

GOVERNMENT
OF
THE DISTRICT OF COLUMBIA
ZONING COMMISSION
PUBLIC HEARING

IN THE MATTER OF:

CONSOLIDATED PUD AND RELATED Case No. 98-16C
MAP AMENDMENT OF OXON COVE
-- D.C. CORRECTIONAL FACILITY

Auditorium
U.S. Department of Commerce
14th & Constitution Ave., N.W.
Washington, D.C.

Monday,
May 17, 1999

The above-entitled matter came on for hearing, pursuant to
notice, at 1:00 p.m.

BEFORE:

JERRILY R. KRESS	Chairperson
ANGEL F. CLARENS	Commissioner
HERBERT M. FRANKLIN	Commissioner
ANTHONY HOOD	Commissioner

NEAL R. GROSS
COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
(202) 234-4433 WASHINGTON, D.C. 20005-3701 www.nealrgross.com

	<u>PAGE</u>
Introduction, Chairperson Kress	4
Preliminary Matters, Chairperson Kress	8
Presentation of Applicant's Case:	
John Ray	19, 28
Joe Johnson	22
Joe Haines	33
Ian Frost	37
Stephen Fuller	56
James Prost	70
H.R. Crawford	79
Commission's Questioning of Applicant	86
Parties' Cross-examination of Applicant	141
Presentation by the Office of Planning:	
Vanessa Aiken	192
David Colby	
206, 231	
Herb Bixhorn	208
Stuart Patz	219
Stephen Cochrane	224
Commission's Questioning of Office of Planning	234
Applicant's Cross-examination of the Office of Planning	256
Interested Parties' Cross-examination of the Office of Planning	287

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

(202) 234-4433 WASHINGTON, D.C. 20005-3701 www.nealrgross.com

	<u>PAGE</u>
Presentation of National Park Service, David Murphy	294
Applicant's Cross-examination of the National Park Service	312
Parties' Cross-examination of the National Park Service	320

CHAIRPERSON KRESS: This is a public hearing of the District of Columbia Zoning Commission. Present are myself, Jerrily Kress, Herbert Franklin, Anthony Hood, and Angel Clarens. I declare this hearing open.

The case that is the subject of this hearing is Case No. 98-16C, a consolidated PUD and related map amendment at Oxon Cove proposed by the Correction Corporation of America, CCA.

The Commission conducted public hearings for this case on November 16th and 19th, 1998, with an additional hearing scheduled for December 10th, 1998. However, on November 23rd, 1998, the Federal Bureau of Prisons issued amendments to the original request for proposals, which divided the project into separate smaller facilities.

On November 27th, 1998, the Zoning Commission received a request from the Corrections Corporation of America for a continuance of the December 10th, 1998 public hearing to a later date to allow time to revise the application in accordance with the revised Bureau of Prisons directives.

Since this is a continuance of a previous hearing, all information and testimony so far given remains a part of this overall record.

In the CCA's current revised application, the PUD site comprises only the 42 acre National Park Service Oxon

1 Cove parcel of land. The four acre D.C. impoundment lot
2 parcel included in the original application has been
3 eliminated.

4 The National Park Service land is currently
5 unzoned and undeveloped. The applicant is requesting that
6 this unzoned land be zoned M, general industry, to facilitate
7 the construction of the proposed PUD.

8 The CCA currently proposes to develop the site
9 with a state-of-the-art correctional complex which would house
10 1,280 District of Columbia inmates, along with inmate job
11 training and work programs and facilities. The complex would
12 be constructed and operated by CCA pursuant to a contract with
13 the Federal Bureau of Prisons.

14 Notice of today's hearing was published in the
15 D.C. Register on September 25th, 1998, and the Washington
16 Times on October 1st, 1998. The notice was revised and was
17 published in the D.C. Register on May 14th, 1999; the
18 Associated Press Metro Desk on May 7th; the Washington Post,
19 May 6th; the Washington Post Metro Desk, May 6th, the
20 Washington Times and the Washington Times Metro Desk May 6th;
21 the Common Denominator on May 7th; the Informer May 6th; and
22 the Prince George's Journal on May 6th, 1999.

