

GOVERNMENT
OF
THE DISTRICT OF COLUMBIA

+ + + + +

ZONING COMMISSION

+ + + + +

PUBLIC HEARING

IN THE MATTER OF:	
The Application of Fort Lincoln/Premium Distributors of Washington, D.C. (PUD & Map Amendment in Square 4325)	Case No. 99-5C

Thursday
February 10, 2000

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

The Public Hearing of the above-entitled matter
before the District of Columbia Zoning Commission convened at 7:00
p.m. Anthony J. Hood, Chairperson, presiding.

ZONING COMMISSION MEMBERS PRESENT:

ANTHONY J. HOOD	Chairperson
CAROL J. MITTEN	Vice Chairperson
KWASI HOLMAN	Commissioner
JOHN G. PARSONS	Commissioner

NEAL R. GROSS
COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

OFFICE OF ZONING STAFF PRESENT:

Jerrily R. Kress	Director
Alberto Bastida	Secretary, ZC
Stefanie D. Brown	Office of Zoning

OTHER AGENCY STAFF PRESENT:

Steven Cochran, Office of Planning

Page No.

Opening Statement, for the Applicant6
Fort Lincoln/Premium LLC

PHIL FEOLA, ESQ.
Wilkes, Artis, Hedrick & Lane
1666 K Street, N.W.
Suite 1100
Washington, D.C. 20006-2897
(202) 457-7800

Statement of JAMES REYES, President of11
Premium

Statement of JOHN LUTOSTANSKI, Landscape18
Architect and Site Planner, Vica Engineering

Statement of KYLE OLIVER, Civil Engineer,25
Vica Engineering

Statement of STEVEN E. SHER, Director of27
Zoning Services, Wilkes, Artis, Hedrick & Lane

Statement of BRAD WITKO, Herring Trowbridge34
Architects

Statement of ADAM STEINER, Lewis, Scully,37
Jenay & Milenski Architects

Office of Planning Report, STEVE COCHRAN63

Report of Advisory Neighborhood Commission78
5A - BOB KING

Applicant's Closing Remarks, PHIL FEOLA84

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

(7:05 p.m.)

CHAIRPERSON HOOD: Good evening, ladies and gentlemen. I am Anthony Hood, Chairperson of the Zoning Commission for the District of Columbia. Joining me this evening are Commissioners Mitten, Parsons and Holman. I declare this public hearing open.

The case that is the subject of this hearing is Case No. 99-5C, the applicant, Fort Lincoln/Premium Distributors of Washington, D.C., requests the Zoning Commission for consolidated review of a PUD and related change of zoning from R-5-D to C-M-1, for a portion of parcel 173/143 in Square 4325, located in the Fort Lincoln New Town. The proposed PUD will permit the construction of a wholesale beer distributorship, including a warehouse, administrative and management space.

Notice of today's public hearing was published in the D.C. Register on December 31, 1999, and in the Washington Times on December 28, 1999.

This hearing will be conducted in accordance with the provisions of 11 DCMR 3022. The order of procedure will be as follows: preliminary matters, certification of maintenance of posting, identification of parties, applicant's case, report of the Office of Planning, report of other agencies, report of Advisory Neighborhood Commission 5A, parties and persons in support, parties and persons in opposition. The Commission will

1 adhere to the schedule as strictly as possible.

2 Those presenting testimony should be brief and non-
3 repetitive. If you have a prepared statement, you should give
4 copies to staff and orally summarize the highlights only. Please
5 provide copies of your statement before summarizing. Each
6 individual appearing before the Commission must complete two
7 identification cards and submit them to the reporter at the time
8 you make your statement.

9 If these guidelines are followed, an adequate
10 record can be developed in a reasonable length of time. The
11 decision of the Commission in this case must be based exclusively
12 on the record.

13 To avoid any appearance to the contrary, the
14 Commission requests that parties, counsel and witnesses not engage
15 the members of the Commission in conversation during any recess or
16 at the conclusion of the hearing session. While the intended
17 conversation may be entirely unrelated to the case that is before
18 the Commission, other persons may not recognize that the
19 discussion is not about the case. The staff will be available to
20 discuss procedural questions.

21 All individuals who wish to testify, please rise
22 and take the oath.

23 UNIDENTIFIED SPEAKER: Please stand and raise your
24 right hand.

25 Thank you, you may be seated.

1 CHAIRPERSON HOOD: Let me say good evening, we are
2 ready to get started. Let's move right into our preliminary
3 matters. Do we have any preliminary matters?

4 MS. BROWN: The only item we have, we have received
5 the Affidavit of Maintenance, and it appears to be in order and it
6 has been marked as Exhibit No. 30, and that's the only preliminary
7 matter that I have.

8 CHAIRPERSON HOOD: Okay, colleagues, it seem like
9 everything is in order. We'll just do that on general consensus.

10 Next, has anyone requested party status? Okay.
11 Well, we always have our ANCs as party status, ANC Commission 5A.

12 Next, we will have the applicant's case. Good
13 evening, Mr. Feola.

14 MR. FEOLA: Thank you, Mr. Chairman. For the
15 record, my name is Phil Feola. With me is Sarah Shaw from Wilkes,
16 Artis, Hedrick & Lane, on behalf of the applicant, Fort
17 Lincoln/Premium LLC, which is the applicant in this case.

18 As a quasi preliminary matter, I was wondering if
19 the Commission might consider recognizing those witnesses that
20 we've proffered as experts in their respective field in our
21 prehearing submission, and we can go through them real briefly if
22 you'd like.

23 CHAIRPERSON HOOD: Can we just take, if you don't
24 mind us doing it in this manner, let's take two names at a time?

25 MR. FEOLA: Absolutely, John Lutostanski, who is

1 Landscape Architect and Site Planner with VICA Engineering, and
2 Kyle Oliver, a Civil Engineer with Vica Engineering.

3 CHAIRPERSON HOOD: Colleagues, we have read the
4 bios, are there any problems with letting them be an expert
5 witness?

6 Yes?

7 COMMISSIONER PARSONS: Mr. Feola, Mr. Lutostanski,
8 you just said that he was a Civil Engineer and Planner, whether
9 your report □

10 MR. FEOLA: I meant Landscape Architect.

11 COMMISSIONER PARSONS: □ excuse me, you said Civil
12 Engineer and Planner □ excuse me, you said Landscape Architect and
13 Planner, whereas, your letter says Civil Engineer and Landscape
14 Architect. Is it Landscape Architect and Planner then?

15 MR. FEOLA: Yes, it is. The letter is incorrect, if
16 that□s what it says.

17 COMMISSIONER PARSONS: All right.

18 MR. FEOLA: I□m sure he would, as a Landscape
19 Architect, not want to be known as a Civil Engineer.

20 COMMISSIONER PARSONS: I would certainly agree with
21 that.

22 CHAIRPERSON HOOD: Okay, any other concern,
23 colleagues? If not, we□ll do those two by general consensus.

24 Okay, so ordered.

25 MR. FEOLA: Next two, Brad Witko, Architect, and

1 Martin Wells, our Transportation Consultant, Traffic Engineer.

2 CHAIRPERSON HOOD: Colleagues, can we accept them as
3 expert witnesses by general consensus?

4 So ordered.

5 Mr. Feola, before you proceed, I want to ask how
6 much time, I note you've asked for, I believe, an hour, I was just
7 wondering do you really need an hour, but we want to make sure we
8 get all the information.

9 MR. FEOLA: I don't believe so, Mr. Chairman. I
10 think this presentation will be about 30 minutes, and, in fact,
11 notwithstanding we've asked for expert identification of five
12 witnesses, we only expect three people to speak. The others will
13 be available for questions, if the Commission, or the ANC, or
14 others have questions for them. So, I'm thinking we can probably
15 wrap this up in about 30 minutes.

16 CHAIRPERSON HOOD: Thirty minutes, so if you don't
17 mind, Mr. Bastida, if we could set the clock for 30 minutes. But,
18 let me just say, if you need more time that's fine.

19 MR. FEOLA: I feel like I'm in a basketball game
20 here.

21 CHAIRPERSON HOOD: Okay, you can proceed.

22 MR. FEOLA: There's one more expert, Steven Sher, as
23 a Land Planner.

24 CHAIRPERSON HOOD: Excuse me, Mr. Sher, general
25 consensus?

1 Okay, no problem. So ordered.

2 You may proceed with your presentation.

3 MR. FEOLA: Thank you, Mr. Chair.

4 Also, I'd like to recognize, with us tonight is
5 Robert Jeffers, who is a representative of Fort Lincoln New Town,
6 and Will Collins who is a principal in Concordia Group, who is a
7 Development Consultant to this project.

8 Fort Lincoln Premium LLC is a joint venture between
9 Fort Lincoln New Town and Premium Distributorship, and the project
10 proposed before you is proposed to be developed on a 13-1/2 acre
11 site in the Fort Lincoln New Town, which as I'm sure you are aware
12 is controlled by the District of Columbia through the Department
13 of Housing and Community Development. It's in the northeast
14 quadrant of the city, Ward 5, and this particular site is in the
15 northeast corner of Fort Lincoln. We'll hear more about that in a
16 little bit.

17 The project is a single building that's being
18 designed and, hopefully, will be built for Premium Distributorship
19 and for its business, and the reason we are before you tonight is
20 really twofold. The first, and probably the most pertinent to
21 this Commission, is that the site, as it is currently zoned, is
22 not in conformance with either the Urban Renewal Plan or the
23 Comprehensive Plan. The site, as you know, is zoned residential,
24 and both of those plans call for either warehouse or production
25 technology and employment centers.

1 The second reason is, we've decided to use, and
2 asked the Commission to help us, with the use of the PUD process
3 in recognition that this particular site is a unique site and it
4 is in a particularly sensitive area of the District of Columbia
5 and in Fort Lincoln. So, we hope to ask the Commission to help us,
6 using your expertise, to develop a plan here that is sensitively
7 designed and, ultimately, has control that the community and the
8 city feel comfortable with.

9 I think with that, I'll just introduce Mr. James
10 Reyes, President of Premium.

11 Just state your name and home address for the
12 record.

13 MR. REYES: My name is Jimmy Reyes. I live at 4923
14 Sedgwick Street, N.W., D.C., 20016. I'm the owner and President
15 of Premium Distributors. I purchased the business 3-1/2 years
16 ago. The business has been a long-time D.C. business, it's been
17 on New York Avenue since the late '50s.

18 I want to explain for a minute what we do and what
19 we don't do. We are a beer distributor for Washington, D.C., and
20 Montgomery County, Maryland. We also own another company called
21 Premium in Northern Virginia.

22 What a beer distributor does, we are simply a
23 middle man. We receive beer from the breweries and from importers
24 from all over the world. They come into our warehouse, we have a
25 sales staff that goes to all the restaurants in the city, and all

1 the stores, and DMCI and any place that has a license, and we sell
2 them beer and we deliver it, generally, the next day. We
3 distribute great beers, Miller, Coors, Corona, Molsen, and I could
4 go on and on, but we sell almost all the beers that you would
5 probably know in the city, outside of Anheuser Busch and Heineken.

6 We don't make beer, we are not a manufacturing. We
7 are not a micro brewery. We are not are not a retail outlet, so
8 we do not make beer.

9 Since purchasing the company 3-1/2 years ago, we
10 have tripled revenue and sales. In three years, we've gone from a
11 21 share to a 70 share. We've grown from 76 employees to 136.
12 Seventy-seven percent of our employees are minority, and they are
13 very, very well-paying jobs. Our drivers are making between
14 \$50,000.00 and \$60,000.00 a year, and there's just a lot of very
15 good jobs in the 136. Fifty of our employees are D.C. residents,
16 including myself.

17 What I want to do here is build a state-of-the-art
18 warehouse distribution facility in Ward 5, in an enterprise zone.

