And I believe that noise on this lot would
4 be heard inside the your residence.

5 MS. SALGUERO: And how about, you
6 know, the limitation of 10:00 p.m. music?
7 Would that perhaps --

8 MR. KAMINSKI: This Applicant's
9 not asking for that limitation. Their
10 license application -- you know, this is
11 another ambiguity here.

12 MS. SALGUERO: If the Licensee
13 were to offer to reduce its hours to 10:00
14 p.m., would that perhaps work for your
15 residents out there?

16 MR. KAMINSKI: Well, I'd like you
17 to point this out. See this lot right here?
18 No, the one just right over there.

19 CHAIRPERSON MILLER: Okay. For
20 the record can you identify where the lot
21 is?

22 MS. SALGUERO: So it's --

1 MR. KAMINSKI: Above -- this lot
2 right here.

3 MS. SALGUERO: This is N Street?

4 MR. KAMINSKI: That's M Street,
5 right.

6 MS. SALGUERO: M? N?

7 MR. KAMINSKI: That is M. M.
8 Wait a minute. That's N Street.

9 MS. SALGUERO: N Street?

10 MR. KAMINSKI: So this lot right
11 -- where am I? This lot right here. Right
12 here.

13 MS. SALGUERO: Okay. So it's
14 between N and M?

15 MR. KAMINSKI: N and M. Yes.

16 MS. SALGUERO: So it's --

17 MR. KAMINSKI: The Fairgrounds --

18 MS. SALGUERO: Yes.

19 MR. KAMINSKI: -- is also an
20 outdoor venue. They have live music every
21 night. They operate to the limit of the
22 D.C. law on noise. They operate there.

1 MS. SALGUERO: So they operate
2 right next to some of your residents,
3 correct?

4 MR. KAMINSKI: That's right.
5 There's also a music venue, an open-air
6 music venue across South Capitol at the
7 Skyline Hotel that does the same thing.
8 Okay?

9 MS. SALGUERO: Yes.

10 MR. KAMINSKI: And there is -- I
11 don't know what this petition for the
12 barbecue place -- I'm guessing -- I believe
13 at the Building Museum they also play music.
14 So there is a combination of music venues
15 that are cropping up all over the place in
16 the Capitol Riverfront because everybody
17 wants to sell liquor and play music. There
18 is going to be a limit. This is why our
19 neighborhood is upset with this.

20 MS. SALGUERO: But again I just
21 want to ask if they reduced their hours to
22 10:00 would that --

1 MR. KAMINSKI: No. No, it
2 wouldn't.

3 MS. SALGUERO: Okay.

4 MR. KAMINSKI: No.

5 MS. SALGUERO: And had you heard
6 about the development plan for the apartment
7 and retail complex?

8 MR. KAMINSKI: I'm on the ANC, so
9 yes.

10 MS. SALGUERO: So, yes, you were
11 aware of that?

12 MR. KAMINSKI: Yes. Yes. Yes.

13 MS. SALGUERO: And so you do
14 expect that to be developed and --

15 MR. KAMINSKI: Well, let me say
16 this: PUDs get extended frequently. This
17 PUD has been extended three times and the
18 developer still hasn't built there. There's
19 no guarantee that any of these
20 representations of when something's going to
21 be built. You can't make that
22 representation. This Applicant can't. I

1 can't. So I would take that information
2 with a grain of salt. We don't know when
3 they're going to build there. We do know
4 when they're going to build a bridge there,
5 but we don't know when they're going to
6 build a building there.

7 And I can tell you there's a lot
8 of building lots here that people have
9 promised to build buildings, but they're not
10 there yet because the market is not ready.
11 And this would be one of them. So I could
12 see your Applicant operating there for quite
13 some time.

14 MS. SALGUERO: That's all for
15 now.

16 MR. TRACZ: Okay.

17 CHAIRPERSON MILLER: Are you
18 finished?

19 MS. SALGUERO: Yes, I am.

20 CHAIRPERSON MILLER: Okay. Are
21 there Board questions?

22 (No audible response.)

1 CHAIRPERSON MILLER: Okay.

2 MR. KAMINSKI: Do you have any
3 questions for me?

4 MEMBER ALBERTI: Yes, I do, but
5 go ahead.

6 CHAIRPERSON MILLER: No, I don't
7 have any questions.

8 MEMBER ALBERTI: Oh, I do. Oh,
9 Mr. Kaminski, I'm searching for a comparison
10 here, so let me just try this: Where are
11 the Fairgrounds? Can you just give me the
12 location, the cross streets where the
13 Fairgrounds are?

14 MR. KAMINSKI: Sure. The
15 Fairgrounds are located on M Street. It's
16 kind of a rectangular space. It sits on M
17 at the corner of Half Street and M Street.

18 MEMBER ALBERTI: Okay. Got you.
19 All right.

20 MR. KAMINSKI: And it runs the --
21 the other end of it kind of butts up to the
22 Nationals Stadium property. Or, I'm sorry,

1 it butts up to N Street, I guess it is.

2 Yes, it butts up to N Street. So it's
3 between N and M along Half Street.

4 MEMBER ALBERTI: Along Half
5 Street. Right.

6 MR. KAMINSKI: Yes.

7 MEMBER ALBERTI: Right, I can see
8 that on the map. Right. We're seeing the
9 lower half of it here on this map, right?
10 It's cut off, is that correct? On this
11 Exhibit 1, of the licensee's Exhibit 1 we
12 see --

13 MR. KAMINSKI: The building I
14 live in is cut off from there, but I'm very
15 close to --

16 MEMBER ALBERTI: Ed, just stay
17 with me here.

18 MR. KAMINSKI: Okay.

19 MEMBER ALBERTI: The
20 Fairgrounds --

21 MR. KAMINSKI: Yes.

22 MEMBER ALBERTI: -- I'm seeing

1 the top of the Fairgrounds is cut off in
2 this exhibit, is that correct? I want to
3 make sure I'm looking at the right --

4 MR. KAMINSKI: You know what,
5 actually the Fairgrounds -- all of the
6 Fairgrounds is in this --

7 MEMBER ALBERTI: Oh, right,
8 right, right. So it's below M Street along
9 Half Street? Okay.

10 MR. KAMINSKI: That's right.

11 MEMBER ALBERTI: So it's the
12 lower half of the upper half of that block?

13 MR. KAMINSKI: That's right.

14 MEMBER ALBERTI: Or the entire
15 block? Is it the entire block?

16 MR. KAMINSKI: It's the entire
17 block.

18 MEMBER ALBERTI: Okay. Does it
19 go all the way over to 1st Street or just --

20 MR. KAMINSKI: It sits between
21 Half Street -- and there are properties on
22 the back side of it on Van Street. And

1 those properties kind of divide the block in
2 half.

3 MEMBER ALBERTI: Okay. I've got
4 it.

5 MR. KAMINSKI: So half of that
6 square is the Fairgrounds.

7 MEMBER ALBERTI: All right. I'm
8 looking at this map. On N Street there is
9 it looks like a vacant lot. Right? Do you
10 have this exhibit?

11 Please take him this exhibit.

12 Just above N Street it looks like
13 a vacant lot.

14 MR. KAMINSKI: Yes.

15 MEMBER ALBERTI: And then what's
16 above that vacant lot?

17 MR. KAMINSKI: Well, are you
18 talking about across M Street?

19 MEMBER ALBERTI: I am trying to
20 define what the Fairgrounds is. Trying to
21 determine what the boundaries of the
22 Fairgrounds are.

1 MR. KAMINSKI: So on this map N
2 Street is the street that sits right in
3 front of the parking garages for Nationals
4 Stadium.