23 This hearing, as well as subsequent hearings in
24 this case will be conducted in accordance with the provisions
25 of 11 DCMR 3022.

26 During the previous hearings on this case, the

1 Zoning Commission determined which individuals and
2 organizations would be recognized as parties. As a result of
3 that initial determination, no additional request for party
4 status will be considered.

5 The order of procedure will be as follows:

6 First, preliminary matters;

7 Second; the Applicant's presentation;

8 Third, the report of the Office of Planning;

9 Fourth, the reports of other agencies;

10 Fifth, the report of the Advisory Neighborhood

11 Commission 8D;

12 Sixth, persons and parties in support;

13 And, seventh, persons and parties in opposition.

14 The following time limits will be imposed on all

15 oral presentations: first, on the Applicant, 60 minutes;

16 other parties, 15 minutes; organizations, five minutes; and

17 individuals, three minutes.

18 Due to the extremely large number of individuals

19 wishing to testify in this case, the Commission intends to

20 adhere to these time limits as strictly as possible in order

21 to hear the case in a reasonable period of time.

22 In addition, the Commission reserves the right

23 to change the time limits if necessary. No time shall be

24 ceded. No disruptions from the audience will be tolerated.

25 Anyone disrupting these procedures will be removed from the

26 building and not allowed to testify.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

(202) 234-4433 WASHINGTON, D.C. 20005-3701 www.nealrgross.com

1 Finally, no photos with flash will be permitted
2 throughout the proceedings. The press set-up must be in the
3 press designated area in the front of the room.

4 Those presenting testimony should be brief and
5 non-repetitive. If you have a prepared written statement,
6 please give copies to staff and orally summarize the
7 highlights only. Please provide these copies of your
8 statement before beginning your oral presentation.

9 Each individual appearing before the Commission
10 must complete two identification cards and give them to the
11 reporter at the time you make your statement. If these
12 guidelines are followed, the record in this case can be
13 developed within a reasonable length of time.

14 The decision of the Zoning Commission in this
15 case will be based exclusively on the record. To avoid any
16 appearance to the contrary, the Commission requests that
17 parties, counsel, and witnesses not engage the Commissioners
18 in conversation during any recess or at the conclusion of the
19 public hearing sessions.

20 The staff will be available to discuss any
21 procedural questions.

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

24 (Whereupon, the witnesses were sworn.)

25 CHAIRPERSON KRESS: Thank you.

26 With that, I will begin with preliminary

1 matters. First I have a request for a waiver from the Office
2 of Planning to receive its report. Since the report is dated
3 April 9th and sufficient time has passed for all parties and
4 the Applicant to review that, I recommend to my colleagues we
5 accept the waiver from OP.

6 Are you in agreement?

7 COMMISSIONERS: Yes.

8 CHAIRPERSON KRESS: So agreed.

9 The second is a waiver from the Applicant. The
10 Applicant had to submit according to our regulations 15 days
11 in advance of the date that we had set for our last meeting.
12 Subsequent to that, the Office of Planning submitted its
13 report, and therefore, the Applicant requests that Dr. Fuller,
14 Mr. Prost and Mr. Crawford be allowed to be added to their
15 list of Applicants -- to the Applicant's list of witnesses and
16 to be allowed to be added as expert witnesses.

17 I personally concur with their request. I would
18 like to ask my colleagues if they have any problems and if
19 they agree with the waiver for the Applicant for the three
20 additional experts.

21 When we get to the Applicant, we will have them
22 qualified as experts. I do not mean to prejudge that at this
23 point, and we will discuss their testimony. It is mentioned
24 that -- and as we said earlier, there is one hour dedicated to
25 the Applicant. These three individuals perhaps, since they do
26 represent other organizations, can be added at five minutes

1 each as individuals as a part to help extend the hour
2 testimony, but we'll discuss that at the Applicant's
3 presentation.

4 The next preliminary matter I have is from
5 Office of Planning, and perhaps I'll let Office of Planning
6 present their request. Mr. Colby?