19 This building will be the best one ever been built, in my
20 opinion. I think it's going to be an absolute as you'll see
21 tonight as it's going to be a beautiful building, something that we
22 are all going to be proud of.

23 And, you're probably asking, you know, why are you
24 so sure of that, I've done it before. We just finished one about
25 two years ago over in Westfields, off 28 in Chantilly, which is

1 one of the nicest office parks in northern Virginia. That
2 building has been written about in magazines that we have tonight
3 to show you. It won NAOPS in 1998, I think it was 1998, Building
4 of the Year Award.

5 The new warehouse that we are talking about tonight
6 will be similar, but better. It will be 154,000 square feet.
7 Included in that is about 20,000 of office. The total project
8 costs will be between \$10.5 million and \$11 million.

9 The reason we are moving is, we've outgrown our
10 current facility on New York Avenue. We also have a second
11 auxiliary warehouse on V Street. Our current building is old,
12 it's ugly, there's no parking for our trucks or our employees.
13 The trucks are parked outside. If you come into the City, I mean,
14 you see trucks, and kegs and pallets, because we don't have a place you
15 can see them from New York Avenue, because we don't have anywhere
16 else to store them. Low ceilings, it's long and narrow, and,
17 basically, it's very inefficient.

18 I think one of the side notes of this project going
19 forward is the City would get rid of one of the ugliest buildings
20 on New York Avenue, and although we will miss the free press that
21 we get on the radio, traffic backed up from New York Avenue to
22 Premium Distributors. But, the bottom line is this warehouse is
23 not good enough for my company or my employees.

24 Do we need to do this, spend \$11 million in
25 northeast D.C., enterprise zone? No, we don't. Could I have a

1 40,000 square foot depot or a transfer station, and take the
2 majority of the jobs to northern Virginia? All of the white
3 collar jobs, and fulfill my requirements to the District, could I
4 do that? Sure, I could. That's what my competition is doing.
5 They are doing it out of Annapolis. I certainly have the right to
6 do that under the law, but that's not what I want to do. I want
7 to be here in D.C. I don't want to displace my employees.

8 I'm not a developer, you know, I'm not trying to
9 make a quick buck and use the City on this. I'm a native
10 Washingtonian, fifth generation, born here, and I live in D.C. I
11 love the City. You know, but I think we all know that many things
12 in the City are broken. What we are trying to do is be part of
13 the solution.

14 I mean, if you think about it, as you enter D.C.
15 from the north on New York Avenue, or come in from the Parkway,
16 the first exit in D.C. is Fort Lincoln Drive, the first exit you
17 can't get off on, there's jersey walls there. I mean, it looks
18 terrible, it's embarrassing in a way.

19 In fact, I brought the City Paper, it came out a
20 couple weeks ago, with a broken issue, and there's a picture of it
21 in the City Paper, and I brought it with me if you want to see it.

22 You know, in short, we just want to take these walls down and
23 build a great building.

24 Everything is right with this project, and it makes
25 total sense. Everybody wins, nobody loses, and I think it's also

1 important that I'm not asking for anything. I'm not asking for
2 any handouts. We are not asking for a thing. We just want the
3 right to be able to do it. There's no opposition, this is in an
4 enterprise zone.

5 We've got community backing, full ANC approval, and
6 Bob King is here tonight, who is head of the Fort Lincoln ANC, may
7 say a few words if there's time. Bob and I worked out a
8 scholarship program for the Thurgood Marshall school that's in
9 Fort Lincoln, and it's one of these things that I asked Phil, you
10 know, "Should I say that? Should I tell you people that?"

11 I kind of feel like I'm a developer greasing the
12 skids. But, that's really not what it's about. I like these
13 people, and whether this goes through or not I'm going to do the
14 scholarship fund. We are also going to give them computers, and
15 Bob can talk about that if there's time.

16 But, you know, I mean, as far as the neighborhood
17 of Fort Lincoln is concerned, I mean, they want this project.
18 I've talked to a lot of people there. This section of Fort
19 Lincoln has been dormant and basically a wasteland forever. I
20 think we all know, especially the people in this room, that
21 activity breeds activity. What we want to do is take these jersey
22 walls down and have a community and a building that we can be
23 proud of.

24 I think in addition to the full ANC approval and no
25 opposition, enterprise zone, we've got Council Member Vincent

1 Oranges is in absolute total support. He's been to a lot of
2 meetings with me. I mean, to him, Premium has been a tenant or a
3 business in Ward 5 forever, and he doesn't want to lose them.
4 They have good jobs and they earn a lot of tax revenue, obviously.

5 Deputy Mayor Eric Price with Economic Development
6 is very positive on this. We've met with him, it's like, what can
7 he do to help us, same thing, tax base, keep the jobs, this is
8 what D.C. needs.

9 Michael Hodges, who is head of the Bond Division,
10 is very excited about this. We are actually going to get an Easy
11 Bond, and we would be the first for profit company to use the Easy
12 Bond, and that's provided by the federal government. Most of the
13 people that have been using these bonds are schools and
14 associations, and they want to use it as a PR, basically, showing
15 that it can be done by a company, and they think that others will
16 emulate it once they have somebody do it first.

17 Lastly, Mayor Williams is fully behind this. He's
18 publicly supported it at the Ward 5 Business Summit, and he's very
19 supportive of this project.

20 Now lastly, I just think this is the right project,
21 it's in the right place, and it's at the right time.

22 Thank you.

23 FACILITATOR: Mr. Chairman, do you want to hold
24 questions until we are completely finished?

25 CHAIRPERSON HOOD: I think what we will do is do the

1 whole presentation, and we will ask our questions on the back end.

2 FACILITATOR: I'd like to call John Lutostanski and
3 Kyle Oliver, who will give an overview of the site plan, and while
4 they are coming up here I'd like to submit in the record Xerox
5 copies of photographs of Mr. Reyes's Virginia facility. This is
6 similar to, but to give you a feel for the quality that he just
7 spoke, and the book or magazine that writes up the project in
8 Virginia as winning some award.

9 MR. LUTOSTANSKI: I'm the landscape architect, I'm
10 not the engineer.

11 For the record, my name is John Lutostanski, from
12 VICA Engineering. My address is 13905 Waverly Creek Court,
13 Chantilly, Virginia 20151.

14 I'd like to take a few moments to just briefly
15 describe the site we are talking about tonight. As Mr. Feola
16 mentioned, it is in the Fort Lincoln New Town area, and it's about
17 13.4 acres. The site is located between New York Avenue and the
18 Eastern Avenue right-of-way. As a matter of fact, it actually
19 just abuts right against the Eastern Avenue right-of-way, and it
20 also is very close to National Park Service property, which I'd
21 like to talk about in a moment also.

22 The 13 acres of ground has a lot of topography
23 happening on it. It's got a 90-foot vertical difference in the
24 topography. That's to say, it's 124 feet at the high point down
25 to 34 feet at the low point. This makes it a little bit difficult

1 for certain types of construction. The way this site has been
2 laid out really lends itself very well to the kind of fairly
3 drastic topography.

4 Also, while we are talking about topography, there
5 are two different soil types, two basic soil types out here.
6 Essentially, if you take the site and we cut it in half, on the
7 western side of the site we have a lot of fills out there. There
8 is unconsolidated materials, there is concrete, asphalt, a lot of
9 debris, rubble, things were just dumped there over the years.

10 I'd say over the last 30 or so years it's been
11 dropped on the site. As I said, it's unconsolidated, so what that
12 means is that it's not great for a foundation for a building or
13 for a base. So, what has to happen with that is, we'd have to
14 perform what's called dynamic compaction. We have soil borings at
15 every corner of this building now. Roughly, one half of the
16 building would have weights probably about, oh, twice the size of
17 this table, that they drop from about 60 feet in the air on a
18 crane, and they just compact it, smack this thing down, just
19 compact it and move on.

20 It's predetermined pattern that really adds a lot
21 of compaction to the site. It makes up for the sins of what
22 wasn't done 30 years ago.

23 When that's done, then you put a fine granular
24 material for that, on top of that. So, essentially, you are
25 getting a nice smooth building pad.

1 On the other half of the site, and once again this
2 is not the most perfect site, on the other half of the site we
3 have clays. These are the kind of clays you'd see if you look at
4 tires at construction sites in Maryland, Prince George's County,
5 Montgomery County, Eastern Loudon County, you see a fine red clay
6 stuck to tires on most cars. These are technically what you call
7 "fat clays." These fat clays have a very high capability for
8 shrink and swell.

9 When you add water to this clay, when you expose it
10 to the air or to the water, it gets to be a soupy, mucky kind of
11 substance, and it provides a very poor base for foundations for
12 shrink and swell. So, what that means is when you add water to
13 it, it would expand, when it dries, it contracts. So, this
14 contraction and expansion will eventually sort of crack
15 foundations.

16 One way to ameliorate this problem is to get this
17 water from seeping into the ground. So, just by virtue of the
18 fact that we have a large footprint building, with some impervious
19 surfaces, this will actually help the soil. What we can do here
20 is, instead of having "you know, typically, you have water, if
21 rain water were to all over here, for example, it would fall down
22 on the ground and percolate through the site, and then it would be
23 below grade. If you open up the site, you'd have this
24 shrink/swell condition with the soil.

25 If you a more impervious area in these, once again,

1 the building pad areas and the parking lot areas, we are really
2 controlling the water. So, instead of the water percolating down,
3 we can take it, control it, and put it someplace else, getting it
4 out of the soil. When you get that water out of the soil, once
5 again, that's the element that adds to the shrink/swell component,
6 we could help to control the site a little bit better.

7 Let me take a moment just to discuss the site
8 itself. Basically, we have a couple of different elevations
9 happening here. Also, we have the residential project which has
10 been recently approved right over here. We have an entrance about
11 elevation 92 over here. There's a high point of about 104 over
12 here, elevation of 92 over here, and 84 over here. The base of
13 this building is at 88. There's an upper component for the
14 offices over here at elevation 109.

15 What happens is that, once again, the road is at
16 104, this building is roughly at 109, so from the road this
17 building would appear as a one-story building, but as I mentioned
18 the lower level is down at 88. So, in the back, essentially, the
19 building is about 28 feet tall or so, so the building would appear
20 as being about one story tall from the road.

21 Also, what happens over here on the residential
22 side, this is roughly in the 90s, elevation is in the 90s. Once
23 again we have the 90s over here, there's a ten-foot high retaining
24 wall here, so that when a truck comes through, and the truck would
25 come through this way, goes through the drive through, he would

1 either deposit □ he would either be picking up the beer or drop it
2 off over here, drives through out this way, comes through the back
3 and goes back out that way. When a truck is driving over here,
4 he's literally about ten feet lower than the surface where the
5 residences are over here, so physically he's out of site, you
6 won't see him.

7 So, a big building like this really works well with
8 a site that has a big change in topography.

9 One other thing that came up during the course of
10 this project was concerns from the National Park Service, and
11 working with Mr. Murphy and his staff, we identified some of his
12 concerns. I think the big one was, I think he had a concern about
13 the storm water management, what happens in the back over here.

14 Kyle Oliver, from my company, will describe that in
15 a moment, but briefly if we could sort of identify a few things
16 here. There is a 42-inch pipe that drains today □ basically, it's
17 right here on this plan as well □ it drains a good portion of Fort
18 Lincoln, and it runs out underneath Fort Lincoln Cemetery. It
19 drains out through Fort Lincoln Cemetery. The Park Service had an
20 issue with this because there is no easement to keep that in
21 perpetuity, and at Mr. Murphy's request we sort of did a lot of
22 research to try to figure out where is this easement, you know,
23 who controls it, how can we do this. His concern was maintenance
24 of this pipe.

25 What we did, we contacted Fort Lincoln Cemetery,

1 and in addition with Mr. Reyes, we've come up with a couple
2 different solutions which I believe have made the Park Service
3 feel a little bit more comfortable about this proposal.