5 MEMBER ALBERTI: Right.
6 Absolutely.

7 MR. KAMINSKI: And M Street is
8 the last street you see towards the top of
9 this map.

10 MEMBER ALBERTI: Okay.

11 MR. KAMINSKI: Or the bottom of
12 this map.

13 MEMBER ALBERTI: All right.

14 MR. KAMINSKI: And the
15 Fairgrounds occupies the space between those
16 two streets.

17 MEMBER ALBERTI: Yes.

18 MR. KAMINSKI: But if you count
19 that as a square, as a D.C. square, it only
20 includes half of that D.C. square.

21 MEMBER ALBERTI: Okay. The left-
22 hand side or the right-hand side?

1 MR. KAMINSKI: Well --

2 MEMBER ALBERTI: As I'm looking
3 at it.

4 MS. WILLIAMS: The left-hand
5 side. The Metro is --

6 MR. KAMINSKI: Yes, that's right.
7 It would be the left-hand side.

8 CHAIRPERSON MILLER: Okay.

9 MEMBER ALBERTI: The left-hand
10 side? All right.

11 CHAIRPERSON MILLER: The
12 witnesses need to answer. Okay.

13 MEMBER ALBERTI: I've got you.
14 All right.

15 Have you received noise
16 complaints from music being played there?

17 MR. KAMINSKI: I have.

18 MEMBER ALBERTI: And from what
19 residents? Can you tell me --

20 MR. KAMINSKI: From the people --

21 MEMBER ALBERTI: -- where the
22 residents would be located? What?

1 MR. KAMINSKI: People who live in
2 my building.

3 MEMBER ALBERTI: In your
4 building?

5 MR. KAMINSKI: Yes, sir.

6 MEMBER ALBERTI: Any other
7 residents that you're aware of? You're the
8 SMD representative.

9 MR. KAMINSKI: I am. There have
10 been other complaints that have come out of
11 one of the apartment buildings, but those
12 complaints didn't come to me because they
13 were in the SMD for another commissioner.

14 MEMBER ALBERTI: Okay. And where
15 would that apartment building be located?

16 MR. KAMINSKI: That apartment
17 building be located?

18 MR. KAMINSKI: That apartment
19 building would be -- looking at this map
20 again, would be at the corner of 1st Street
21 and L Street. First Street is the street
22 that runs along the side of Nationals Park

1 coming up to M.

2 MEMBER ALBERTI: Right. I know
3 where that is. Okay.

4 MR. KAMINSKI: And then L Street
5 is not actually on this map, but it's --

6 MEMBER ALBERTI: Right. Right.
7 So it's about a block away?

8 MR. KAMINSKI: Yes.

9 MEMBER ALBERTI: Are there any
10 limits either in terms of hours of
11 operation, hours of entertainment, capacity
12 that would mitigate your concerns to the
13 extent where you would say, yes, I can live
14 that?

15 MR. KAMINSKI: Well, our
16 neighborhood would greatly appreciate
17 somebody putting up kickball fields and
18 sports. We would love that. That would
19 be --

20 MEMBER ALBERTI: I'll get there.
21 I'll get there.

22 MR. KAMINSKI: Well, this is --

1 MEMBER ALBERTI: Answer my
2 question.

3 MR. KAMINSKI: This is the
4 mitigation.

5 MEMBER ALBERTI: And I'm going to
6 talk about other mitigations. Right now I'm
7 talking about limits on limits.

8 MR. KAMINSKI: Yes.

9 MEMBER ALBERTI: Limits of
10 occupancy, hours of operation,
11 entertainment. If there's other limits you
12 can think of that would mitigate.

13 MR. KAMINSKI: The only thing I
14 can think of is there is a little venue that
15 is on the front side of Nationals Park where
16 they sell barbecue on game days and they
17 close up at the end of the game day. They
18 have a beer license. They don't play any
19 music. And, you know, that license was
20 approved by our ANC. It is an extremely
21 small space compared to this space. So if
22 we got down to something like that, I don't

1 know, we might be looking at something
2 that --

3 MEMBER ALBERTI: Something like
4 that in terms of what? Occupancy? Hours?
5 Entertainment?

6 MR. KAMINSKI: There would be no
7 music played. It would be a much smaller
8 space. It would be a limited alcohol
9 license. Would not included mixed drinks.
10 It would only include beer. And it would be
11 based on a food business model. And the
12 space would be comparable to --

13 MEMBER ALBERTI: So occupancy?

14 MR. KAMINSKI: The occupancy
15 would be much smaller. I mean if they got
16 50 people in that space, it would be
17 crowded.

18 MEMBER ALBERTI: All right. Then
19 I don't think my next question will be
20 useful. I will pause on that. Thank you.

21 CHAIRPERSON MILLER: Okay. Any
22 other for follow-up on the Board's

1 questions?

2 (No audible response.)

3 CHAIRPERSON MILLER: No.

4 MS. SALGUERO: Not at this time.

5 CHAIRPERSON MILLER: Okay. Thank
6 you. So you can be excused. Did you say
7 you have another witness though?

8 MR. KAMINSKI: I do.

9 CHAIRPERSON MILLER: Okay.

10 MR. McBEE: Can we get
11 clarification of the time left, please?

12 CHAIRPERSON MILLER: Mr. Jones?

13 MEMBER JONES: The Protestants
14 have 44 minutes remaining. The Licensee has
15 19.

16 MR. KAMINSKI: Mary, come up and
17 introduce yourself and take the oath.

18 CHAIRPERSON MILLER: Do you want
19 to go to your table?

20 MR. KAMINSKI: Sure.

21 CHAIRPERSON MILLER: Okay. I'll
22 swear you in. Do you swear to tell the

1 truth, the whole truth, nothing but the
2 truth?

3 MS. WILLIAMS: Yes.

4 CHAIRPERSON MILLER: Okay.

5 Thanks. Have a seat.

6 MR. KAMINSKI: So, Mary, can you
7 tell us your name and your --

8 MS. WILLIAMS: My name is Mary C.
9 Williams and I live at 1257 Carollsburg
10 Place, S.W., which is located 200 yards from
11 the site in question and directly across
12 from the baseball stadium and South Capitol
13 Street along N Street. And I've measured
14 the distance because I walk that route every
15 morning as part of my exercise routine.

16 CHAIRPERSON MILLER:

17 MR. KAMINSKI: So, Mary, are you
18 familiar with this Florida Rock project?

19 MS. WILLIAMS: I am familiar with
20 the Florida Rock project. As I said, I've
21 lived in this area for 13 years. I was on
22 the ANC when the Florida Rock PUD was first

1 proposed. I served from 2001 to 2007 or '8.

2 MR. KAMINSKI: And what are your
3 concerns about this project?

4 MS. WILLIAMS: Well, we have been
5 monitoring the Florida Rock project for the
6 past decade-and-a-half. There are several
7 concerns about it because it has been
8 delayed for a very long time. It is part of
9 the South Capitol Gateway Overlay zoning and
10 there have been several meetings. We've met
11 every week since 2000 regarding the zoning
12 plans for the Capitol Gateway Overlay. And
13 part of this is, with Florida Rock, how
14 would we put in place the development along
15 with the construction of the Frederick
16 Douglass Bridge, which is also one of our
17 major concerns in that area.

18 We've met every week beginning in
19 2000 up until about 2005 and '7 when Florida
20 Rock -- I think 2005 was when Florida Rock
21 first submitted their plans to us. And so
22 I've been monitoring this because of the

1 neighborhood and continuing even after I
2 left the ANC. So I'm very familiar with the
3 project and the developers and the goals.

4 It's expected to be residential
5 with a hotel. There was an office model
6 initially. I understand last year they went
7 back and asked for a change in this, but
8 this is a surprise to us all. It doesn't
9 comport with the Capitol Gateway Overlay
10 zoning plan for that area, nor does it
11 comport with the DoT plans for the
12 construction of the South Capitol Frederick
13 Douglass Bridge.

14 MR. KAMINSKI: So, Mary, can you
15 tell us a little bit about the community
16 meetings that you've hosted around this?
17 Not so much the Florida Rock project, but
18 this project we're here to talk about today.

19 MS. WILLIAMS: Absolutely. I
20 heard about this project for the first time
21 during an ANC meeting when I went to present
22 about an illegal parking lot that had been

1 erected on the southwest portion of South
2 Capitol Street in the 1300 block. At that
3 meeting I heard the presentation by the Dos
4 Ventures people and was surprised because
5 none of the residents in my neighborhood had
6 even met or even heard about Florida Rock's
7 proposal to amend their PUD, which we
8 expected would begin actually in 2013, this
9 in the latter months. So it was a surprise.

10 And after that meeting with the
11 ANC I met with some of the commissioners to
12 get more. Then I met with the residents.
13 We had two meetings. Initially I met with
14 residents in the 1400 block of South Capitol
15 Street. Those were the 10 initial -- and
16 the 1300 block of South Capitol. These were
17 the initial signators on the petition to
18 object to the proposed licensee.