7 MR. COLBY: Thank you, Madame Chairperson.

8 As you just noted, the Applicant has recently --
9 has just requested permission to add additional witnesses. We
10 anticipate -- well, we request that you also grant expert
11 witness or expert status to our economic consultant, who is
12 here with us today, a member of our team, Stuart Patz, and
13 I've got resumes for Mr. Patz that I'd like to pass along if
14 the chair would --

15 CHAIRPERSON KRESS: Let's actually handle that
16 part of your request, if we could, at the time OP testifies.

17 MR. COLBY: Okay.

18 CHAIRPERSON KRESS: There was a companion
19 request.

20 MR. COLBY: That's correct.

21 CHAIRPERSON KRESS: And that's the issue I
22 prefer to deal with at this moment.

23 MR. COLBY: Okay. In the interest of
24 encouraging the fullest record and providing the best
25 information to the Commission, we have also requested that the
26 Commission members allow us to pose very few questions to the

1 Applicant's witnesses, particularly the new witnesses that the
2 Applicant has just asked to be part of their presentation.

3 I know I guess I should say I realize in a
4 contested case we normally participate as the Office of
5 Planning and as an advisor to the Commission. This is an
6 extension of that. It's not cross examination. We're not a
7 party. We don't seek that status.

8 And the alternative to this would be to ask the
9 Commission to ask a few questions, but we feel that it would
10 be helpful to the Commission, and so we've asked for that.

11 CHAIRPERSON KRESS: Thank you.

12 As I hear the request, and I find it be
13 reasonable, that the Office of Planning would like to ask the
14 Commissioners to consider some questions to ask the
15 Applicants, and I find no problem personally with that.

16 Colleagues, what is your pleasure? Is that --
17 Commissioner?

18 COMMISSIONER CLARENS: That is correct to do it
19 in that way. The Office of Planning can raise issues with the
20 Commission. The Commission, if it so feels, then can address
21 the Applicant and ask those questions.

22 CHAIRPERSON KRESS: Thank you.

23 Do you agree?

24 COMMISSIONER FRANKLIN: I agree.

25 COMMISSIONER HOOD: I agree.

26 CHAIRPERSON KRESS: All right. We're in

1 unanimous consent on that. Thank you.

2 The last matter is brought by Mr. Kinlow, I
3 believe. I don't know if he is here. Oh, yes, right there.
4 Excuse me. Forgive me.

5 One of the requests is that some experts also be
6 added to the Ward 8 Coalition for Southwest Civic Association
7 body of experts to interpret some of the new issues of which
8 we are speaking, and several experts have been named, five if
9 I count them correctly.

10 I believe that we should allow Mr. Kinlow to --
11 and, again, the experts will be qualified at the time of the
12 testimony -- but that the five people put forward who do
13 represent a series of organizations be allowed to testify and
14 be given the five minutes given to an organization for each
15 one of those since the base time is only 15 minutes for the
16 party to testify, and it would seem appropriate that the five
17 additional people each be given five minutes each.

18 So I would make that proposal to the rest of the
19 Commission. Does that seem comfortable with my colleagues?

20 COMMISSIONER CLARENS: Yes. While we are on
21 this subject, Madame Chairperson, you might also want to take
22 this moment as a preliminary matter to clarify any change in
23 name between parties of the first case, and it might be the
24 same organization, but I believe that we have now letters from
25 the Ward 8 coalition, which was not really the same name that
26 was used in the original application; is that correct, Mr.

1 Kinlow?

2 MR. KINLOW: That is correct. That's correct.

3 COMMISSIONER CLARENS: Okay, but it is the same
4 entity?

5 MR. KINLOW: Right. These entities are sharing
6 responsibilities. They're interchangeable in their focus and
7 what they're asking. So if there's a problem we can delete
8 the Ward 8 Coalition as far as the associations.

9 CHAIRPERSON KRESS: We are having trouble
10 hearing you. Maybe if you pull it closer.

11 So I'm sorry. To follow on Commissioner
12 Clarens, initially we had you representing the United
13 Communities Coalition Against the Prison and the Far Southwest
14 Civic Association for a Better Community, and as Commissioner
15 Clarens has pointed out so well, it's now partially the Ward 8
16 Coalition.