4 The first thing is, there's a portion of the end
5 wall section here that has over time fallen into disrepair, sort
6 of broke off, and is just sitting there on the ground. Water
7 still flows through it fine, but it could possibly get blocked.
8 The applicant has agreed to fix that, physically repair that pipe,
9 fix it, maintain the edge of that pipe to make sure that nothing
10 clogs that pipe, so water will keep on flowing out this way.

11 And then the Park Service's final that took care
12 of one of their concerns the other concern was with continued
13 maintenance, and what would happen with this pipe if it should
14 ever get clogged. We approached the cemetery, and Mr. Reyes has
15 agreed to perform a maintenance on this pipe. We have an easement
16 now in place, literally just got it today, which we will submit
17 for the record, from the cemetery that grants them permission to
18 get onto the cemetery property and maintain that pipe.

19 And, I believe that takes care of the major
20 concerns of the Park Service.

21 With that, I will turn it over to my colleague,
22 Kyle Oliver, to discuss utilities and storm water management.

23 MR. OLIVER: My name is Kyle Oliver. I'm with Vica,
24 Incorporated. My address is 6812 Erica Avenue, Alexandria,
25 Virginia 22310, and I'd like to discuss the utilities for the

1 site.

2 Real quickly, there's an existing 12-inch water
3 main in Fort Lincoln Drive. There's also an existing 12-inch
4 water main in Fort Lincoln Drive North. What we are going to do
5 is provide a simple 8-inch water line loop, exactly what DPW wants
6 to see, continues, lets the water flow well through there. We are
7 also going to provide three new fire hydrants to provide fire
8 protection for the site.

9 The sanitary sewer, there's an existing 15-inch
10 line that runs at the rear of the site. We are going to do a
11 simple connection to the back of the existing 15-inch sewer line.

12 The main concern on this site is the storm water
13 management. Originally, there was a regional pond designed for
14 this area, that would supply a majority of Fort Lincoln. However,
15 it's in the Eastern Avenue right-of-way, and the funding and the
16 final design for this regional facility has not been established,
17 and it probably won't be in the near future.

18 So, what we are going to do is, we've designed a
19 storm water management quality and quantity pond, it's a dry pond,
20 on site, and what we are doing is, we are picking up, of 13 acres
21 we are picking up approximately 9.9 acres of the site and picking
22 up all the impervious area, piping it with storm drains into the
23 pond.

24 The quality control will be held in 38,000 cubic
25 feet of storage, and it's equal to the one-year storm and it will

1 be released over a 24-hour time period.

2 The quantity storage will be above that. It's
3 64,000 cubic feet, and also in the storm water management pond.

4 There is an existing 48-inch pipe that comes down,
5 drains down underneath Fort Lincoln Drive, turns into a 54-inch
6 pipe, that's existing, and then the 42-inch pipe that goes under
7 the cemetery that John Lutostanski spoke about.

8 What we are going to propose to do is connect into
9 the existing pipes with our storm water management outfall pipe,
10 and it will drain and out through the cemetery. We've designed
11 the two, the 25 and the 100-year storm vents were analyzed for
12 this project, as it discharged from the site it is at or below the
13 existing flows that go through this 42-inch pipe. We also have a
14 letter from Mr. Tim Karikariat at the Storm Water Management
15 Branch in D.C., and he was in general agreement with the concept
16 for storm water management and sediment erosion control for this
17 site.

18 Thank you.

19 FACILITATOR: Our last witness, Mr. Chairman, is
20 Steven Sher, and it looks like we might make that 30 minutes.

21 MR. SHER: Good evening, Mr. Chairman, members of
22 the Commission. For the record, my name is Steven E. Sher, the
23 Director of Zoning Services with the law firm of Wilkes, Artis,
24 Hedrick & Lane.

25 Staff is handing to you my outline of the points I

1 was going to cover this evening. In the interest of trying to do
2 it in seven minutes and 25 seconds, I think what I'd like to do is
3 have you turn to the tabs at the back and sort of forget the text
4 for the moment.

5 Tab No. A, letter A, shows the zoning of the Fort
6 Lincoln Urban Renewal Area as it was originally adopted by the
7 Zoning Commission in 1972. I apologize a little bit for the
8 quality of the copy, but the original was not very good, and we
9 couldn't find a better one. What it shows is that this area,
10 which is in the sort of northeast, central portion of the site,
11 was originally zoned in the R-5-C district, and that property was
12 since redesignated in the R-5-D district. That's a residential
13 district, general multi-family, permitted 90 foot height, 3.5 FAR.

14 If you turn to the next tab, which is B, you will
15 see the land use plan for the original Fort Lincoln Urban Renewal
16 Plan Area as it was adopted in 1972. I'll just hold this up, I
17 don't know how many copies of this are left extant. This is the
18 original Ed Logue Urban Renewal Plan for the Fort Lincoln Urban
19 Renewal Area. This was the plan is in the back, but this was
20 sort of the concept for the whole deal, and I'll come back to that
21 in another minute.

22 The renewal plan shows the land use categories and
23 that area which we are talking about here is designated in the
24 residential pattern, that's what the plan showed, and that's why
25 the zoning reflected R-5-D.

1 If you turn to the next two pages, those are
2 excerpts from this green book, one showing the sort of general
3 land use concept which had the Urban Renewal Area primarily
4 residential, that is the yellow color, with three sort of, they
5 called them "community malls" in the orange color, which were
6 zoned C-2-C. The area in pink was the town center, and the area
7 in blue was the Federal City College, now known as the University
8 of the District of Columbia.

9 If you turn to the next tab, Tab C, you will see
10 the current Land Use Plan for the Fort Lincoln Urban Renewal Area,
11 and it shows in that area which we are talking about here, a
12 couple things about that map. Number one, the configuration of
13 roadways is significantly different from the original plan in 1972
14 to the plan which was revised and approved by the council in 1990
15 and by the Planning Commission in 1994.

16 The configuration of the roadway system is
17 substantially different, so you have to sort of pull the thing
18 apart and hold the two side by side and you can see that. But,
19 the area that we are talking about is shown in the pattern for
20 office warehouse, and that's a substantial change from the
21 original plan which showed it in residential.

22 The second thing that happened in this plan is that
23 the town center concept is gone. The notion of a high-rise, high-
24 density, I think it was primarily conceived of to be federal
25 government office space and the Federal City College, now

1 University of the District of Columbia, major campus, gone, no
2 more. What replaced that was this combination of office
3 warehouse, retail shopping and service area in that, I don't know
4 how I let's call it the southeastern third of the Fort Lincoln
5 Urban Renewal Area.

6 Tab D shows the original generalized land use map
7 as approved by the council in September of 1985, and you can see
8 Fort Lincoln. This is the sort of blobby map that was originally
9 adopted by the council, and the area in the eastern two thirds of
10 the site is shown in the mixed use category. That's medium
11 density residential, medium density commercial. You see an all
12 residential category along South Dakota Avenue, Bladensburg Road.

13 You see the blue for the Fort Lincoln School site,
14 and the green for the Fort Lincoln site itself and the parklands
15 around it.

16 Tab E shows the current generalized land use map,
17 May, 1995, and, again, the scale is different, the underlying grid
18 is different, but the area to the, let me call it below where you
19 see Joshua Barney Drive and to the right of that, the mixed use
20 pattern is now no longer medium density commercial, medium density
21 residential, it's moderate density commercial and production
22 technical employment.

23 So, the current Urban Renewal Plan and the current
24 Comprehensive Plan both speak to the same kind of development on
25 this site, office warehouse, PTE moderate density commercial,

1 essentially, the same thing.

2 It's my opinion that the designation of CM-1 zoning
3 is completely consistent with both of those plans, with the
4 Comprehensive Plan and the Urban Renewal Plan. I think it's the
5 most appropriate district for consistency with those plans.

6 The Urban Renewal Plan calls for a maximum height
7 of 40 feet, a maximum FAR of .5. The CM-1 district is a maximum
8 FAR of 3 excuse me, a maximum height of 40 feet, the maximum FAR
9 is 3, but there's no lower industrial district in CM-1. So, I
10 don't think you could find any other district which would be in
11 compliance with those two plans that would be more appropriate
12 than the CM-1 district.

13 This project requests no development incentives or
14 variations from the standards of the CM-1 district, but it does
15 give to the Zoning Commission the opportunity to control the site
16 plan and design as you've seen it described here this evening.

17 The project is well below the matter of right
18 height and bulk standards of the proposed CM-1 district. We are
19 at 0.3 FAR, that's one tenth of the permitted FAR under the CM-1
20 zone. The height of the building, as measured from the curb, at
21 the middle of the building and so forth, as the regulations
22 specify, is 22 feet. The height of the building, that's to the
23 highest point of the building, a major part of that roof is only
24 12 feet above the level of the curb on Fort Lincoln Drive.

25 If you go from the finished grade in the front of

1 the building, it's only 17 feet to the highest point of the roof,
2 and only seven feet to the main warehouse roof. So, we've got a
3 building that is substantially below the zoning requirements.

4 Let me think, there was one other thing I wanted to
5 say and then I'll be done. It is my view that the project creates
6 no adverse conditions because of the use, height or density, and,
7 therefore, I believe that you should approve what's before you
8 this evening.

9 Forty-four seconds to go.

10 MR. FEOLA: Mr. Chairman, that concludes our direct
11 presentation.

12 There were a couple of things in the Office of
13 Planning report that asked for further details on. We can present
14 them now if you choose, or after the Office of Planning, but they
15 specifically were our landscape plan and building elevations. We
16 have those here with the respective professionals to describe
17 them.

18 CHAIRPERSON HOOD: I think what we can do is address
19 those now, so if we have questions we can proceed in that manner,
20 as opposed to going back and then coming back to their points.

21 So, continue to proceed. Let's see how much time are
22 we talking? And, time is not critical, but we are trying to keep
23 some type of governance going.

24 MR. FEOLA: Just those two plans, I don't think it
25 will take very long to explain them.

1 CHAIRPERSON HOOD: Five minutes?

2 MR. FEOLA: Maybe ten.

3 CHAIRPERSON HOOD: Ten minutes, okay, let's put ten
4 minutes.

5 MR. FEOLA: While they are setting up, Mr. Chair, I
6 will turn in the letters from the cemetery and the commitments
7 Premium has put in writing to the City to maintain that storm
8 water pipe.

9 MR. WITKO: Good evening, my name is Brad Witko with
10 Herring Trowbridge Architects. I reside at 2510 Pin Oak Lane in
11 Reston, Virginia 20191.

12 I just want to briefly talk about the design of the
13 building. Jimmy Reyes has already mentioned the concept that we
14 are trying to maintain, is what was already done in the Chantilly
15 project as an award winning project. We are trying to stay with
16 the same materials, same finishes, same color scheme that was
17 previously established for that reason.

18 Generally speaking, the site being as sloped as it
19 was kind of a blessing and a curse. It was a curse because it was
20 hard to work with. It didn't give us a lot of opportunity to
21 provide different layouts as options, but the blessing was that it
22 enabled us to tuck the majority of the building, essentially,
23 below grade, as seen from the street.

24 And, this helps us minimize the impact of a large
25 warehouse type building in this neighborhood. I think that's an

1 important factor. As you can see from this section, this is cut
2 through the exact center of the building centered on the office
3 entryway, and here's the street, Fort Lincoln Drive, and you can
4 see the mass of the building is well below grade at the street
5 level.

6 We are providing some screening via some landscape
7 areas, which the landscaping plan shows here. The majority of the
8 effort for landscaping is going to take place around the front of
9 the building. We don't see a strong need to provide any buffer
10 zones at the rear of the building adjacent to the cemetery areas,
11 so we've provided for landscaping buffers mainly along the street
12 facades and adjacent to the office component, to help screen the
13 truck service areas beyond.