19 And then on July 18th, 35 other
20 residents of that same area within the 200
21 yards met at the 1st District police station
22 to discuss the noise, the crime, the safety,

1 not just about this proposal, which was the
2 first time they were hearing about it, but
3 also about noise levels and safety concerns,
4 hazardous concerns, the bridge project and
5 how it would affect development and
6 construction, as well as the Nats Stadium,
7 the parking issues, the noise, safety, as
8 well with the Fairgrounds, because we had
9 all those concerns. And we addressed it
10 during a very lengthy meeting at 1st
11 District where we met with Sergeant Michael
12 Archetzel and PSA 105. And we had 35 people
13 at that meeting.

14 MR. KAMINSKI: So can you talk a
15 little bit more about these neighborhoods
16 and why they would be concerned about this?
17 What specifically do they see in this
18 project that really concerns them?

19 MS. WILLIAMS: These three blocks
20 comprise about -- I'm going to say over 600
21 families. It's a working class neighborhood
22 of row houses, people who have been there

1 for a very long time. The 1400 block
2 consists of row houses on South Capitol.
3 and it's the 1400 block of South Capitol,
4 which is nearest to this particular
5 development or proposal, and the 1400 block
6 of Carollsburg, which is -- they are a group
7 of private town home residents. They're
8 mostly seniors who've been there a long
9 time.

10 The 1300 block, we have the high
11 rise, recently developed rental building,
12 which is Camden South. And that has
13 recently been completed and we have about
14 300 new residents occupying that building.
15 And they voiced concerns to me immediately
16 the weekend after the Fairgrounds had a
17 music concert. And they were new to the
18 neighborhood. But they were concerned about
19 the noise generated by the Fairgrounds. And
20 they ended that at 9:00. And it was on a
21 Saturday and it wasn't tied to a Nationals
22 ball game.

1 The 1200 block of Carollsburg and
2 South Capitol, the 1200 block of South
3 Capitol, S.W. is a strip shopping/strip
4 office building. It houses now the Grand
5 China takeout. Also the superior court has
6 the juvenile detention probation offices
7 there. The others are not occupied. But we
8 live right behind that and we hear the
9 Fairgrounds' music. So it's been
10 infrequent.

11 But we also have concerns about
12 the Capitol Skyline every weekend pool
13 party, because the music from that pool
14 party emanates from two blocks away. It's
15 in the 1000 block of what would be
16 Carollsburg and I. It's in that block.
17 It's two blocks away. And it pretty much
18 projects to my neighbors on the north side.

19 MR. KAMINSKI: So imagine this
20 license being approved with music as the
21 Applicant has requested. You've got that
22 music and then you've got Skyline, you've

1 got the Fairgrounds. What are the
2 implications for your neighbors?

3 MS. WILLIAMS: It is daunting and
4 it is a great concern, because we know even
5 with the Nationals Ballpark we were very
6 concerned about how the noise and the music
7 from the Nationals Ballpark -- since the
8 ballpark has been there we have met several
9 times about proposed concerts. It has been
10 a very limited venue. Paul McCartney. We
11 all enjoyed Paul McCartney's concert, so
12 there were very few complaints about the
13 noise. We were singing along from my house.

14 (Laughter.)

15 MS. WILLIAMS: The point is is
16 that there's a benefit and there's a burden.
17 Unlike this -- the Nationals Ballpark, we
18 have parking issues, we have noise issues,
19 but it is limited. It's usually a venue
20 that a majority of the people would welcome.
21 We're given great advance. This proposal
22 that we have here is an everyday work week.

1 We have no idea when the concerts are going
2 to be held. We have no control. The
3 Nationals Park has been very good about
4 meeting with us. We meet with the vice-
5 president often about concerns.

6 The Fairgrounds has been very
7 receptive to us when we talk about the
8 noise. They're very new. They haven't had
9 as many events. They had a few at first,
10 but it's limited. It's usually on a
11 Saturday and it ends early enough. I think
12 it's 7:00, but my neighbors still complain
13 about the noise because of the type of
14 music. We have a working relationship with
15 them.

16 I can't say that we have a
17 working relationship with these Applicants.
18 They have not approached us. We have no
19 idea what is going on, but we're very
20 concerned, because whether the music is
21 amplified west towards the residents who are
22 working class people and cannot work and

1 live with noise or a music concert every
2 night of the week until 3:00 a.m.

3 And unlike the ballpark where we
4 know when the scheduled games are -- they
5 don't do the fireworks anymore. The noise
6 is contained in the dome because the stadium
7 is 120-feet high. So the noise is at the
8 bottom and it's contained by the dome,
9 unlike this. This is an open-air event
10 where the water is the only barrier. It's
11 going to reverberate across to the
12 southwest, especially the 1400 block of
13 those people who are along there. And they
14 have no protection whatsoever against such
15 noise.

16 MR. KAMINSKI: So, Mary, you've
17 talked to be a lot about your concerns about
18 underage drinking. Can you elaborate on
19 your concerns and your neighbors' concerns
20 about underage drinking? Maybe characterize
21 the problem as you see it today and what you
22 think this project would do?

1 MS. WILLIAMS: Yes, we have over
2 600 families, and that includes the Syphax
3 Gardens Family Project. We have James
4 Creek, which is definitely -- and they have
5 over 350 families at that address. We have
6 Greenleaf Gardens, which is adjacent, and a
7 senior high-rise. So we do have over 600
8 family members with young children.

9 We have three licensed alcohol
10 liquor stores right in a two-block radius of
11 this particular event. We have had serious
12 concerns since 2000. We have been before
13 ABRA about the sale of alcohol, public
14 drinking. A huge problem for all of our
15 neighbor throughout. We have children,
16 adults walking, going to the ballpark have
17 to walk through men or patrons drinking
18 publicly. The commander will tell you we
19 had 96 calls to one particular liquor store
20 in a six-month period for disorderly
21 conduct.

22 The concern is to have another

1 open-air public drinking event will only
2 exacerbate our existing problem. We have an
3 alcohol problem and we do not need another
4 venue where public drinking is not only
5 condoned, it's encouraged. And we don't
6 need our kids to come and play bocce ball or
7 swing a bat or even attend a so-called
8 family event where alcohol is served.

9 We have a problem in our
10 community. We have too many alcohol -- and
11 we are not against established bars and
12 restaurants and structures where we can
13 contain this. You choose to go in there.
14 But an open-air event with just nothing but
15 a chain link fence that's -- I don't know
16 how it's going to contain the number of
17 people.

18 The traffic is horrendous, but
19 for any family member or children to cross
20 South Capitol to attend a family event or
21 athletic event there is dangerous and
22 irresponsible. It is a nightmare for us.

1 And this is the worst case.

2 MR. KAMINSKI: So, Mary, if those
3 families lived some place else in
4 Washington, D.C., do you think they would
5 have this issue? Or is there something
6 about your neighborhood that presents the
7 opportunity for people to set up these kind
8 of businesses?

9 MS. WILLIAMS: I'm going to say a
10 lot of D.C. government agencies are
11 responsible for this, in terms of we have a
12 zoning outlay plan. We go to the meetings.
13 This particular event or open-air music
14 venue, that is not part of our plan. How do
15 they get exemptions? We don't know if they
16 got a waiver or not. We have yet to hear
17 this. But we cannot -- and no longer the
18 residents. We're here. We're not asking to
19 come and move into an area that's not --
20 we're residential, totally residential. But
21 we should not be burdened by a business
22 model that impinges on our right to enjoy

1 the peace, quiet enjoyment of our home and
2 devalues our property.

3 I am very concerned about the
4 safety. As Commander Hickson said, the MPD
5 cannot patrol that area. On Nationals
6 Ballpark game days -- I don't know if the
7 Commission is aware, but DDoT actually
8 conducts the traffic. DDoT laypeople have
9 to conduct the traffic along our
10 neighborhoods and down into our
11 neighborhoods because MPD does not have the
12 resources to do so. They have 15 police
13 officers in my PSA, which is PSA 105, on any
14 given shift. And those 15 officers have to
15 cover that entire area. There are special
16 officers in and around the ballpark area for
17 them, who they're paid by the ballpark.