17 Are all three -- could you speak to that and
18 clarify that?

19 MR. KINLOW: Right. The Ward 8 Coalition is the
20 short name for the United Communities Opposed to a Prison.
21 That's the short name version. I believe it was qualified
22 originally. If you'd look on the masthead, it includes all of
23 those organizations.

24 CHAIRPERSON KRESS: And so you do represent the
25 Ward 8 Coalition, which is the shortened name for the United
26 Communities Coalition Against the Prison?

1 MR. KINLOW: That's correct.

2 CHAIRPERSON KRESS: And you do also represent
3 the Far Southwest Civic Association for a Better Community?

4 MR. KINLOW: That's correct.

5 CHAIRPERSON KRESS: Thank you.

6 Does that clarify that for you?

7 COMMISSIONER CLARENS: That clarifies it.

8 CHAIRPERSON KRESS: I should also double check
9 and make sure, following on Commissioner Clarens' good advice.
10 Is Commissioner Johnson still representing the Advisory
11 Neighborhood Commission 8D? Is he here?

12 MR. KINLOW: He's not here, but there was an
13 election for their ANC. He is no longer chair of that ANC,
14 and I believe that the person who would represent the
15 Commission in this matter would be the new chair, who is
16 Winifred Freeman, and I believe she is on the witness list as
17 a witness, but not as the party representing --

18 CHAIRPERSON KRESS: Well, the 8D is
19 automatically on. So when we get there, we'll find who
20 represents them, but maybe you can help me with the list.

21 I also have a Phillip Thompson representing the
22 United Communities Coalition Against the Prison. Oh, that's
23 the counsel for you all

24 MR. KINLOW: Yes.

25 CHAIRPERSON KRESS: So basically you're
26 representing both organizations, not Phillip Thompson or

1 Phillip Thompson is as well?

2 MR. KINLOW: No, Phillip Thompson could not be
3 here today. He just had a baby. So I just want to say
4 congratulations to him on the record.

5 CHAIRPERSON KRESS: Let's have one happiness,
6 yes. I think the congratulations belong on the record.

7 Oh, someone said Mr. Johnson just did come in.

8 MR. JOE JOHNSON: I am here.

9 CHAIRPERSON KRESS: Oh, you are here. All
10 right. And you along with Mr. Kinlow are representing the
11 organizations of which we have just spoken; is that correct?

12 All right. Thank you.

13 Then I have Robin --

14 MS. GIORDANO: I just wanted to add -- Cynthia
15 Giordano for the Applicant -- if we could get a copy of -- if
16 we could be served with a copy of Mr. Kinlow's request, I
17 believe, for adding additional expert witnesses. We were not
18 served with a copy of that.

19 MR. KINLOW: Sure.

20 CHAIRPERSON KRESS: Is that a problem, Mr.
21 Kinlow?

22 MR. KINLOW: Not a problem. Done this date.

23 CHAIRPERSON KRESS: Is Robin -- is it --

24 MR. KINLOW: It's Robin Ijames.

25 CHAIRPERSON KRESS: Ijames. Is she here today?
26 She is also a party?

1 MR. KINLOW: I do not see her.

2 CHAIRPERSON KRESS: She remains a party. I just
3 wanted to know who will be cross examining.

4 Arthur Jackson, Wingate House Apartments? Is he
5 here and will he be participating today?

6 That isn't to say if anyone arrives that this
7 won't change. I'm just checking the list.

8 And then I also have Joyce Scott, Chairperson
9 for Citizens for a Progressive Ward 8. Is she here?

10 MR. RAY: She's not here, but she is still --

11 THE REPORTER: Would you identify yourself?

12 MR. RAY: My name is John Ray.

13 CHAIRPERSON KRESS: And she and Commissioner
14 Yeldell are still parties, and at such time as they are here,
15 they will participate?

16 MR. RAY: That's correct.

17 CHAIRPERSON KRESS: All right. Thank you.
18 Have I missed any parties that were previously
19 declared?

20 All right. Hearing none, are there any other
21 preliminary matters that I have omitted?

22 (No response.)