14 This other section, cross section that I've cut
15 here, is a section - the first one I mentioned was cut right
16 through the middle of the building from the street to the back,
17 the second one I'm going to mention here briefly is cut through
18 the side of the building, where we have some major retaining walls
19 due to the sloping site. That's here. Again, the street is
20 significantly higher than the parking area, the truck court, as
21 you might call it, and here's the end of that screen wall as it
22 curves around and helps screen the neighboring areas from this
23 truck service area.

24 As far as materials, we are not designing anything
25 glitzy. These are very standard, durable materials that were used

1 in the Chantilly project. They are tilt wall construction around
2 the ground floor. The office component, which is the two-story
3 component, that you see poking up above grade, is a more
4 conventional office construction.

5 It's steel frame, glass and a product that you may
6 well know as "drive-it," it's an exterior insulation finish
7 system that looks like plaster, basically, and these will all be
8 painted surfaces in very neutral colors, nothing bright or flashy
9 here.

10 Another thing I want to mention is signage. We are
11 proposing one street sign identifying the project and this corner
12 of the site. It's going to be a low-profile sign, just visible
13 from the two drives that approach that intersection.

14 I don't know if you want to talk about the
15 landscape anymore, then I can turn this over to somebody else if
16 there's any questions about the landscaping. Again, it's just a
17 deciduous plan along the front. There are some groupings of
18 evergreen trees at the corners to help keep the screening effect
19 in the wintertime, and that's, basically, it.

20 Thank you.

21 MR. FEOLA: Mr. Witko, why don't you bring up Adam
22 and let him describe the landscape in just a little more detail.

23 While he's coming up, Mr. Chair, I'm going to turn
24 in the elevations from the construction documents that Mr Witko
25 just described for the record.

1 MR. STEINER: My name is Adam Steiner. I am with
2 Lewis, Scully, Jenay & Milenski Architects, and I reside at 2631
3 Holman Avenue, Silver Spring, Maryland 20910.

4 Quickly, we were looking at creating some
5 regimented canopy trees to provide coverage and to help break up
6 the view of the building that may be created along this road here.

7 Our main screening would be with a natural and flowing berm
8 through here, planted with some natural groupings of ornamental
9 flowering trees, some extenuated evergreen trees at the corners.
10 We've also created an extended evergreen hedge which will follow
11 in front of these canopy trees along this edge.

12 This will provide screening of the fence and the
13 entry here and into the views of the warehouse here. That same
14 hedge would be continued on the other side of the drive in a more
15 informal fashion that would then kind of blend into the hill here,
16 again, providing some screening from the vehicular height
17 elevation if you were looking towards the building.

18 MR. FEOLA: Thank you, Mr. Chair. We stand for
19 questions.

20 CHAIRPERSON HOOD: Okay. I think what we are going
21 to do, if everyone who testified would either come to the table or
22 to the front, so if any of the Commissioners have different
23 questions we don't have to have a lot of musical chairs.

24 Colleagues, I think what I want to do, I guess we
25 can start and let Commissioner Mitten start us off with questions.

1 COMMISSIONER MITTEN: I just had a couple of, I
2 think what will be, pretty quick questions, and I don't know who
3 the best person to answer this is, but can someone just point on
4 one of the exhibits to describe how the trucks will come in to the
5 facility and how they'll exit, and then also what the potential
6 is, describe the potential for access from New York Avenue and
7 what it's going to take to get that, or what the discussions have
8 been about that?

9 MR. FEOLA: Thank you, Commissioner Mitten.
10 Actually, Marty Wells, our Traffic Consultant, can describe that,
11 and one of the things that the Office of Planning requested is a
12 truck management plan, which he will describe and we will turn in
13 for your consideration.

14 Mr. Wells?

15 MR. WELLS: For the record, my name is Martin Wells.
16 I'm proud to be a Civil Engineer, and I'm a Traffic Engineer.

17 I have an exhibit entitled, "Premium Distributors
18 Truck Management Plan," and this is a simple road map of the area
19 that shows the routes into and out of the site from New York
20 Avenue. The red routes are inbound routes. The blue routes are
21 outbound routes.

22 New York Avenue coming into the City westbound,
23 there's direct access into Fort Lincoln, in fact, direct access
24 into this site, so as you are headed into town, either on the
25 Parkway or Route 50, you'd simply make the " take the right-hand

1 exit and go into Fort Lincoln and pass directly in front of this
2 site.

3 From coming out of town and headed eastbound, you'd
4 travel on New York Avenue, go past the existing distribution
5 center, and there's a loop ramp currently under construction, take
6 that loop ramp, that brings you on to South Dakota Avenue, make
7 the right on 33rd Place and come into the site.

8 If you are on South Dakota Avenue, I know you
9 didn't ask about South Dakota, but if you are on South Dakota
10 coming into the site you would simply make a left turn at 33rd
11 Place and access the site like that.

12 To return, if I went ahead back on eastbound New
13 York Avenue to go out of the City, or to cross the Anacostia to
14 get into the eastern part of the City, I would leave via 33rd
15 Place, make a left-hand turn on to South Dakota Avenue, and
16 there's a ramp that takes you into New York Avenue. So, to and
17 from the east, this is inbound, this is outbound.

18 To leave for South Dakota Avenue, simply leave 33rd
19 Place, make a right, it's that simple.

20 To head back into town on New York Avenue, there is
21 not a ramp on this interchange area. So instead, you'd make a
22 left on 33rd Place □ from 33rd Place on to South Dakota Avenue, and
23 a very short distance then make a right on to V Street. Use V
24 Street to access Bladensburg Road, make a left and then make a
25 right on to New York.

1 As you undoubtedly know, along V Street that is an
2 industrial area. In fact, one of the storage areas for Premium
3 Distributors is on V Street, so there's direct access or egress
4 from New York Avenue into the site via the interchange complex at
5 South Dakota and New York Avenue, except for that westbound,
6 outbound loop which takes you through the industrial area to New
7 York.

8 Hopefully, that describes it.

9 COMMISSIONER MITTEN: Thank you.

10 MR. REYES: I think to add on to that, the reason we
11 came up with this traffic plan, indeed, it's a pretty detailed
12 plan. When we were working with Fort Lincoln, if you notice, none
13 of these routes go at all near the residential neighborhoods or
14 cut through, and we've made that agreement with them. Also as
15 owner of the company, if I tell my drivers not to go there, they
16 won't, and if they do we'll take action. So, we've minimized
17 completely going through the residential areas, and that's the
18 reason we came up with the plan.

19 COMMISSIONER MITTEN: Do I understand that the
20 trucks leaving the facility to take the beer and to go into the
21 outlets where you've sold it, those are all your trucks, are they
22 your trucks also bringing the beer to your warehouse?

23 MR. REYES: No, they are carriers that work for us,
24 we contract with them.

25 COMMISSIONER MITTEN: So, you have some level of

1 control over what they do also?

2 MR. REYES: They work for us.

3 COMMISSIONER MITTEN: Okay.

4 MR. REYES: Yes, total control.

5 COMMISSIONER MITTEN: Okay.

6 MR. REYES: But, you know, they are going to be
7 coming □ most of them are going to be coming in from the north,
8 and they are going to just go right up the ramp and come right in.

9 COMMISSIONER MITTEN: What are the hours of
10 operation at the facility?

11 MR. REYES: It differs on each night, on the
12 seasons. Obviously, we are more busy in the summer than we are
13 now. So, we are open, some nights we are open 24 hours, sometimes
14 we close at 12:00 midnight. The orders come in from the salesman
15 around 4:00 or 5:00 in the afternoon, and we load the trucks that
16 night and the night shift doesn't leave until the trucks are
17 finished loading. So, it depends.

18 And, we open up in the morning about 5:00.

19 COMMISSIONER MITTEN: Would it be a hardship to your
20 business to have some restriction on your business hours?

21 MR. REYES: Yes.

22 COMMISSIONER MITTEN: Okay.

23 That's all I have.

24 CHAIRPERSON HOOD: Okay.

25 Commissioner Parsons?

1 COMMISSIONER PARSONS: I think you've been very
2 responsive to the concerns I expressed when we set this down over
3 storm water, and I think you've done exactly the right thing here.

4 I do have a couple of questions. I'm referring to
5 the site plan, which is contained in Tab B of our volume here that
6 you presented, and maybe you've got an exhibit of that, I'm not
7 sure. But, see a couple of things that cause question.

8 That's the one. I'm looking at the grading that
9 goes to the south of the site, and it appears to extend beyond the
10 property line, if I understand that line on the drawing to be a
11 property line. What is the circumstance there? Are you filling
12 on what apparently is a possible hotel in the future, or what's
13 going on there?

14 MR. OLIVER: Basically, there's a large hill here
15 and we are cutting down the hill to get our elevations we need to
16 get down to the bottom of the hill.

17 COMMISSIONER PARSONS: Oh, it's a cut rather than a
18 fill?

19 MR. OLIVER: It's a cut, right.

20 COMMISSIONER PARSONS: So, you are cutting into the
21 adjacent property, rather than building a retaining wall.

22 MR. OLIVER: Correct, and I'm not mistaken I think
23 that is owned also by Fort Lincoln, so what we've done is, in
24 order to set the parcel we've come up with arbitrary lot lines for
25 this, and we'll have an agreement to do that grading offset.

1 COMMISSIONER PARSONS: That is, you won't change the
2 lot line, so that you'll be responsible for that cut slope, but
3 it's somebody else's problem in the future, or opportunity, I'll
4 call it?

5 MR. OLIVER: Well, if the other site gets built, the
6 way this ramp works is, they are going to probably have to, to
7 exit their site they are probably going to have to utilize this
8 entrance, because, obviously, you can't come out and go right into
9 an off ramp. We are far enough along the ramp that it won't be a
10 problem, but this site, if something gets built we'll probably
11 have to share this access point to leave.

12 COMMISSIONER PARSONS: I guess we are not here to
13 worry about them, but how in the world are they going to get up
14 that hill to their site?

15 MR. OLIVER: They are going to have to probably

16 COMMISSIONER PARSONS: Build a tunnel.

17 MR. OLIVER: They are probably going to have to
18 shave that hill to ease the site to work, depending on what gets
19 put there.

20 COMMISSIONER PARSONS: So, can we go then to the
21 landscape plan and how that slope is to be treated to avoid
22 erosion and that kind of thing over the longer term?

23 MR. LUTOSTANSKI: Essentially, it's going to be
24 stabilized right during the construction process it will be
25 stabilized, and we will establish a ground cover with some type of

1 a plant material to kind of hold that back for a little while.
2 And, as Kyle mentioned, it would be an interim condition until
3 such time that the site is developed, and whatever you see
4 happening here is very likely to happen on this side as well.

5 So, at that point, we'd have to go back and look at
6 both sides completely, holistically, and see how to handle both
7 conditions.

8 But, in the interim, it would be stabilized to keep
9 that slope down.

10 COMMISSIONER PARSONS: Is this clay material you
11 described earlier?

12 MR. LUTOSTANSKI: Actually, the clay is about 20
13 feet down, so you do have some better materials on the surface
14 that you can actually grow things in for a while.

15 COMMISSIONER PARSONS: So, you are indicating on
16 that drawing that it would be grass, is that correct?

17 MR. LUTOSTANSKI: Grass or some type of ground cover
18 with a good root system. That remains to be seen at this point.

19 COMMISSIONER PARSONS: So, in your expert opinion,
20 we don't have to worry about soils beginning to become plastic
21 here, and a steep slope beginning to erode into the parking lot,
22 and those kinds of concerns?

23 MR. LUTOSTANSKI: I think if we could stabilize this
24 slope with proper ground covers, I'd say that's a fair
25 observation, yes.