18 But as far as PSA 105, which is
19 across the street and encompasses our area,
20 15. And that's not counting those on
21 vacation, those on sick leave. We do not
22 have enough people to manage another 2,000

1 folks in our area safely. It is an enormous
2 concern.

3 MR. KAMINSKI: Thank you. Can we
4 do a time check? How much time do we have
5 left?

6 CHAIRPERSON MILLER: And let me
7 just say this, also: If you have some
8 witnesses that can say I agree with what
9 this witness said, you know, they don't have
10 to repeat.

11 MR. KAMINSKI: Yes, okay.

12 CHAIRPERSON MILLER: Or I agree
13 with what the commander said.

14 MEMBER JONES: The Protestants
15 have 30 minutes.

16 MR. KAMINSKI: Thirty minutes?

17 MEMBER JONES: The Licensee has
18 19.

19 MR. KAMINSKI: So I don't have
20 any more questions for Mary.

21 CHAIRPERSON MILLER: Cross?

22 MR. McBEE: I have no questions.

1 I think she did an admirable job.

2 CHAIRPERSON MILLER: Well, she's
3 a Protestant witness, so --

4 MR. McBEE: I do have a witness
5 that I would be calling.

6 CHAIRPERSON MILLER: Okay. So
7 right now I'm asking the Applicant if you
8 have any questions?

9 MS. SALGUERO: I just have a few
10 questions.

11 CHAIRPERSON MILLER: Sure.

12 MS. SALGUERO: Did you attend the
13 ANC meetings where the Protestants presented
14 their business plan?

15 MS. WILLIAMS: No, I don't think
16 I was there.

17 MS. SALGUERO: Okay. Great. And
18 just very briefly, I know you've described a
19 lot of resident areas, but if you could just
20 kind of give a visual with regards to where
21 do you in this neighborhood?

22 CHAIRPERSON MILLER: Okay.

1 MS. WILLIAMS: I am on the north
2 side of the ballpark on N Street. And,
3 okay, let me do this like that, because
4 that's how it was. Okay. That's your area.

5 MS. SALGUERO: Yes.

6 MS. WILLIAMS: The people that
7 are in the 1400 block of South Capitol and
8 Carollsburg right here. And, okay, this is
9 N Street and I'm right here. So I measured
10 it and from here to here, 200 yards.

11 MS. SALGUERO: Okay. From here
12 to here?

13 MS. WILLIAMS: Yes. Yes, from
14 the corner of Potomac Avenue on the south
15 and South Capitol it's four blocks total,
16 and my house is right here off of South
17 Capitol and N Street. This is the ballpark
18 entrance right here and this is the parking
19 lot.

20 MS. SALGUERO: And this is a U-
21 Haul?

22 MS. WILLIAMS: No, it doesn't

1 look like the U-Haul. There is from -- yes,
2 that would be the U-Haul. That's a U-Haul.
3 Right. And then here's the 1400 block.
4 This is Alice Valentine and her neighbors
5 over here, and John May. These are two
6 private town homes and there are about 35
7 residents in there. And then this is Camden
8 South, the apartment building in the 1300
9 block. And so, yes. And then this is the
10 1200 block. So these first two. And Syphax
11 comes right here off of Half Street and P.
12 They're here, O and P. This is O and P and
13 Q. They're back here.

14 MS. SALGUERO: And how tall would
15 you say the U-Haul building is, like the --

16 MS. WILLIAMS: The U-Haul
17 building is about two stories, three
18 stories. It's not very high, no. No, it's
19 high. It's a two-story.

20 MS. SALGUERO: So this is only
21 200 --

22 MS. WILLIAMS: Two hundred yards.

1 No, 600 feet, 200 yards. Yes.

2 MS. SALGUERO: Okay. And you
3 live right here, is that correct?

4 MS. WILLIAMS: Right, on N Street
5 and Carollsburg. Right.

6 MS. SALGUERO: And you've heard
7 complaints from the --

8 MS. WILLIAMS: Absolutely.
9 Absolutely. And, yes, from the Fairgrounds?
10 Yes. Yes. All of these people here on the
11 Fairgrounds, you know? And we're really
12 close to South Capitol. We're one block off
13 of South Capitol. We're right behind South
14 Capitol.

15 MS. SALGUERO: And then --

16 MS. WILLIAMS: And just to tell
17 you, the Fairgrounds band stand faces south
18 and there's a container yard. So the
19 Fairgrounds is also contained. The music is
20 on the first level, but there's a two or
21 three-story container yard that surrounds
22 their band. So their noise is actually

1 restricted and contained within that area,
2 unlike this proposal where it's flat. We
3 don't have any restrictions or any
4 encampments that might somehow contain the
5 music.

6 MS. SALGUERO: Now if they
7 limited the hours of the music, would you
8 amenable to --

9 MS. WILLIAMS: No, not only the
10 hours of the music, but the days. We can't
11 have this Monday through Friday, unlike the
12 ballpark and the Fairgrounds. They only
13 have it during ballpark days. If you would
14 limit it to only ballpark days and not live
15 music amplified -- because it's going to
16 bounce back off the water and it's going to
17 go either east or the west and we're going
18 to be affected by it.

19 But we can't have everyday an
20 event, nor can we have it every weekend an
21 event. Like we have marathons every weekend
22 that almost just really restricts our use of

1 our property. To have an event -- if you
2 have 2,000 people there -- when we have a
3 ball game, we can't leave. Actually I'm in
4 trouble now because I can't go back to my
5 neighborhood and park my car. I can't do it
6 because they park in our neighborhoods and
7 then we can't get back in. We can't leave
8 because --

9 CHAIRPERSON MILLER: Ms.
10 Williams?

11 MS. WILLIAMS: -- of the traffic.

12 CHAIRPERSON MILLER: Okay.

13 Try --

14 MS. WILLIAMS: So we're --

15 CHAIRPERSON MILLER: Okay. Just
16 try to answer the questions.

17 (Laughter.)

18 MS. WILLIAMS: Yes. I'm sorry.
19 Okay. So, it would have to be some serious
20 restrictions as to live music, what day of
21 the week, not frequently, not every weekend.
22 If it was limited to the ballpark, we're

1 fine. But we really don't understand the
2 liquor license and the balancing of having
3 another liquor license with an athletic or
4 family-oriented event. We just have enough.

5 MS. SALGUERO: You weren't
6 present for the ANC meeting where the bocce
7 ball league testified and, you know, there
8 were individuals that came to speak about
9 support?

10 MS. WILLIAMS: I don't, but I
11 think I -- I spoke with the ANC
12 commissioners after the meeting I attended.
13 They were talking about postponing the roll
14 call. So that was the first time I had
15 heard of it. So and then I went after the
16 meeting and spoke with Ronda and Ed about
17 what was the plan, and then we sprung into
18 action.

19 CHAIRPERSON MILLER: Does that
20 complete your questions?

21 MS. SALGUERO: Yes.

22 CHAIRPERSON MILLER: All right.

1 Are there any Board questions?

2 (No audible response.)

3 CHAIRPERSON MILLER: Okay. Thank
4 you very much.

5 MS. WILLIAMS: Okay.

6 MR. McBEE: I'm calling Ronda
7 Hamilton.

8 CHAIRPERSON MILLER: Okay. So
9 now we're going to the ANC?

10 MR. McBEE: Yes, we're calling
11 Ronda Hamilton.

12 CHAIRPERSON MILLER: We're
13 finished with that party, correct? Okay.
14 Is this the only witness for the ANC, or is
15 there going to be another one?

16 MR. McBEE: There may be one
17 more. I may testify myself, but that would
18 be it.

19 CHAIRPERSON MILLER: Okay. Let
20 me swear you in. Do you swear to tell the
21 truth, the whole truth, nothing but the
22 truth?

1 MS. HAMILTON: Yes.

2 CHAIRPERSON MILLER: Okay. Thank
3 you.

4 MR. McBEE: Could you give us
5 some background, Ronda, about --

6 MEMBER SILVERSTEIN: Can you
7 identify yourself?

8 MS. HAMILTON: My name is Ronda
9 Hamilton. I'm a member of ANC 6D. My
10 single member district is 06. My residents
11 are the closest on the southwest side to
12 this project.

13 CHAIRPERSON MILLER: Okay.

14 MR. McBEE: And could you talk a
15 little bit about what positions you have in
16 the community besides being an ANC
17 commissioner? I think you are also a co-
18 chair of the Nationals Community Committee.