23 CHAIRPERSON KRESS: Seeing none, I will then
24 move to the Applicant's presentation.

25 MR. ERONDU: Excuse me.

26 CHAIRPERSON KRESS: I'm sorry?

1 MR. ERONDU: There's one, maintenance,
2 maintenance of posting.

3 CHAIRPERSON KRESS: I'm sorry. The maintenance
4 of posting, absolutely.

5 MR. ERONDU: Staff has received one for
6 Applicant and is satisfied that it meets our business
7 requirements.

8 Thank you.

9 CHAIRPERSON KRESS: Thank you.

10 With that we will move to the Applicant's
11 presentation, and I would like to address the situation of who
12 will be speaking.

13 We did receive early on the list of witnesses,
14 and then as you've heard today, we have allowed the addition
15 of three more witnesses. I would like you to summary for us
16 how you see your presentation going today, who will be
17 testifying, and those witnesses which we have not declared as
18 experts, if you could put them forth for us at this point.

19 And as I said, as we begin with the addition of
20 these three witnesses, we will allow an additional five
21 minutes per each, giving you a total of an hour and 15
22 minutes.

23 So if you could, since things have changed and
24 it's been a while, before we begin give us an overview of how
25 you see your presentation going today and who will be
26 speaking.

1 MR. RAY: Thank you, Madame Chairman.

2 Madame Chairman, I will make a brief
3 introduction of the witnesses that will be presenting
4 testimony. Mr. Joe Johnson will be speaking as principal
5 spokesperson for CCA.

6 In addition to Mr. Johnson, Mr. Joe Haines of
7 the DLR Group of D.C. will be our principal architect and will
8 discuss design and architecture.

9 Ian Frost of the EEE Consulting, Inc., will
10 cover site selection, site planning, and environmental
11 matters.

12 I will speak to the federal and local interests
13 in the construction of this facility.

14 Dr. Stephen Fuller and James Prost and Mr. H.R.
15 Crawford will also appear as expert witnesses.

16 Others who will be here, but who will not speak
17 but will be available if there's any specific questions for
18 them from the members of the Commission, are Linda Staley, who
19 is CCA's Vice President for Design and Construction
20 Management; Warner Speakman of ESI Companies, who is our
21 contractor for security system and procedures; Bob Schleeeweiss
22 of the Dig Corporation (phonetic), who is our general
23 contractor; and Mike Quinlan of Prison Realty Trust. Mr.
24 Quinlan is a former Director of the Federal Bureau of Prisons,
25 and also our co-counsel, Cynthia Giordano, will also be
26 speaking.

1 CHAIRPERSON KRESS: Which of those -- and I know
2 that the three new witnesses -- who at this point would you
3 like to have declared as expert witnesses that has not
4 previously been declared as a part of this hearing as an
5 expert witness?

6 MS. GIORDANO: The three new witnesses. Dr.
7 Fuller and Mr. Prost are experts in economic development.
8 They've been previously qualified by this Commission.

9 CHAIRPERSON KRESS: Not on this case, but
10 previously qualified?

11 MS. GIORDANO: That's right.

12 And H.R. Crawford has also been previously
13 qualified by this Commission as an expert in the development
14 and management of low and moderate income housing.

15 CHAIRPERSON KRESS: Thank you.

16 I have no problems. Colleagues?

17 COMMISSIONER CLARENS: Have you submitted the
18 resumes for the witnesses?

19 MS. GIORDANO: We have. That was part of the
20 waiver request, their resumes and summaries of their
21 testimony.

22 COMMISSIONER CLARENS: Okay.

23 CHAIRPERSON KRESS: Right. They are so
24 declared.

25 MS. GIORDANO: Thank you.

26 CHAIRPERSON KRESS: With that, you may proceed.

1 MS. GIORDANO: And then the other two witnesses
2 were declared witnesses -- experts last time in architecture,
3 Mr. Haines, particularly the architecture of correctional
4 facilities, and Ian Frost, an environmental engineer and an
5 expert in planning, as well.