1 COMMISSIONER PARSONS: While we are on that plan, I
2 see some darker colored trees to the rear. Are they existing?

3 MR. LUTOSTANSKI: Yes, they are.

4 COMMISSIONER PARSONS: And, what then would be that
5 passageway between the two clumps of trees?

6 MR. LUTOSTANSKI: Here?

7 COMMISSIONER PARSONS: No.

8 MR. LUTOSTANSKI: Here.

9 COMMISSIONER PARSONS: There, thank you.

10 MR. LUTOSTANSKI: This is an existing clearing,
11 that's not there today. The trees are not totally solid all the
12 way through. The canopies don't touch all the way through, there
13 are some openings here and there in the canopies, and I think
14 that's what that represents right there.

15 COMMISSIONER PARSONS: Well, there seems to be some
16 kind of apparently a road, a dashed line on your site plan to the
17 left, or both of them actually.

18 MR. LUTOSTANSKI: Actually, there's a maintenance
19 road over the sanitary sewer easement.

20 COMMISSIONER PARSONS: Oh, I see.

21 MR. LUTOSTANSKI: Because this is a 15-inch sanitary
22 sewer, and there is physically an easement in place and there's a
23 maintenance road right over the top of that thing. There's a
24 small culvert that crosses right over that as well.

25 COMMISSIONER PARSONS: Let's see, maybe Mr. Cochran

1 can help us for this, but I saw in your exchange of letters on the
2 maintenance of the sewer line, that is, with the cemetery, this
3 term, this sentence, "Should a regional storm water retention
4 facility be built by the District of Columbia at the inflow of the
5 42-inch storm water pipe, Premium will no longer perform the above
6 described maintenance," which is understandable.

7 But, do you have any knowledge of what a regional
8 storm water retention facility is? If it's a question for Mr.
9 Cochran, we'll deal with it later, but I thought you might know.

10 MR. LUTOSTANSKI: Okay, quickly. When Fort Lincoln
11 was first designed, this was the original master plan for storm
12 water management. There was one, two, three, four, I think there
13 were four major storm water management ponds that were designed to
14 handle all the storm water management on the property. This
15 property is affected, there's a drainage divide right here,
16 basically, it's right at the slope right here.

17 Everything on this side, any water going this way
18 would fall into this pond over here, everything on this side would
19 fall into this pond over here. This pond has recently been
20 constructed. This pond does not get any of the water from the
21 Premium site, it's out of the drainage area.

22 This is the pond that we are talking about, and the
23 outfall would have been the exact same right here, it's a 42-inch
24 pipe under the cemetery. It's within the 120-foot right-of-way of
25 Eastern Avenue. In order to put that pond into place, (A) it has

1 to be funded by the District, it needs to be designed, needs to be
2 constructed, and there need to be right-of-ways and easements put
3 in place with Prince George's County.

4 To date, none of those things have happened yet,
5 and actually, quite honestly, it's been kind of difficult to get
6 anybody in Prince George's County to even want to talk about it.
7 We've had people in the District, Tim Karikariat and his office
8 trying to speak to the Prince George's County Storm Water
9 Management Branch, and they just don't seem to want to jump in on
10 this one, to be quite honest about it.

11 So, in lieu of that, until such time as that
12 becomes available, the storm water management for this site will
13 be handled on site, and the outfall will still be the exact same
14 as it had been always designed, always planned.

15 That's sort of the nature of what the pond is all
16 about there.

17 COMMISSIONER PARSONS: All right. So, the first
18 thing I've learned, regional doesn't mean half of Prince George's
19 County, rather it's, essentially, your site

20 MR. LUTOSTANSKI: Correct.

21 COMMISSIONER PARSONS: and a little bit more.

22 MR. LUTOSTANSKI: A little bit bigger around, that's
23 right, defined by the topography. Everything that falls into that
24 one little drainage area, they put a pond there, and you'll
25 notice, this is the lowest part of the site here. This is the

1 lowest portion of the site, it made sense, that's why they put it
2 there.

3 COMMISSIONER PARSONS: Sure.

4 So, is it your understanding then that a new pipe
5 would be required to discharge this, or they would still be using
6 that 42-inch pipe?

7 MR. LUTOSTANSKI: No, this is, and Tim Karikariat
8 actually, we had a meeting with the Planning Office last week,
9 only solely to speak about this issue, and this is the lowest
10 point in the site.

11 This is where, and I don't want to speak for Tim,
12 he's not here tonight, but this is where the water wants to go.
13 No matter what happened, it would be the exact same outfall, be it
14 a private system as we are proposing tonight, or a public system.

15 And, once again, what we are doing will not reduce - we still
16 have the possibility of coming into this public system, if you
17 will, if it ever came - if the funds ever become available, if
18 they ever built it, we could still go into that.

19 Nothing we are doing is going to preclude the
20 ability to get into that pond, but what we are doing is sort of
21 just basically shifting this pond back over a little bit, is
22 what's happening, getting to the exact same system, just as it
23 would have been had it been designed for the District of Columbia.

24 COMMISSIONER PARSONS: So, if that system is built,
25 can you abandon the one you've designed?

1 MR. LUTOSTANSKI: Absolutely, and as a matter of
2 fact, what Mr. Reyes had agreed to do is to reduce the parking by
3 putting this pond in. We could have had a little bit more parking,
4 a little bit more generous areas of pavement out there, and in
5 lieu of that we are putting this pond in this area, and we can
6 come back in, fill it in, reclaim it again as a paved area,
7 parking area, or landscaping, or whatever.

8 COMMISSIONER PARSONS: All right.

9 So, given our procedures, that would require a
10 reapplication to □

11 MR. LUTOSTANSKI: Right, at some future date.

12 COMMISSIONER PARSONS: □ to review that.

13 MR. LUTOSTANSKI: That□s right, yes.

14 COMMISSIONER PARSONS: All right.

15 MR. FEOLA: Mr. Lutostanski, did you answer the
16 question, though, about the size of the pipe under the cemetery?
17 Would that have to be made bigger?

18 MR. LUTOSTANSKI: No, it would not, it would be the
19 exact same system, 42-inch pipe, just as it is, and, once again,
20 this is, you can see it□s kind of small, but, you know, this was
21 designed way back when and it□s still the same pipe, and it was
22 sized properly back then, and it□s still appropriate.

23 COMMISSIONER PARSONS: So, on your plan on your
24 right there, there□s this green □ excuse me, the one to □ the
25 other one, there□s this green area indicated between the 54-inch

1 pipe and the □ no, I□m sorry, the other green area.

2 MR. LUTOSTANSKI: Yes.

3 COMMISSIONER PARSONS: It□s kind of fuzzy.

4 MR. LUTOSTANSKI: Right.

5 COMMISSIONER PARSONS: What is that?

6 MR. LUTOSTANSKI: This is the low point, and what
7 happens today, the 54-inch pipe outfalls into here, there□s a
8 little bit of rip-rap, and it just goes right into this pipe. The
9 water daylights here, and it flows through the pipe this way.

10 COMMISSIONER PARSONS: So, why have you sketched
11 that or colored that in green as you have?

12 MR. OLIVER: The report kind of was a little bit
13 misleading, it kind of led to believe that this pipe was connected
14 to this pipe, so what we did is, we were trying to sketch it out
15 to show that this pipe outfalls here, and then the water drains
16 naturally into this 42-inch pipe. So, we kind of sketched it out
17 to show that these two pipes aren□t connected.

18 COMMISSIONER PARSONS: So, does that sketch
19 indicate, I□ll call it a natural basin of some kind at the moment?
20 Are those wetlands? What□s the condition there?

21 MR. OLIVER: Yes, there is a little bit of wetlands
22 here. We did have WSSI, they went with the Corps of Engineers,
23 it□s been approved. We asked them if we needed any kind of a
24 permit to do this outfall, they said no. You might need a small
25 permit to do a headwall here, which is not a problem, it□s a

1 temporary situation.

2 COMMISSIONER PARSONS: That green colored area
3 doesn't indicate a large low place.

4 MR. OLIVER: No, the water outfalls from this pipe
5 and just trickles down and drains right into this 42-inch pipe.

6 COMMISSIONER PARSONS: Okay. See, I mistook it for
7 some kind of a low spot that leaked onto your project.

8 MR. OLIVER: If you look at this whole area, it is
9 in general a low point, but the water does drain straight into
10 this pipe, going into the 42-inch pipe.

11 COMMISSIONER PARSONS: Mr. Wells, you showed us the
12 truck route, and I notice □ have you got any kind of indication in
13 your study as to what percentage of the traffic will be coming
14 west from □ the truck traffic □ west on Route 50 into the site,
15 70/40, or 20/20? I'm trying to assess the potential impact on
16 incoming traffic on the Baltimore Washington Parkway, as it merges
17 onto Route 50 here, and what kind of circumstance there will be?

18 MR. WELLS: Our best thinking is roughly a third
19 from this direction, two thirds from this direction. Remember,
20 this facility serves the District of Columbia.

21 Now, of course, the truck traffic, I don't think
22 they'll be on the Baltimore Washington Parkway.

23 COMMISSIONER PARSONS: No, that sure is true, but
24 it's the weaving and so forth that I'm concerned about.
25 Certainly, there's not going to be any delay getting up that ramp

1 by trucks into the facility, it's just the weaving distance
2 between Route 50, and if there was a substantial amount of truck
3 deliveries, that was my inquiry.

4 MR. WELLS: Yes, about a third of the traffic.

5 To give you an idea of the kind of volumes, there's
6 a warehouse roughly - we did some measurements at the existing
7 warehouse - roughly 60 percent of the traffic actually is
8 automobile traffic, 40 percent is trucks. And, in a particular
9 hour you may get ten to 15 trucks.

10 COMMISSIONER PARSONS: Oh, okay, that's probably -

11 MR. WELLS: So, it's not a massive number of trucks,
12 and we're talking about one out of three of those would be coming
13 from this direction.

14 MR. REYES: And, furthermore, they are already
15 coming from this direction, because they are right on New York
16 Avenue currently.

17 COMMISSIONER PARSONS: Mr. Reyes, I may have missed
18 this in the material, but what kind of an arrangement, I assume
19 you will not end up owning the land itself, there's some kind of a
20 lease arrangement, what is the circumstance here?

21 MR. REYES: The arrangement is that we're working
22 with RLA to get the land, and we will own it fee simple at the
23 end.

24 COMMISSIONER PARSONS: So, you will purchase it from
25 the RLA, or -

1 MR. REYES: Yes.

2 COMMISSIONER PARSONS: I see. I see. I expected a
3 long-term lease arrangement. I'm not questioning that and, I
4 have no jurisdiction to even question it, but I'm surprised, I
5 just thought it would be a lease arrangement.

6 That's all I have, Mr. Chairman, thank you.

7 CHAIRPERSON HOOD: Commissioner Holman?

8 COMMISSIONER HOLMAN: Thank you, Mr. Chairman.

9 Mr. Reyes, do you think that this site, as it is
10 currently configured, will meet your needs into the indefinite
11 future? Do you think you'll, for example, need your V Street
12 facility any longer after this?

13 MR. REYES: Definitely not.

14 COMMISSIONER HOLMAN: Okay, great.

15 And, I mean, that's good to know, I mean, because
16 what happens so often is, we approve a plan and then, you know, a
17 few years later we are going to have to look at expansion and
18 change, and it's positive that you've thought, you know, that
19 through.

20 Are there any concerns that the residents of the
21 area have expressed to you about the facility and its proximity to
22 the proposed residential that's coming on line?

23 MR. REYES: Not at all.

24 COMMISSIONER HOLMAN: Okay.

25 Thank you. That concludes my questions.

1 CHAIRPERSON HOOD: One thing about being the Chair
2 and going last, a lot of your questions are already asked. I
3 think next time I'll start first.

4 I have just a few. I've got a concern about the
5 buffer. This Commission approved some single-family homes prior,
6 I guess what is the distance between, from the line of the
7 single-family homes to Premium Distributors, what is your
8 distance?