19 MS. HAMILTON: Yes, I'm co-chair
20 of the Nationals Community Meeting. We
21 meet pretty much every month or every other
22 month with the Nationals, including their

1 vice-chair. I'm also a member of the
2 resident council in our community which
3 represents one of the public housing
4 projects.

5 MR. McBEE: Could you talk a
6 little bit maybe initially about your fears
7 with the Nationals Ballpark coming in and
8 how some of those fears got alleviated in
9 working with the Nationals?

10 MS. HAMILTON: Yes, initially
11 when the stadium opened up me and my other
12 residents had concerns about the parking,
13 the noise, the traffic issues, signage when
14 the stadium first opened. But we met with
15 the stadium officials on a regular basis to
16 alleviate some of the residents' concerns.
17 We still have issues with the parking, but
18 we've been working with that. But on the
19 parking issues, the noise, we don't hear
20 noise from the stadium. I live a block-and-
21 a-half from the stadium as we may hear an
22 occasional crowd cheer, but in general you

1 don't hear a lot of noise from the stadium.
2 They've been really good neighbors in
3 working with us to address any community
4 concerns.

5 MR. McBEE: And you've also
6 worked with the Southwest Neighborhood
7 Assembly on some of their environmental
8 issues and concerns. Could you sort of talk
9 a little bit about how you see this project
10 coming here, some of your concerns both for
11 your community and for our ANC here about
12 the environmental impact here that this
13 project's going to have?

14 MS. HAMILTON: Well, a lot of
15 what we've been dealing with in southwest
16 and with the industrial zone, we have a lot
17 of contaminants that blow up to our area
18 from Buzzard Point because of all the
19 construction that we've had. We've had a
20 lot of dust issues. We have high cancer
21 rates in our area. And so what we've been
22 doing as a community with SWNA is trying to

1 work address some of those issues.

2 So when this project came to
3 light -- I'm familiar with a lot of the
4 contaminants in the area and I know that
5 because this used to be a cement factory
6 that there is a lot of contaminants on this
7 site. And I am still concerned about the
8 health of the residents and the impact that
9 1,000-plus people who trampling on the site
10 and the contaminants that exist below the
11 surface.

12 Because initially when the
13 project was brought to my attention I had
14 asked the Applicant had they addressed any
15 of the remediation issues and the
16 contaminants on the site, and they at first
17 did not seem to be aware to the fact that
18 this is a contaminated site. And so I did
19 also raise some of the concerns that I have
20 to DDoE, to Mr. Jackson, who's the associate
21 director for toxic substances, because I
22 wanted to make sure that this project didn't

1 have an impact on the health of the
2 residents.

3 And the remediation, which I'm
4 still not sure is when they remediate the
5 site is are the contaminants going to become
6 airborne? Are they going to impact the
7 residents once the dust and debris come up
8 from the site as they remediate. And I was
9 hoping that the Applicant would present to
10 us a remediation plan so they can address
11 our concerns so we can make sure that this
12 project doesn't have a negative impact on
13 us, or in 10 years our children or our
14 residents don't have cancer and other
15 ailments because they were exposed.

16 MS. SALGUERO: We'd just like to
17 object to this testimony. Not to say that
18 that isn't a real concern, but that is an
19 issue for the Distinct Department of the
20 Environment to deal with, which as we said
21 we've been working with.

22 CHAIRPERSON MILLER: That's true.

1 Well, that's not within our jurisdiction, so
2 your testimony should be fairly limited, at
3 least that you raised the concern and you're
4 still concerned.

5 MR. McBEE: I certainly object to
6 your -- I mean you have spoken to the same
7 person that you presented the letter from.

8 MS. HAMILTON: Yes.

9 MR. McBEE: That's my main
10 concern here.

11 MS. HAMILTON: Yes.

12 MR. McBEE: And could you tell
13 the body here, the Board, who the Southwest
14 Neighborhood Assembly is? I think I left
15 that out and --

16 MS. HAMILTON: Well, the
17 Southwest Neighborhood Assembly is our
18 oldest civic organization in the community.
19 It was the first integrated civic
20 association. And we work together to
21 address our community concerns. They have a
22 lot of task forces that deal with

1 development issues. They deal with
2 environmental issues. Anything that is a
3 concern with the community, the organization
4 addresses.

5 CHAIRPERSON MILLER: Okay.

6 MR. McBEE: And could you talk a
7 little bit about what you have experienced
8 with people who attend stadium events in the
9 area a little bit? I know you and I have
10 had some dialogue, but could you share some
11 of your experience?

12 MS. HAMILTON: Well, we have a
13 lot of parking problems with people -- I
14 mean although there are lots over at the
15 stadium, a lot of the residents -- because
16 we haven't been able to get the enforcement
17 in terms of parking, a lot of people have
18 been able to park for free in our community
19 in front of our homes so that the residents
20 aren't able to park.

21 Because a lot of times what's
22 happens with events and venues, people will

1 come over to our end of southwest. They
2 will park their cars. Sometimes they will
3 sit out there for hours because they go to
4 the stadium game. Then they go to the
5 restaurants. And they may go to the beer
6 festival. And they'll just park for hours.

7 And we'll find that it's hard for
8 our emergency vehicles to get to residents.
9 We have a lot of elderly people. And I've
10 seen the emergency vehicles sit in four
11 blocks of traffic trying to get through
12 because we have fans that are parked on both
13 sides of the streets. And then we have
14 commuter traffic. We have military traffic.

15 Where the project is on the
16 southwest side that all comes together. DMV
17 traffic. So we deal with a lot of traffic
18 congestion because people are basically
19 looking for free parking in the
20 neighborhoods to try to save some money.

21 MR. McBEE: Could you also
22 address -- I know you and I have talked

1 about some of the effects that we've seen
2 from some of these type of events out in our
3 streets there, particularly around the Metro
4 station.

5 MS. HAMILTON: Well, I've
6 observed a lot because I catch the Metro
7 every day just about seven days a week. And
8 I notice when we've had events at the beer
9 garden, they'll be a festival, I've seen a
10 lot of intoxicated patrons. A lot of them
11 are very young throwing up on the Metro and
12 the subway. Some somewhat disorderly as
13 they're getting on the train. So some of
14 the events are kind are disruptive. You
15 can't get on the Metro sometimes. You're
16 just in line waiting. And sometimes people
17 just -- some of the patrons don't act as
18 orderly as they should coming out of the
19 venues.

20 And also the issues with crossing
21 South Capitol, I notice that people don't
22 cross at the crosswalks. And we're just

1 fortunate that we haven't had more people
2 hit because they cross over South Capitol
3 Street getting to the free parking at
4 Buzzard Point. And so when the cars come
5 off of the bridge I've almost -- myself have
6 almost been hit three times on the bridge
7 because cars constantly run red lights or
8 they don't realize that people are crossing
9 and coming out of the stadium as they're
10 coming off of the bridge and they're going
11 very fast.

12 MR. McBEE: Can you talk about
13 how you see this project for our community?
14 I mean do you see this being a benefit in
15 some way for our community?

16 MS. HAMILTON: At first I
17 honestly did, because I know that the
18 Applicant was talking about involving some
19 of the youth in the community in working
20 with these fields, but as they presented and
21 it progressed I didn't hear any mention
22 really of the youth and how the youth would

1 be included and benefit from this project.

2 My concern is that we always have projects
3 that are -- or people like this that want to
4 come and do events in our neighborhood.

5 They don't come to the community
6 to ask the community what they would like to
7 see or how they can benefit as far as jobs
8 and employment and other things. It's just
9 like this is what we're going to bring to
10 the community. The community should want
11 this type of event. But I would have
12 appreciated if the Applicant had come and
13 done more meetings with the residents to ask
14 them some of the things that they would like
15 to see in their venue.

16 MR. McBEE: Just two more quick
17 questions. I notice in their submission to
18 us that they noted that there was a
19 voluntary agreement that was approved. Now
20 can you talk about that in any way? I mean
21 I certainly haven't, but your testifying, so
22 can --

1 MS. HAMILTON: Yes, to my
2 knowledge we do not have an approved
3 voluntary agreement with the Applicant.

4 MR. McBEE: And at one of our
5 recent presentations from the Yards Park do
6 you remember the extension that was going to
7 be given to Potomac Avenue and the
8 development of new residential units that
9 are going to go in along that area with the
10 historical restoration of those buildings?
11 Do you remember that?