6 COMMISSIONER CLARENS: We did that in the first
7 case.

8 CHAIRPERSON KRESS: Earlier as a part of this
9 case.

10 COMMISSIONER CLARENS: Yes.

11 CHAIRPERSON KRESS: Yes, just to make the record
12 correct.

13 If there aren't any other preliminary issues
14 with the Applicant, at this point we will turn it over to you.

15 MR. RAY: Thank you, Madame Chairman.

16 Mr. Johnson will.

17 MR. JOE JOHNSON: Thank you, Mr. Ray.

18 Good afternoon. Let me begin by reaffirming the
19 pledge that we made at the previous hearings. The CCA is
20 determined to offer the most updated modalities in the areas
21 of drug treatment and rehabilitation of inmates; our best
22 efforts to provide good jobs for Ward 8 citizens and vending
23 opportunities for Ward 8 business.

24 We have been a good corporate citizen in Ward 6
25 where we presently house a comparable number of inmates at our
26 correctional treatment facility, the CTF, and we certainly see

1 no reason why we should not be in a position to replicate
2 these same efforts in Ward 8.

3 In written submissions and previous testimony,
4 we have provided extensive information about the operations of
5 CCA and our track record of success.

6 We have also described the proposed D.C.
7 Corrections and Rehabilitation Center in considerable detail.
8 This afternoon we will try not to repeat what is already in
9 the record, but will focus instead of developments that have
10 occurred since the last hearing and efforts we have made to
11 respond to your previous concerns.

12 As background, we were required to revise our
13 plans because the Federal Bureau of Prisons changed its
14 request for proposal by dividing the original project into two
15 parts. CCA responded to the second request for proposals for
16 a facility for 1,200 low security adult males.

17 Accordingly, we revised the plans for the Oxon
18 Cove site and submitted the revised proposal to the Bureau of
19 Prisons, BOP, and to this Commission.

20 We also responded, in part, to the revised BOP
21 plan which was for one or more facilities for 300 female
22 inmates, 350 Youth Act offenders, and 350 minimum security
23 adult males. We only submitted to house 300 female inmates at
24 our present D.C. facility because of the many family requests
25 to not transfer, again, female offenders away from their
26 children.

1 The contract was, however, awarded to an
2 operator with a site in northern Pennsylvania, along with 400
3 very good paying jobs, many currently held by D.C. residents.

4 In other developments, we are in the final stage
5 of completing the land exchange with the National Park
6 Service. That will result in CCA's outright ownership of the
7 Oxon Cover parcel.

8 CCA and the Park Service have agreed upon a team
9 of three appraisers to determine the value of the Oxon Cover
10 property and the parcel that CCA presently owns near the
11 Woodrow Wilson Bridge.

12 The appraisal team expects to complete its work
13 this week. CCA will accept the appraisal team's evaluations
14 and will pay the difference if the Oxon Cove parcel is valued
15 at more than the CCA parcel.

16 Now, let me turn to our revised proposal. I
17 will address two areas: the principal differences between our
18 original proposal and the revised proposal, and the nine
19 public benefits we continue to offer despite the reduction in
20 project size.

21 Mr. Ray will then have some comments regarding
22 the federal and District interests in having the project go
23 forward.

24 Our revised proposal represents a 41 percent
25 reduction in the inmate population, down from 2,200 inmates to
26 1,280; an 8.7 percent reduction in the PUD site area, from 46

1 acres to 42 acres; a 41 percent reduction in gross floor area;
2 and a 47 percent reduction in maximum building height, from 47
3 feet eight inches now down to 25 feet.

4 To accommodate the much larger facility in the
5 original plans, we anticipated needing the 24 acre D.C.
6 impoundment lot and about ten acres of the D.C. long term care
7 facility site as the locations for the industry's building.
8 However, the much smaller, revised facility will be located
9 entirely on the Oxon Cove parcel.

10 The industry's building have been brought into
11 the main complex, as Joe Haines will demonstrate later. We no
12 longer have any need for any portion of the impoundment lot or
13 the D.C. long term care facility site.

14 Even though our facility will be substantially
15 smaller in size, we propose no reductions in the public
16 benefits we are offering, except in those aspects that are,
17 however, beyond our control.