9 MR. OLIVER: What exact distance are you looking
10 for?

11 CHAIRPERSON HOOD: I'm looking for the distance from
12 the property line to property line.

13 MR. OLIVER: Approximately, 200 feet. I'd like to
14 add that we are also the engineer designing the single-family
15 homes, and since the regional facility is not going in, we've also
16 what we actually have lost five single-family lots in order to
17 install a permanent storm water management facility in this area.
18 So, that will actually what

19 CHAIRPERSON HOOD: Push it back.

20 MR. OLIVER: what push it back a little bit. There
21 will be a few houses on the corner, but you are right, that will
22 create a little bit more of a buffer with the storm water
23 management pond.

24 CHAIRPERSON HOOD: Now, the loading docks, I
25 believe, are back on the other side.

1 MR. OLIVER: Right.

2 CHAIRPERSON HOOD: Could you show me the side where
3 the loading docks are? I mean, I have the sketches in front of
4 me, but I want to see it from there.

5 MR. REYES: They are right here.

6 CHAIRPERSON HOOD: Okay.

7 And, the single-family homes □ Mr. Reyes, I see
8 that you had the full support of ANC-5A, I□m very familiar with
9 that ANC, and they are one of the best in the City, from my
10 experience, but let me just ask you a question. In your
11 deliberations with the community, was it ever mentioned anything
12 about a community room, or access maybe from 5A, or any Fort
13 Lincoln Civic Association, or whoever, to maybe use a room on the
14 facility?

15 MR. REYES: We never talked about that specifically,
16 but knowing Bob King, yeah, he□ll probably ask.

17 CHAIRPERSON HOOD: Okay.

18 MR. REYES: Yeah, we□ll work with them.

19 CHAIRPERSON HOOD: And also, you mentioned the old
20 site on New York Avenue, are we aware of what□s going to be done
21 with that?

22 MR. REYES: It□s currently for sale. We are talking
23 with a lot of actually high-tech tenants. Qwest Communications
24 down there just did their building, but our building is luckily
25 close to the railroad that□s doing a lot of the fiber optics,

1 those type of companies need to be close to the fiber optic lines
2 for switching stations, so we are talking to a lot of high-tech
3 companies.

4 CHAIRPERSON HOOD: Okay.

5 Some of those roads leading to Premium, if it's
6 approved, are not exactly turned over to the City, am I correct?

7 MR. REYES: Correct.

8 CHAIRPERSON HOOD: Who is going to maintain them
9 while until that happens, or if it happens?

10 MR. REYES: I think it's going to happen.

11 MR. FEOLA: Mr. Chair, the dedication of these roads
12 is in process as we speak and, in fact, it was one of those things
13 that just sort of fell through the cracks after DPW built these
14 roads for DHCD, just never started the dedication process, and it
15 was the developer of the single-family lots that this Commission
16 approved, when they went to get a permit they couldn't get a
17 subdivision because there were no City streets, and everybody was
18 scratching their head. And, by that time, all the people at DHCD
19 that were involved in this had all left.

20 But, the good news is that it is in process, they
21 will probably be public streets, even before Mr. Reyes occupies
22 this building, but I think if that doesn't happen we have said in
23 our statements, and confirming what the Office of Planning said,
24 that Premium will take care of the streets, maintain the streets
25 until such time as they are accepted by the City.

1 But, these streets were built by DPW, to DPW
2 standards. They've got granite curbs, you know, streetlights.
3 They are fully operational. I guess they have to turn the lights
4 on, and take down the jersey barriers and the chain-link fences.

5 CHAIRPERSON HOOD: Mr. Reyes, I also believe in the
6 report that I read that you I don't know if you've committed to
7 some jobs, or whether it was just Fort Lincoln residents, or is it
8 for D.C. residents?

9 MR. REYES: We are going to sign the First Source
10 agreement, and that's for the construction and also for jobs, and,
11 obviously, it's to our benefit to get D.C. residents, because
12 there's a tax credit until 2002, \$3,000.00 per employee. So, I
13 would love to get Fort Lincoln residents and D.C. residents on the
14 payroll.

15 CHAIRPERSON HOOD: Sounds good. I hope that if it's
16 approved that a lot of times our PUDs are brought down in front
17 of the Commission and actually the residents of the District of
18 Columbia don't get jobs, for the simple reason that they either
19 are not qualified, we are told that they are not qualified, or
20 something else.

21 So, I would hope that there is a training program,
22 and I know a lot of times when you are in business you don't have
23 a lot of time for a lot of training, but I would hope that that
24 avenue could be opened. While it's not a requirement, I'm just
25 throwing it out there to be on the record.

1 MR. REYES: Okay.

2 CHAIRPERSON HOOD: The last question I believe I
3 have, what if the computers □ how small this may sound, but it□s a
4 big issue, are you going to include the software or just □

5 MR. REYES: Yes.

6 CHAIRPERSON HOOD: And also, in your presentation to
7 the community, the ingress coming from, what is that, South Dakota
8 Avenue, were they aware that they are going to be sharing that
9 with your trucks?

10 MR. REYES: Yes, we let them fully know exactly what
11 we were going to do.

12 CHAIRPERSON HOOD: But, you are saying a certain
13 percentage □ like, what, 90 percent of your trucks will come from
14 the other entrance, as opposed to the entrance that□s going to be
15 commonly used by the residents and your business?

16 MR. REYES: A great majority of the incoming trucks
17 will come on Fort Lincoln Drive, but they cannot egress from there
18 because it□s a one-way street coming in.

19 CHAIRPERSON HOOD: Coming in.

20 MR. REYES: Fort Lincoln, so they have to go out the
21 only way they can.

22 CHAIRPERSON HOOD: Okay.

23 MR. REYES: But, they□ll not cut through the
24 residential areas.

25 CHAIRPERSON HOOD: Okay. I think that□s it, even

1 though I have a lot of things here highlighted, I believe they've
2 all been touched on.

3 With that, colleagues, if there are no more
4 questions from us, I would like to see if the ANC would like to
5 cross examine. Would you like to cross examine the applicant?
6 You'd like to speak. Well, we'll get to that part. This is the
7 time where you can cross examine, but if you don't have any
8 questions of the applicant, okay.

9 Next, we'll have our Office of Planning report.

10 MR. COCHRAN: My name is Steve Cochran. I'm with
11 the D.C. Office of Planning.

12 The applicant has with the permission of the
13 Commissioners, I would like to skip over most of our report,
14 because I feel like the applicant has pretty well described the
15 site, the surroundings, et cetera, and focus on what remaining
16 concerns we may have.

17 And, many of these concerns, I'd just like to let
18 Premium know, would normally not be well, some of these concerns
19 are really more District government and RLA-based concerns than
20 they are actually Premium's, because it's an unusual arrangement
21 where Premium is coming on to what is still RLA developed land,
22 and some of the concerns that we have have more to do with what
23 RLA has or hasn't done, rather than what Premium has done. We
24 think that Premium has done a fine job in responding to the
25 concerns that we had at the sit down report.

1 But, we remain concerned about the buffering and
2 the screening, as some of you have indicated, along Fort Lincoln
3 Drive only, Fort Lincoln Drive North, rather, adjacent to the □
4 rather, 200 feet away from the single-family houses. I haven't
5 seen any view from the proposed □ from the planned houses. I'm a
6 little concerned also about the screening that you would see, or
7 the lack thereof, right there adjacent to that parking lot. The
8 screening along Fort Lincoln Drive certainly seems sufficient.

9 This is more of a procedural concern along the
10 lines of what was and wasn't submitted. This landscape plan
11 didn't make it into the prehearing statement. It is here tonight
12 on a board. I just want to be sure that you actually have it
13 formally submitted so that it can be part of the PUD conditions,
14 and you may want to address the matter of concern along Fort
15 Lincoln Drive North.

16 Our report also addressed restrictions on truck
17 traffic. We certainly hope that Premium thrives here, maybe even
18 grows, but □ actually, we do □ but, you may want to address
19 matters of increases in truck traffic. And we, I have to say
20 somewhat arbitrarily, came up with a figure of 20 percent of an
21 increase being acceptable in the amount of truck traffic. And, I
22 regret that having be arbitrary, but we didn't get the truck
23 management plan until today.

24 We would like to see the agreement on the
25 maintenance of the roads in writing, just because there have been

1 problems with getting DPW to accept them into the system, for
2 whatever reason. It would be good to see the previous agreement
3 that Premium had said they would provide in writing to maintain
4 the roads in their existing conditions, until such time as they
5 are accepted into the system. I'm fairly confident they will be,
6 but I would have thought the roads would have been accepted by
7 now.

8 One of the things that we had talked about with the
9 applicant at our meeting last week was the maintenance of the
10 storm water pipe through the Fort Lincoln Cemetery, and you've got
11 the letter where both sides have agreed to that. The only thing
12 that's missing from that is something that would the successors or
13 assigneds responsible for maintaining that storm water pipe also,
14 so that if you all go to sell it it becomes part of the condition
15 of sale.

16 The other thing that I didn't see addressed by
17 tonight is the assessment of storm water quality, run off on the
18 site now, add an agreement to monitor that. We brought this up
19 mostly on behalf of the National Park Service, which had expressed
20 some concern based on a visual survey of the site and kind of a
21 scientific analysis of the water that they saw there.

22 I've got two other concerns that I'd like to raise,
23 but they are more for the New Town Development Corporation than
24 for Premium. In the overall discussions on this, the Office of
25 Planning has been concerned about the approach towards storm water

1 management that the New Town Development Corporation has taken.
2 We feel that so far each of the applications we've seen in recent
3 months has wound up addressing the storm water concerns, but it
4 has been on a somewhat ad hoc basis. There are repeated
5 modifications to the storm water plans. We hope that in the
6 future, when Fort Lincoln comes back with an application, it will
7 look at the overall storm water management plan.

8 And, as part of that, we would like to note for the
9 Commission that in passing we learned that the storm water
10 management plan has changed for the recently approved PUD for the
11 single-family houses, and we just think you would like to know
12 that because that was part of a PUD.

13 But, other than that, I'd be happy to go through
14 the specific points in here, but we'd like to recommend that you
15 do approve this, subject to the conditions that we have included
16 on pages 13 and 14 of our final report, and also subject to the
17 provision of the additional written information and guarantees
18 that I just outlined with respect to maintenance of roads, pipes,
19 landscape buffers, storm water quality assessment and monitoring
20 and subject to your discussions of possible restrictions on
21 increases in truck traffic.

22 CHAIRPERSON HOOD: Thank you for your report, Mr.
23 Cochran.

24 Colleagues, do you have any questions for the
25 Office of Planning?

1 COMMISSIONER PARSONS: I wanted to get to this water
2 quality issue. I was going to ask the applicant if they had any
3 response to that, but have you got any guidance from the Park
4 Service or from other departments in the District of Columbia as
5 to how that might be accomplished?

6 MR. COCHRAN: This □ I felt an obligation to raise
7 it simply because another employee of the Park Service had raised
8 it in our meeting last week. That concern was based, like I said,
9 on a visual concern. The soils there are red clay. The run off
10 that was seen was orange/red. There may well be some correlation
11 between the color of the clay and the color of the water.

12 I am certainly not in a position to assess that,
13 but we just wanted to be sure that everyone's concerns were
14 addressed and that because it is a former fill site that there is
15 some plan for monitoring the storm water run off in the future,
16 the quality of that water.

17 MR. LUTOSTANSKI: If I might address that for a
18 moment.

19 MR. COCHRAN: Please.

20 MR. LUTOSTANSKI: Once again, John Lutostanski, Vica
21 Engineering. I also attended the meeting at Planning with Mr.
22 Murphy from the Park Service, and his concern is that the site
23 today has got a piece of a 42-inch pipe as well coming out from
24 this general fill area, and he mentioned in passing, he said, it
25 didn't concern him, you know, with respect to this thing, but

1 generally he'd like to know, what is that stuff coming out of that
2 pipe. Okay. And, that was his concern, if I'm stating it
3 correctly. Okay.