12 MS. HAMILTON: You said with the
13 restoration of the --

14 MR. McBEE: When the Yards Park
15 came and presented to us how they were
16 wanting to do an extension. They were
17 concerned about a historic entity there and
18 about keeping those buildings. And they are
19 going to be, as I remember, residential. Is
20 that correct?

21 MS. HAMILTON: Yes, they are
22 supposed to be residential buildings at this

1 moment.

2 MR. McBEE: Is there anything
3 else you'd like to add here this evening?

4 MS. HAMILTON: I'd just like to
5 add that, you know, in our neighborhood we
6 don't have a lot of retail establishments.
7 We don't have a lot of restaurants. Most of
8 the time our folks have to go to Penn
9 Quarter or they have to go to Capitol Hill
10 in order to enjoy nice restaurants and good
11 entertainment venues. It's not that we're
12 not opposed to establishments like this, but
13 we need more family places. We need more
14 restaurants. We need more retail
15 establishments that you can bring your
16 family to and alcohol is just not the focus.
17 You know, because we have a lot of families.
18 I'm a long-term resident. I've
19 lived in my community for 26 years. We have
20 generations of families that have lived in
21 our community and my constituents constantly
22 ask when are we going to have more

1 entertainment options for families? When
2 are we going to have more entertainment
3 options that I can sit down and enjoy a nice
4 meal with my loved ones? So we really need
5 more of that in our community. It seems
6 like a lot of the push is just on drawing
7 people with alcohol establishments. And
8 when I look at the ballpark, we want to see
9 more than that. You know, we want to see
10 more than that as a community.

11 MR. McBEE: Yes, and a couple
12 more questions. Ms. Hamilton, you came on
13 with me to the ANC at the same time. We've
14 been ANC commissioners. Both of us
15 represent DCHA property. To your knowledge
16 has the ANC ever protested an application
17 for a license?

18 MS. HAMILTON: To my knowledge --

19 MR. McBEE: I mean protest --

20 MS. HAMILTON: We have protested
21 before.

22 MR. McBEE: I mean we've

1 protested --

2 MS. HAMILTON: Yes.

3 MR. McBEE: -- to get our VA, but
4 we have never -- this is not or modus
5 operandi.

6 CHAIRPERSON MILLER: You're not
7 supposed to testify.

8 MR. McBEE: Okay.

9 CHAIRPERSON MILLER: Okay.

10 MS. HAMILTON: Yes, we have
11 protested applications before, but in this
12 manner in which -- I think the most
13 important thing is what we're here for is
14 what is in the best interest of the
15 community. And people ask us all the time.
16 We've all walked our communities numerous
17 times. We've talked with residents. We've
18 sat down with them. We're in their homes.
19 And we know what's in the best interest of
20 our community because we talk to them
21 everyday. We're in our community.

22 And I think that's why, you know,

1 I'm here, why others are here, because we
2 want establishments that are part of the
3 community, they're neighbors in our
4 community. But we want establishments that
5 the residents can benefit from. And we just
6 really need that. We need good
7 establishment that work with the community,
8 that listen to the community and address the
9 community concerns.

10 MR. McBEE: One last question
11 here I think for you. In working in our
12 community; I hear you talk about it, but
13 what do you think is the most important
14 thing here that we need to take away this
15 evening from the hearing? I mean this has
16 really been very hard I think for all of us.

17 MS. HAMILTON: Yes.

18 CHAIRPERSON MILLER: Okay. Don't
19 testify, please.

20 MR. McBEE: The question is what
21 do you feel that we need to take back to our
22 community tonight when we leave here?

1 MS. HAMILTON: Well, I'd like to
2 take away the fact that, you know, the
3 Board, you know, will work in the best
4 interest of the community. I know that we
5 need establishments in our community. I
6 know that we need licenses in our community.
7 We need the taxes to support the services in
8 our community. But I'd like to take away
9 the fact that our concerns were heard and
10 addressed by the Board. And so I know we
11 got to find a way to work together and find
12 a balance between it all, but I'd just like
13 to feel like, you know, that our concerns
14 are being heard and they have been
15 addressed, you know, because they are very
16 important. These issues are very important.
17 They come up every day, these
18 issues that the community has concern.
19 People who just don't want to see just more
20 alcohol establishments. Like I said, they
21 want to see establishments -- they want to
22 be able to bring their children, their

1 families to a stadium event and they just
2 don't want to see a lot of just plain open-
3 air drinking.

4 I've walked past a beer festival
5 and sometimes you can see people that are
6 overly intoxicated. And we just, you know,
7 got to find a way to make the Ballpark
8 District a community-friendly area inside
9 the stadium and around the stadium.

10 CHAIRPERSON MILLER: Okay. Thank
11 you very much.

12 MR. McBEE: That is the end of
13 your testimony.

14 CHAIRPERSON MILLER: Okay. Do
15 you have any cross?

16 MS. SALGUERO: I do have just a
17 few quick questions, commissioner. So were
18 you able to review the exhibits that we
19 submitted today?

20 MS. HAMILTON: Yes, I was able to
21 look through some of it, but I
22 honestly was not able to look through them

1 in as much detail, because a lot of the
2 stuff I just saw today.

3 MS. SALGUERO: So the Exhibit 2,
4 field summary plan; Exhibit 3, control plan;
5 Exhibit 4, for alcohol plan; Exhibit 5,
6 health medical; Exhibit 6, lost and found;
7 Exhibit 8, letter from bocce league; Exhibit
8 9, letter from WAKA kickball league, were
9 they submitted to the ANC in a packet during
10 your ANC meetings?

11 MS. HAMILTON: I know that some
12 of the information was presented to us, but
13 I also know that we had a lot of specific
14 questions. Because honestly when we was
15 presented with the plan to the ANC, it was
16 given to us. We asked for a plan when the
17 Applicant initially presented the
18 information because we had a lot of
19 concerns. I understand that the Applicant
20 met with some of the commissioners. They
21 rushed together over a weekend. And our
22 meeting a plan was presented. So we didn't

1 even have a lot of time. like when we met
2 here, the plan was just handed to me. So
3 and then we had to vote on the plan. So we
4 honestly have not had a lot of time to
5 really go through the Applicant with their
6 plan.

7 MS. SALGUERO: So you have an
8 Alcohol Subcommittee, correct?

9 MS. HAMILTON: We do.

10 MS. SALGUERO: Who they met and
11 the subcommittee then does a recommendation?

12 MS. HAMILTON: Yes.

13 MS. SALGUERO: And that's how the
14 ANC usually works, correct?

15 MS. HAMILTON: Yes.

16 MS. SALGUERO: So they did the
17 procedure of going through the subcommittee
18 and there was a subcommittee recommendation
19 to the full committee, correct?

20 MS. HAMILTON: Yes, but they did
21 not have a plan when it went to the
22 subcommittee.

1 MS. SALGUERO: Okay.

2 MS. HAMILTON: Even when they
3 presented before us there was no written
4 plan. When you all initially -- your
5 Applicant presented, there was no plan like
6 this presented to us.

7 MS. SALGUERO: There was not
8 packages or photocopies for them?

9 MS. HAMILTON: No, not at the
10 first meeting.

11 MS. SALGUERO: And at subsequent
12 meetings?

13 MS. HAMILTON: At the subsequent
14 meeting they presented their plan, but we
15 had to vote on it that day.

16 MS. SALGUERO: Okay. But you had
17 heard previously in the first meeting what
18 the subcommittee had reviewed with the
19 Applicant, correct?

20 MS. HAMILTON: Yes, but they did
21 not have a written plan. It was just a
22 discussion.

1 CHAIRPERSON MILLER: Okay.

2 Can --

3 MS. SALGUERO: Okay.

4 CHAIRPERSON MILLER: Can we --

5 MS. SALGUERO: Excuse me. And
6 you did vote in support based on the
7 recommendation from the subcommittee and
8 then the subsequent meeting to support a
9 stipulated license, correct?

10 MS. HAMILTON: Yes, I did vote to
11 support the stipulated license.

12 MS. SALGUERO: That's all the
13 questions I have.

14 CHAIRPERSON MILLER: Okay. Any
15 Board questions?

16 (No audible response.)