4 What we said we would do at the meeting, and we
5 have done, is to send out an environmental scientist to do a
6 chemical analysis on it, and he said if I were you I'd just want
7 to know what's out there. And, generally speaking, what we've
8 been able to determine to date is that we don't have a final
9 chemical analysis just yet, it takes literally two to three days
10 to kind of run some different analyses.

11 We are looking for the EPA hot ten and all this
12 kind of stuff, the heavy metals, just to be on the safe side, but
13 the initial field observations from the scientist that was out
14 there said that in their opinion what you have, since it is the
15 clays that it is coming through, clay is a fine colloidal
16 particles, just sort of floating down, and the more water you have
17 coming down there is a pipe that's about 40 feet down in the fill,
18 and so, essentially, probably parts of the pipe have been broken,
19 clays are coming down through it with the water, and it's just
20 coming out at the end.

21 And, their initial field observation was that it's
22 just that simple, it's just this. And, Mr. Murphy, as he
23 described it, was a reddish-ooze, I think is what he said, that
24 would account for the reddish color coming through the clays, and
25 we are just totally analyzing it and we expect to get a report to

1 the Office of Planning early next week.

2 CHAIRPERSON HOOD: Can I just jump in, and this is a
3 question I meant to ask earlier, again, where is that draining off
4 into? Is it into the cemetery?

5 MR. LUTOSTANSKI: No, that's a good question.
6 Actually, this 42-inch pipe runs underneath the cemetery, if you
7 look at □ I have a bigger version of it, the 42-inch pipe runs
8 under the cemetery and it outfalls actually to the Anacostia
9 River. It runs directly through the cemetery, it doesn't collect
10 any water on the cemetery's property, it goes right underneath
11 their property.

12 CHAIRPERSON HOOD: That's where I was going.

13 Thank you.

14 MR. LUTOSTANSKI: Yes.

15 COMMISSIONER PARSONS: So, Mr. Cochran, I sense from
16 this dialogue that just occurred that the concerns of the Park
17 Service were short-term observation rather than suggesting a long-
18 term monitoring of the quality of storm water coming off of this
19 site as built.

20 MR. COCHRAN: Because it was a Park Service concern,
21 I think I would like to defer to the Park Service staff, who
22 unfortunately is not here tonight. It had not been a concern of
23 either the Environmental Health Administration of D.C. or the
24 Office of Planning before it was raised by the Park Service.

25 COMMISSIONER PARSONS: But, they weren't suggesting,

1 nor are you, that we ask the applicant to in any way evaluate or
2 test the storm water coming off of the roof system, the asphalt,
3 the built environment that they are doing.

4 MR. COCHRAN: Absolutely not. As the applicant
5 said, essentially, if this soil is a toxic waste site we'd be
6 crazy to build in the first place, and there's no way on earth we
7 would. You know, so I mean we have a fair degree of confidence
8 that this site will not be disturbed with building, if it turns
9 out that the analysis that comes back is in any way alarming.
10 But, I did feel a responsibility to alert the Commission to the
11 concerns of the Park Service.

12 MR. FEOLA: If I might chime in, Mr. Chair, of
13 course, the law requires the City law, the storm water
14 regulations law requires that, not only quantity be controlled
15 from development, but quality as well. And, it is incumbent on
16 any property owner to make sure that the storm water that leaves
17 the property line under current regulations is clean.

18 So, if this water that we are collecting goes into
19 our pond, and goes through the filters, and still comes out dirty,
20 it's our responsibility to so, it's our responsibility to
21 monitor it, as a normal course of property ownership in the
22 District. So, long term, I think the concerns are covered, short
23 term I think Mr. Murphy was kind enough to alert us to a potential
24 problem that we were exploring, and we'd be happy to submit that
25 report to you all, if it's necessary. Mr. Reyes won't get

1 financing, though, if it's a dirty site.

2 COMMISSIONER PARSONS: Right, I feel there are other
3 authorities that should be dealing with this rather than us.
4 That's my judgment, I mean, between you and RLA and other
5 expertise.

6 I think Mr. Cochran has a point on the landscaping
7 on what I'll call the upper parking area, or whatever you call
8 that. Is that something that what kind of slope condition do we
9 have from the road down to the parking lot, is that something that
10 could be beefed up with landscaping a little bit, to avoid the
11 view into the open doors, or into the general yard and doors of
12 the loading dock?

13 MR. LUTOSTANSKI: Yes, that could be beefed up,
14 certainly, some evergreens, perhaps, an evergreen screen in there.

15 I believe you are talking about the area just to the north of the
16 on the sheet this would be top side of the entrance?

17 COMMISSIONER PARSONS: Yes.

18 MR. LUTOSTANSKI: Yeah, exactly, sure, yes.

19 COMMISSIONER PARSONS: I think it would be well if
20 you submitted a revised plan that did that, even though I
21 understand from your motioning earlier that there are not houses
22 directly potential houses, or to built houses, directly across
23 the street, is that correct?

24 MR. LUTOSTANSKI: That's correct.

25 COMMISSIONER PARSONS: So, what is proposed directly

1 across the street, or is that unknown at this time?

2 MR. LUTOSTANSKI: You'd have to ask Fort Lincoln.

3 MR. JEFFERS: Hi, I'm Robert Jeffers, and I reside
4 in Washington, D.C., at 6101 16th Street, N.W., and I handle the
5 development at Fort Lincoln New Town.

6 Let me address that question, if I can, by standing
7 over there. This is the site we are talking about. If you look
8 at the other side of Fort Lincoln Drive North, while we will
9 propose to build there at some point in time, will be multi-family
10 apartment buildings.

11 Actually, in fact, we cannot build literally on
12 that side of Fort Lincoln Drive North, we'd have to put a very,
13 very deep buffer of landscaping on this side adjacent to Fort
14 Lincoln Drive North, and to the rear and the reason for that, and
15 you can't really see it here, but there is a four-story, I've
16 forgotten what you call it, mausoleum, whatever is it, that's
17 built right up on the D.C. line of the cemetery there. So, we
18 can't put any houses in there because you can't have people
19 looking in the back of that structure. So, we are going to have
20 very extensive landscaping.

21 No one will be able to see over to the Premium site
22 from that development.

23 COMMISSIONER PARSONS: So, is there to be a road
24 going up along side this in the future?

25 MR. JEFFERS: The existing roads, that's it, that's

1 all that's going to be built. We have Fort Lincoln Drive North.
2 We have the right-of-way to Eastern Avenue, that would probably
3 not be built.

4 COMMISSIONER PARSONS: So, Fort Lincoln Road now
5 extends to Eastern?

6 MR. JEFFERS: It extends to what is the right-of-way
7 at Eastern, yes.

8 MR. LUTOSTANSKI: Eastern is not built.

9 MR. JEFFERS: Eastern is not built, right.

10 COMMISSIONER PARSONS: I thought Fort Lincoln went
11 up and took a left at that intersection, it goes all the way up,
12 does it?

13 MR. JEFFERS: Well, it comes □ it's Fort Lincoln
14 Drive North. Fort Lincoln Drive is here.

15 COMMISSIONER PARSONS: Yes.

16 MR. JEFFERS: Fort Lincoln Drive, effectively, dead
17 ends at Joshua Barney Road.

18 COMMISSIONER PARSONS: That's what I thought.

19 MR. JEFFERS: This is a better one, here we go. It
20 effectively dead ends at Joshua Barney, and it only will allow you
21 to enter into Premium. But, if you look here, literally, and
22 again, here is this four-story structure, you know, with urns and
23 caskets in it.

24 COMMISSIONER PARSONS: Columbarium, I think is the
25 term, right?

1 MR. JEFFERS: Yes, exactly, that's what I was
2 thinking. So, it's going to be a little tough to develop that
3 site without extensive landscaping, and we're talking, you know,
4 evergreens, and I'm talking oaks that, you know, take a long time
5 to grow, to screen all that out of there.

6 COMMISSIONER PARSONS: I still think you've got a
7 good point, that we ought to I guess I've learned over the last
8 few years that nothing is certain at Fort Lincoln, and I think
9 just continuing that tree pattern up along that right-of-way would
10 be a good idea.

11 MR. REYES: We don't have a problem with that.

12 MR. COCHRAN: Mr. Chair, if it's possible, I guess
13 based on the additional information Mr. Sher will provide, I think
14 it would be appropriate to just withdraw our recommendation on the
15 monitoring of the storm water quality, since it's already covered
16 somewhere else, and the point has been raised. But, we still have
17 some concern about the maintenance of the pipe by the assigns and
18 successors and the roads.

19 MR. FEOLA: Again, not to jump in, but I think
20 that's easily covered if that is made part of an approval order
21 here, it runs with the land, it runs with forever, so, I mean,
22 without getting I'm trying to avoid getting into doing
23 agreements with multiple parties, if you make it a condition of
24 Mr. Reyes's approval he has to do it. So, I think we can cover
25 many of those things in a PUD order if there's an approval.

1 CHAIRPERSON HOOD: Any further questions,
2 colleagues?

3 Now, this is time for the ANC, if you wish to cross
4 examine the Office of Planning. Okay.

5 Okay, report of other agencies.

6 SECRETARY BASTIDA: Mr. Chairman, did you receive a
7 letter addressed to you from Mr. Price, the Deputy Mayor for
8 Planning and Economic Development, recommending approval of the
9 subject case?

10 MR. COCHRAN: Mr. Chair, we also handed out a letter
11 from Mr. Karikariat of the Environmental Housing Administration
12 tonight.

13 CHAIRPERSON HOOD: Okay, and also we received a
14 letter from a Ward 5 council member. While I know that doesn't
15 come up under other agencies, I just wanted to make that note,
16 too.

17 Any other government agencies?

18 SECRETARY BASTIDA: No, Mr. Chairman.

19 CHAIRPERSON HOOD: Okay.

20 Let's govern ourselves, report of Advisory
21 Neighborhood Commission 5A.

22 MR. KING: Mr. Chairman, and members of the
23 Commission, for the record my name is Bob King, ANC Commissioner
24 for ANC-5A-012, which is better known as Fort Lincoln. I've held
25 that position for the past eight years. I've resided in the Fort

1 Lincoln community since 1976, which was the inception of Fort
2 Lincoln, and I am simply delighted to be here this evening to
3 bring the support on behalf of the Fort Lincoln community, whose
4 population is around 3,500 and growing.

5 This development, just for starters, certainly
6 would help in achieving the District's goal of economic
7 development and job creation and tax benefits, and as a traveling
8 commissioner to many meetings, not only in Ward 5, but throughout
9 the City, the voices I hear crying in the wilderness has been
10 economic development, creation of jobs, and tax benefits, both
11 from the residents and from the community.

12 So, I am just simply here overwhelmingly on behalf
13 of my community to support this development. In fact, I have
14 already started in my mind and heart planning for the ground
15 breaking. That's where I'm at this point, if you will, planning
16 for the ground breaking.

17 There are a couple of significant dates that really
18 touch on my presence here this evening, and one certainly is the
19 meeting that we had on April 20, 1999, which over 200 residents of
20 the Fort Lincoln community responded to a presentation by Premium
21 Distributors under the leadership of the President, Jimmy Reyes,
22 and also witnessing and hearing some of the other presentations
23 from other developers with respect to what has been a long overdue
24 concern with respect to development, which is maybe behind some
25 ten or 15 years, along with the residential development.

1 And, with Mr. Witherspoon, who seconded that
2 motion, really put this development on the map in terms of looking
3 for something that we could smell here, feel and touch.

4 That meeting was followed up, as required by law,
5 on October 7, 1999, at a committee of the whole, of ANC 5A, in
6 which a presentation was made by the developer with respect to
7 Premium Distributors. So, we are just simply happy that we had
8 the voices of the community in Fort Lincoln, as well as the ANC,
9 the council members and other important folks who are ready and
10 thirsty for this type of development.

11 A couple of things I wanted just to note on behalf
12 of Jimmy Reyes, who in my opinion is not only a great businessman
13 but a great leader, which goes to the heart of Jimmy Reyes being a
14 fifth generation of the City. I think he testified earlier that
15 he had 50 percent of his employees were District residents, which
16 certainly goes to the heart of some benefits in the enterprise
17 zone, seven percent of the employees are minorities and growing,
18 which will give this ANC, in conjunction with the employment
19 services, an opportunity to work with Jim and their organization
20 to create some additional employment that's much needed within our
21 youth, and the chairman indicated, we will be looking at that
22 training piece, and hopefully where there's room to train our
23 young folks we will be asking Jim and his leadership to look at a
24 proposal.

25 With respect to the scholarship fund, boy am I

1 really excited about that. I tell you, Jim is just hitting home
2 runs with the bases loaded, and when you asked me did I want to
3 cross examine Jim, I told you, no, we had done that over last
4 year. I woke up one morning, and I shared this with the council
5 members, I said, you know, we've got to do something so these
6 business communities can give something back to the community, and
7 what a great way to leave a legacy of scholarships behind for the
8 Thurgood Marshall school, and that's very consistent.

9 There's two things, if I don't do anything the rest
10 of my life, one, I change the name of the Fort Lincoln School to
11 honor to that great civil rights leader, Thurgood Marshall, two, I
12 was able to go to Jim and kind of stick him up for about
13 \$10,000.00 yearly for that scholarship fund.

14 And, along with Councilman Vincent Orange, we put
15 together a foundation so that we know that those kids who are
16 doing well, and those who are excelling at a B+, or graduating at
17 that standard of excellence, will be able to take advantage of
18 that scholarship, and we hope to expand that, not only in the Fort
19 Lincoln School, but as other developers come in to Fort Lincoln we
20 are going to spread it out to the Woodrick School, and some of the
21 other schools in Ward 5.

22 So, I just think that, I mean, when you talk about
23 putting some money somewhere, and talking about doing something,
24 Jim stepped to the plate. I didn't even ask him about the
25 computers, he said, look, as we replace our computers we are going

1 to give the schools some additional computers.

2 I said, Jim, they are going to be working, he said,
3 yes, don't worry about that. We are going to upgrade our's, you
4 get the rest of them. So, I don't know what that number is, but
5 I'm excited about, not only sharing those computers with the Fort
6 Lincoln School, but I want to spread some of those computers
7 around where some other schools may need them.

8 We got a scholarship, we are going to have some
9 computers. I'm in the business of sharing some of that spirit
10 that Jim is going to prevail upon this community with and spread
11 it around.

12 So, with respect to the scholarship and the
13 computers, I am, as I said earlier, I'm just ready. If we could
14 break ground tonight after leaving this meeting, I would ask all
15 the committee, people of the Zoning Commission, under the
16 Chairman's leadership, go get some hard hats and go up there to
17 Fort Lincoln and get some spotlights, and we will start the
18 program tonight, and get some boots and start it tonight, so that
19 when Jim wakes up in the morning that he's not talking about a
20 deferred dream, coming to realize he's had a lot of patience.

21 Jim didn't have to do this, he could have went out
22 of the City, his heart is here, he's been here all his life. He's
23 putting his money where his mouth is.

24 He looked at my senior program, I've asked him to
25 support some senior activities. Jim has been in his pocket, he

1 sent a check there, it's a development that we need, it's jobs,
2 it's economic development, it's what this city has been waiting
3 for and crying for. So, I'm asking you members of the Zoning
4 Commission, without hesitation, without reservation, support this
5 development so we can get underway.

6 Thank you.

7 CHAIRPERSON HOOD: Thank you, Commissioner King, for
8 that very enthusiastic testimony.

9 Colleagues, do we have any questions?

10 The only question that I wanted to ask, Mr. King,
11 was to make sure that to just kind of get a reference for how the
12 vote went with the ANC, was it unanimous?

13 MR. KING: Unanimous.

14 CHAIRPERSON HOOD: Good.

15 MR. KING: They were just concerned about they want
16 to participate in the employment base, and I think that's the only
17 thing. We use our ANC office to start recruiting at all levels of
18 that construction, working in conjunction with the employment
19 services, and I think it's fair that we play a role into that.

20 CHAIRPERSON HOOD: Okay, well, good. Thank you.

21 MR. KING: Thank you for the opportunity.

22 CHAIRPERSON HOOD: Now we are going to move to
23 persons and parties in support.

24 Persons and parties in opposition.

25 Applicant's closing remarks.

1 MR. FEOLA: Thank you, Mr. Chair.

2 I really don't have any closing remarks. I think
3 we can address, virtually, all of the Office of Planning's
4 concerns by conditions in your order, and by the supplemental
5 submissions I'm hearing the Commission would like.

6 There is one condition that Mr. Cochran has
7 articulated for the Office of Planning, dealing with the
8 limitation on the increase in trucks coming to the site. I'd like
9 Mr. Reyes to address that, because it goes to the heart of his
10 business.

11 Mr. Reyes?

12 MR. REYES: I just think it's something, I mean they
13 just came up with a 20 percent arbitrary number, it's just
14 something that we can't live with. It's kind of ironic that the
15 City has warehousing laws, and they really want us to be here, but
16 they don't want our trucks. That's part of what we do.

17 So, I cannot live with that. I think
18 realistically, we've got a 70 percent market share, the other 27
19 or 8 is Budweiser, Anheuser Busch. There's no chance of me
20 getting that business, so the chance of our truck flow going up is
21 very small, but I'm not going to limit myself in any way, shape or
22 form. I'm spending \$11 million, and I just can't live with that
23 condition.

24 COMMISSIONER MITTEN: Is there, I mean, would you
25 like to propose an alternative, you know, to take the place of

1 that?

2 MR. REYES: Not really.

3 COMMISSIONER MITTEN: Okay.

4 COMMISSIONER HOLMAN: Mr. Chairman, if I could.

5 CHAIRPERSON HOOD: Sure.

6 COMMISSIONER HOLMAN: I think one of the things that
7 I certainly picked up in the discussion was the fact that the
8 trucks won't be going through the residential area, then that to
9 me should probably be a primary concern.

10 Another observation is that limitation, I believe,
11 was said to be somewhat arbitrary. So, I guess I'd like to think
12 about as we move to finalize this, because certainly if the trucks
13 are not affecting residents and are not really affecting our
14 community at large per se, you know, that's something to be
15 considered, and I'd like to hear from Mr. Cochran in that regard.

16 MR. COCHRAN: Mr. Chair, and Mr. Holman, they are
17 going to they will exiting adjacent to what I've now learned is the
18 high rise, and also to the single-family houses. Certainly, not
19 through the neighborhoods, but next to.

20 And, I've got to say, this wouldn't have been a
21 problem, we probably wouldn't have mentioned this, had the traffic
22 management plan come in before today.

23 COMMISSIONER HOLMAN: But, now that you have it,
24 what's your thought, or do you have a thought yet?

25 MR. COCHRAN: Let's see, I've had a couple hours to

1 think about that. I don't know. I think I would defer to your
2 wisdom on that.

3 MR. FEOLA: With that, Mr. Chair, we really have
4 nothing else. We thank you for your time. We think this is an
5 exciting project. We think it meets all the tenets of the
6 comprehensive plan and the urban renewal plan, and we're looking
7 forward to moving forward at your pleasure.

8 With that, thank you very much.

9 CHAIRPERSON HOOD: Okay.

10 With that, we will see what information we need,
11 and let's make sure we all are on the same page. What I have
12 staff, and you can see if it coincides with your list, and you can
13 let me know whether or not we've addressed it, and we'll need to
14 move forward, but I think they have presented quite a bit of
15 information which you requested.

16 I have down on my notes a view from proposed
17 housing project, which is across the street, maintenance of roads
18 in writing, and I guess we'll need a landscape plan with the
19 trees, I believe, Mr. Parsons, you alluded to the trees
20 continuing?

21 COMMISSIONER PARSONS: Just a revision to this
22 document that's already in the record.

23 CHAIRPERSON HOOD: And, Mr. Bastida, I think it was
24 one more?

25 SECRETARY BASTIDA: The Office of Planning suggested

1 of a water system maintenance agreement, not a maintenance
2 agreement, a commitment.

3 CHAIRPERSON HOOD: I thought that was scrapped.

4 MR. COCHRAN: No, the monitoring, we withdrew the
5 commitment for the successors and assigns for the maintenance of
6 the 42-inch pipe through the cemetery. We would like to see that
7 in there, and Mr. Feola said that was fine.

8 CHAIRPERSON HOOD: And also, if I may add, the
9 agreement with Employment Services, unless that was I didn't see
10 it.

11 MR. COCHRAN: I believe, Mr. Chair, that that's
12 already a part of any RLA property, so that's why we actually took
13 it out of our report, because

14 CHAIRPERSON HOOD: Okay.

15 MR. COCHRAN: Yeah.

16 CHAIRPERSON HOOD: Okay.

17 MR. REYES: Also, that is part of the Easy Bond
18 program, too.

19 CHAIRPERSON HOOD: Okay, so we're covered.

20 MR. REYES: Yes.

21 CHAIRPERSON HOOD: Okay.

22 SECRETARY BASTIDA: Usually, we request it for the
23 record, to include it to keep the record clean.

24 CHAIRPERSON HOOD: Yes, that's my problem.

25 SECRETARY BASTIDA: Also, you know, Mr. Chairman,

1 there was a truck management plan.

2 COMMISSIONER MITTEN: We have that.

3 CHAIRPERSON HOOD: Yes, they submitted that. We
4 have that in the file.

5 So, that's simple, I think we've got everything in
6 order.

7 SECRETARY BASTIDA: It appears that way, Mr.
8 Chairman.

9 CHAIRPERSON HOOD: Okay, good.

10 Ladies and gentlemen, thank you for your testimony
11 and assistance in this hearing. The record in this case will now
12 be closed, except for information specifically requested by the
13 Commission.

14 Any special information or reports specifically
15 requested by the Commission should be filed during the period
16 ending on February 18, 2000.

17 Let me stop there, Mr. Feola. Is that sufficient,
18 is that enough time?

19 MR. FEOLA: Yes, sir.

20 CHAIRPERSON HOOD: In Suite 210 of 441 4th Street,
21 N.W. Any party to the case may file a written response to any
22 information or report filed after the close of the hearing.

23 Such responses should be filed no later than seven
24 days after February 18th, which is February 25. Parties in this
25 case are invited to submit proposed findings of fact and

1 conclusions of law. Any party who submits proposed findings and
2 conclusions should do so by February 25.

3 Parties are reminded that their findings of fact
4 should not include findings stating how witnesses testified. The
5 findings should be those findings the party believes the
6 Commission should make, based upon the testimony and other
7 evidence in the record. Citations to the exhibits and the
8 transcripts are appropriate and encouraged.

9 To assist parties in preparation of these findings
10 of fact and conclusions of law, a copy of the hearing transcript
11 will be available for review in the Office of Zoning in about two
12 weeks. Copies of the transcript may also be purchased from the
13 recording firm. When the transcript is received, the Office of
14 Zoning will contact the parties.

15 After the record is closed, the Commission will
16 make a decision on this case at one of its regular monthly
17 meetings. These meetings are generally held at 1:30 p.m., on the
18 second Monday of each month and are open to the public. Any
19 person who is interested in following this case further may
20 contact the staff to determine whether this case is on the agenda
21 of a particular meeting.

22 You should also be aware that if the Commission
23 proposes to approve the application, the proposed decision must be
24 referred to the National Capitol Planning Commission for further
25 impact review. The Zoning Commission will take final action at a

1 public meeting following receipt of the NCPC comments, after which
2 a written order will be published.

3 I declare this hearing closed.

4 (Whereupon, the above-entitled matter was concluded
5 at 8:54 p.m.)

6

7

8