17 CHAIRPERSON MILLER: Okay. Thank
18 you very much.

19 MR. McBEE: I think that
20 concludes our testimony.

21 CHAIRPERSON MILLER: That's good.
22 Okay. Good. So now it's just -- any

1 closings? And I mean I hope you can do this
2 within like three minutes each, because it's
3 been a long hearing and we do have people
4 waiting.

5 Okay. Go ahead, Applicant.

6 MS. SALGUERO: In closing, Dos
7 Ventures intends to operate for a short time
8 period on a vacant lot located at 25 Potomac
9 Avenue. Its nearest neighbors, Nationals
10 Park right across the street, South Capitol
11 with the U-Haul facility, a D.C. water
12 facility and Anacostia River. None of the
13 residents have testified today that they
14 live right abutting or near the location.
15 All of them actually live two, three blocks
16 away from the premise.

17 As we've testified, the lot is
18 enclosed by a six-foot fence and a double
19 silt fence and they propose to put two bike
20 racks in the area to enclose the field. And
21 the lot is slated to become a mixed-use
22 apartment building within several years.

1 Dos Ventures' plan is really
2 straightforward. It intends to convert this
3 place into a sports-friendly open-air market
4 for the neighborhood. It plans to host
5 local recreation leagues for kickball and
6 bocce ball on weekends, afternoons, evenings
7 and hopefully host larger outdoor events
8 such Taste of D.C., The Young and the Guest
9 List. And there are other open-air taverns
10 licensed in the city by ABRA.

11 Dos Ventures' plans have been
12 reviewed by the proper regulatory
13 administrations. We have submitted letters
14 from DCRA. At DCRA plans are always
15 submitted for review. With any regulatory
16 body the Applicant has gone and showed
17 comprehensive plans. This is a 405.1
18 application, so a Certificate of Occupancy
19 is in the works and we will present it to
20 you with each step.

21 We have demonstrated through
22 witnesses' testimony, evidentiary exhibits

1 and the ABRA investigator also confirmed
2 that Dos Ventures meets the appropriateness
3 standards. It has no real effect on the
4 property values in the neighborhood. Its
5 operations have minimal effect on
6 residential parking needs and safety. Its
7 constructions plans are minimal. Its
8 operation plans address the concerns of the
9 Protestants.

10 Since meeting the ANC Dos
11 Ventures has taken additional steps to
12 ensure that its operation will comply with
13 D.C. laws and regulations, and is even
14 willing to work with the community now to
15 reduce its hours, as the owner has
16 testified.

17 Also the ABRA investigator
18 testified that there are multiple Metro stop
19 locations, parking locations, Metrorail
20 locations in close proximity to the
21 riverfront property. They also have a
22 partnership with parking lots in the area.

1 They have done their due diligence to
2 outreach to ANC and given Exhibits 2 through
3 8. And their testimony shows, it's the same
4 plan that they presented to the ANC
5 previously.

6 There's been a lot of questions
7 regarding potential noises from the music
8 every night that's going to disturb the
9 Protestants, but the Applicant has testified
10 that, you know, these special events that he
11 will hold are rare. He's willing to present
12 ABRA a one-day change, present those plans
13 if they're going to extend those hours.

14 The majority of the programming
15 at the location are these sports events and
16 feed off from patrons who are already
17 attending the baseball game. They're not
18 adding too much --

19 CHAIRPERSON MILLER: Okay.
20 You've been about five minutes.

21 MS. SALGUERO: Okay.

22 CHAIRPERSON MILLER: Can you wrap

1 up?

2 MS. SALGUERO: Sure. So we
3 respectfully request that ABRA approve this
4 license based on the amount of --

5 CHAIRPERSON MILLER: Okay. Thank
6 you.

7 Now is there going to be one
8 closing here?

9 MR. McBEE: I'll be glad to do
10 the --

11 CHAIRPERSON MILLER: Okay.

12 MR. McBEE: Madam Chair, I'm very
13 pleased, and Members of the Board, to be
14 able to come here tonight and present our
15 case here. I appear here today on behalf of
16 ANC 6D as a Protestant in this case. ANC 6D
17 requests that the Alcoholic Beverage Control
18 Board deny the Applicant, Dos Ventures, a
19 retail class C tavern license for the
20 Riverfront at the Ballpark, which is at 25
21 Potomac Avenue, S.E.

22 The Applicant's operation will

1 have a negative impact upon the general
2 peace, order and quiet in our neighborhood,
3 particularly with respect to noise that will
4 impact neighbors across South Capitol Street
5 living in the new Camden apartments, M
6 Street, and the Yards. And as Mr. Kaminski
7 here talked about, in his community, too.

8 There's been no real noise
9 mitigation plan been submitted here.

10 There's been no pulling together of an
11 acoustic engineer to talk about how this
12 will be directed. We have several places on
13 the waterfront. We're not without noise in
14 our community. We understand these issues.
15 That's why we're here. And we haven't seen
16 adequate response.

17 Additionally, the Applicant has
18 failed to provide an adequate written
19 description of alcohol sales and safe
20 operations of the establishment, at least
21 from our perspective, failed to provide
22 detailed drawings. I mean we've seen some

1 drawings tonight that will be conducted on
2 this six-acre plot of land at one of the
3 city's busiest intersections on
4 environmentally-contaminated land, all of
5 which abuts the Anacostia River and abuts
6 our Nationals Stadium Ballpark.

7 They have demonstrated no
8 understanding from our perspective to be
9 able to comply with the Nationals Park TOPP,
10 the Traffic Operations and Parking Plan.
11 There are goals and missions within this. I
12 have not heard one of those issued tonight.

13 We want to maintain our
14 community. We're looking at how this
15 parking is going to -- 30 spaces is not
16 nearly adequate for a place that's going to
17 have an occupancy rate that we're talking
18 about here of over 10,000.

19 You know, this plan, the TOPP,
20 has been really a work in progress. We just
21 had meetings this spring to refine it. It
22 changes every year. And suddenly the

1 Nationals became ultra successful. We went
2 from 23,000 attendance now to 35, 37,000.
3 So we've been working together. It's a
4 partnership. I don't see a partnership here
5 with Dos Ventures.

6 There's no serious security plan.
7 I think the commander early on, if you go
8 back to his testimony, talked about the
9 venue, talked about how what his needs are
10 and his concerns about such a large site.
11 And we've heard nothing here or had anybody
12 from security come and testify for them of
13 how this will be maintained in such a way.

14 And we're very concerned, you
15 know, with the unprotected river bulkhead.
16 We talked about the double bicycle railings.
17 So I just think that, you know, it presents
18 to us many problems, many issues. And one
19 of the Board Members talked specificity. We
20 don't have specificity. What we have, you
21 know, is something that is far from that,
22 from our perspective.

1 And, you know, we're concerned
2 about the environment. I mean I'm not
3 trying to ring the bell, but at the end of
4 the day we have a site that's contaminated.
5 And how do we deal with that in an effective
6 way that we don't only protect the citizens
7 in our ANC 6D, but we have a responsibility
8 to the residents of the District of Columbia
9 and those people who live in the environs.

10 The counsel for the Applicant
11 offers that the plan is straightforward. It
12 may be straightforward, even simple, but
13 that doesn't mean it's appropriate. It
14 lacks the necessary controls, from our
15 perspective, from the commander from the 1st
16 District, for it to work for our
17 neighborhood. Thank you very much. We
18 appreciate your consideration to our
19 request.

20 CHAIRPERSON MILLER: Okay. Thank
21 you. At this point I'm going to close the
22 record unless there's anything else anyone

1 wants to put in it. Closing the record. So
2 unless there was any other piece of evidence
3 that you wanted to submit.

4 MR. McBEE: I noticed that Mr.
5 Litsky our chair is out of town. There were
6 some things that he was going to submit, a
7 copy of the TOPP and some things. We'd like
8 to go ahead and submit those to the Board.

9 CHAIRPERSON MILLER: I think our
10 practice and the instructions say that
11 evidence can be submitted at the hearing.
12 We don't usually take evidence after the
13 hearing. We don't take evidence after the
14 hearing because the other side can't address
15 it. Unless it's something that's in the
16 public record that you want us to take
17 judicial notice of. We can do that.

18 MR. McBEE: Well, I would like to
19 present the letter from --

20 CHAIRPERSON MILLER: Oh, you have
21 it now?

22 MR. McBEE: Well, this has been

1 presented to Fred Moosally from the
2 Nationals.

3 CHAIRPERSON MILLER: Okay.

4 MR. McBEE: And we'd like to
5 present that letter.

6 CHAIRPERSON MILLER: All right.
7 Is there objection?

8 MS. SALGUERO: I'd object. We
9 haven't had a chance to review it. This is
10 at the end of the --

11 MR. KAMINSKI: It's in the public
12 domain.

13 MR. McBEE: It's in the list.

14 MS. SALGUERO: It's in the public
15 domain, a letter to Mr. Moosally?

16 MR. McBEE: It's presented to
17 ABRA. It's a public document.

18 CHAIRPERSON MILLER: It's already
19 in ABRA's public record?

20 MR. McBEE: Right.

21 CHAIRPERSON MILLER: Okay.

22 MR. McBEE: This was submitted on

1 June 14th.

2 CHAIRPERSON MILLER: Okay. If
3 it's in the public record, then the Board
4 can take judicial notice of it. What is it
5 through, because I want to make sure we take
6 judicial notice of it. It's a June 14th
7 letter?

8 MR. McBEE: Yes.

9 MS. SALGUERO: Well, I do know
10 that the Nationals were denied standing to
11 protest.

12 CHAIRPERSON MILLER: But they're
13 not here as a party.

14 MR. McBEE: They're not here. I
15 think that what we're --

16 CHAIRPERSON MILLER: This is a
17 letter, like Mr. Garber's letter.

18 MR. McBEE: It's a letter that's
19 been sent to --

20 CHAIRPERSON MILLER: Okay. Thank
21 you.

22 MR. McBEE: It's talking about

1 the impact.

2 MS. SALGUERO: Is it a protest
3 letter, because if so the Board --

4 MEMBER ALBERTI: Well, do you
5 have a copy? Maybe we should --

6 MS. SALGUERO: I don't have a
7 copy.

8 CHAIRPERSON MILLER: You should
9 have a copy.

10 MS. SALGUERO: I do not have a
11 copy.

12 CHAIRPERSON MILLER: Oh, here.
13 Take --

14 MR. MCBEE: Ronda brought all the
15 letters up to the --

16 CHAIRPERSON MILLER: It should
17 have been offered before.

18 MEMBER ALBERTI: While she's
19 looking at that, this, TOPPS, T-O-P?

20 MR. MCBEE: Yes, Traffic
21 Operations and Parking Plan.

22 MEMBER ALBERTI: Okay. Operation

1 Plan. So it's T-O-P-P-S?

2 MR. McBEE: T-O-P-P, yes.

3 MEMBER ALBERTI: T-O-P-P? Is
4 that a public document?

5 MR. McBEE: That's a public
6 document as well.

7 CHAIRPERSON MILLER: That's
8 public as well? Oh, okay.

9 MEMBER ALBERTI: So would you
10 like us to take judicial notice of that
11 public document?

12 MR. McBEE: Yes, we would.

13 MEMBER ALBERTI: Okay.

14 CHAIRPERSON MILLER: But where we
15 would find it?

16 MR. McBEE: And I think the other
17 document is the Capitol Gateway, which this
18 -- full plan zoning. If we could -- these
19 are public documents that I think that the
20 Board should have.

21 MEMBER ALBERTI: You could work
22 with our general counsel to make sure she

1 knows where they are.

2 MR. McBEE: Okay. All right.

3 CHAIRPERSON MILLER: Thank you.

4 I think this letter should have been
5 introduced earlier so that the Applicant
6 could have addressed it, but --

7 MS. SALGUERO: We believe this is
8 the protest letter and they were -- said
9 they lacked standing at a previous hearing.

10 CHAIRPERSON MILLER: Okay. Well,
11 what I'm going to say is we've got to wrap
12 this up because we do have another group
13 waiting.

14 This is already in the public
15 record, as I understand it. So we will take
16 judicial notice of it and only give it
17 whatever weight it's worth given that you
18 didn't have a chance to ask any questions
19 about it. Okay.

20 Okay. So my last question for
21 you all -- so the record now is closed and
22 we'll be taking judicial notice of those

1 three documents that the ANC has just
2 mentioned.

3 Finally, very few parties take
4 advantage of this opportunity, but I'm going
5 to ask you if you want to file proposed
6 findings of fact and conclusions of law or
7 waive your right to do so. And what that
8 means is this hearing has been transcribed.
9 There will be a transcript available in two
10 weeks. And that means do you want to file
11 something like a written brief based on all
12 the evidence in the record in which you
13 would identify findings of facts that you
14 think the Board should make and conclusions
15 of law that the Board should draw.

16 MS. SALGUERO: The Applicant
17 would like to reserve that right.

18 CHAIRPERSON MILLER: You would
19 like to do that?

20 MS. SALGUERO: Yes.

21 CHAIRPERSON MILLER: Okay. The
22 schedule for that is -- transcript is

1 available in about two weeks and it will be
 2 mailed to the parties. Then the parties
 3 will have 30 days in which to file that. It
 4 is not obligatory at all, but it is a
 5 suggestion that would go to the Board and
 6 the drafter, the Board's drafter of the
 7 order as to what findings of fact to put in
 8 our order.

9 MR. McBEE: Would it be shared
 10 much like the Zoning Commission with each of
 11 the parties?

12 CHAIRPERSON MILLER: Yes, shared
 13 with the parties. Served on the parties.
 14 Simultaneously filed with the Board and
 15 filed with the --

16 MR. McBEE: So we have 30 days to
 17 submit our findings of facts and
 18 suggestions?

19 CHAIRPERSON MILLER: After you
 20 get the transcript.

21 MR. McBEE: After we get the
 22 transcript?

1 CHAIRPERSON MILLER: Which would
2 be in two weeks.

3 Okay. So I'm going to just leave
4 it open for the parties. The Applicant has
5 said that that's what they want to do, so we
6 will wait for that before we deliberate on
7 this case.

8 If the parties know that they're
9 not going to be filing something to that
10 effect, then if you could let Ms. Jenkins
11 know, then the Board won't be waiting for
12 it. Okay.

13 All right. Any questions?

14 MR. KAMINSKI: No, thank you very
15 much for your --

16 MS. HAMILTON: Thank you.

17 CHAIRPERSON MILLER: Okay. I'm
18 going to finally then take a vote from the
19 Board Members about deliberating this case
20 in a closed session in accordance with the
21 Open Meetings Act.

22 As Chairperson of the Alcoholic

1 Beverage Control Board for the District of
 2 Columbia and in accordance with Section 405
 3 of the Open Meetings Amendment Act of 2010,
 4 I move that the ABC Board hold a closed
 5 meeting for the purpose of seeking legal
 6 advice from our counsel on Case No. 13-PRO-
 7 00088, Riverfront at the Ballpark, per
 8 Section 405(b)(4) of the Open Meetings
 9 Amendment Act of 2010 and deliberating upon
 10 this case for the reasons cited in Section
 11 405(b)(13) of the Open Meetings Amendment
 12 Act of 2010. Is there a second?

13 MEMBER BROOKS: Second.

14 CHAIRPERSON MILLER: Mr. Brooks
 15 has seconded the motion. I'll now take a
 16 roll call vote on the motion. Mr. Brooks?

17 MEMBER BROOKS: I agree.

18 CHAIRPERSON MILLER: Mr. Alberti?

19 MEMBER ALBERTI: I agree.

20 CHAIRPERSON MILLER: Ms. Miller
 21 agrees. Mr. Silverstein?

22 MEMBER SILVERSTEIN: I agree.

1 CHAIRPERSON MILLER: Mr. Jones?

2 MEMBER JONES: I agree.

3 CHAIRPERSON MILLER: Okay. It
4 appears that the motion has passed by a vote
5 of 5-0-0. I hereby give notice that the ABC
6 Board will hold a closed meeting in the ABC
7 Board conference room after receiving the
8 parties' proposed findings of facts and
9 conclusions of law and will issue an order
10 within 90 days of receipt of those findings.

11 Okay. That completes this case.
12 Thank you all very much.

13 (Whereupon, the hearing was
14 concluded at 8:14 p.m.)
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