18 We submit that our proposal offers nine distinct
19 public benefits as follows: 450 new jobs in Ward 8; probably
20 the largest single block of new private sector jobs ever
21 created in this community; an employment preference in job
22 training programs for Ward 8 residents; a college and
23 vocational school scholarship program for Ward 8 residents; a
24 \$1 million revolving loan program for minority owned business
25 in Ward 8; a contractual commitment that will help to bring
26 the Washington Institute of Technology into Ward 8 and

1 possibly other educational partnerships with accredited
2 institutions of learning in the District; a thorough
3 environmental clean-up of a polluted and trash strewn parcel
4 of land -- Ian Frost will go into details in his presentation
5 -- comprehensive programs of education, vocational training,
6 and counseling to promote inmate rehabilitation. These
7 include the lifeline substance abuse treatment program, which
8 has been widely acclaimed as successful in ending drug
9 dependence and reducing recidivism; industry programs that
10 provide inmates with job training and work experience; and,
11 nine, the strengthening of family cohesion.

12 We believe it is a public benefit, as well as a
13 benefit to inmates and their families to have inmates
14 incarcerated close to their families. We know from years of
15 experience that inmates who receive regular family visits and
16 family support are more likely to succeed in rehabilitation
17 and less likely to return to criminal activity that produce
18 long term public benefits in terms of a safer community and
19 lower taxpayer's cost for public safety agencies.

20 In my presentation and packet, I have further
21 elaborations on these benefits, but I will save those as other
22 experts testify on them in the due course of the presentation.

23 Finally, in summation, our programs for inmate
24 rehabilitation remain as wide ranging as in our original
25 proposal and continue to include an industries program, and
26 because of the small number of inmates, we will be offering

1 two industry programs rather than five, as in the original
2 plan.

3 The two industries program will involve computer
4 repair and data entry and construction trades. If either of
5 these two industries could not be implemented due to BOP
6 objections, for instance, comparable industries will be
7 provided.

8 Overall I believe we have developed a strong
9 package of public benefits, and we have done so with the
10 advice and recommendation of many in the Ward 8 community.

11 Mr. Ray will now address the federal and local
12 government interests in having this project go forward.

13 Mr. Ray.

14 MR. RAY: Madame Chairman and members of the
15 Commission, the federal interest and local interest in having
16 this facility in the District of Columbia are quite clear and
17 can be described in three categories.

18 First, federal and local officials and
19 correctional professional experts all agree that it is better
20 to house inmates close to their families. They agree on that
21 for a whole host of reasons which we have discussed here
22 before and which Mr. Johnson has touched on this morning.

23 Twelve members of the City Council stress the
24 importance of public benefit of housing inmates near their
25 families in a letter sent to the Bureau of Prisons in 1998.
26 This letter has been made a part of the public record.

1 The federally appointed corrections trustee for
2 the District, Mr. John Clark, testified at a City Council
3 hearing last January that he agrees that inmates should be
4 kept close to their families.

5 The second category of federal and local
6 government interests concerns the jobs and economic benefits
7 the facility would generate. Economic experts will describe
8 in detail later these benefits, but I want to call your
9 attention to the actions, the actions that were taken by the
10 federal government and District authorities that demonstrate
11 the government's interest in keeping the economic benefits of
12 a corrections facility here at home.

13 During the negotiations that led to passage of
14 the National Capitol Revitalization Act, the mayor and the
15 City Council lobbied Congress to put in a provision that would
16 require that D.C. employees who lose their jobs when Lorton is
17 closed must be given the right of first refusal for jobs in
18 new facilities for D.C. inmates. The council and the
19 executive branch clearly expected that the new facilities
20 would be in this area. It would make no sense to guarantee
21 job opportunities to local residents at some place 400 or 500
22 miles away.

23 In addition to the new jobs that would be
24 created, we're offering eight other public benefits which Mr.
25 Johnson has just described.

26 The federal and D.C. government negotiations

1 also involved a memorandum of understanding that was approved
2 in May of 1997 by the mayor, the City Council, and the federal
3 Office of Management and Budget. The memorandum of
4 understanding is a legal, binding agreement, and I want to
5 just share with you a portion of that for the record, and we
6 will submit, if we have not already, a copy of that memorandum
7 of understanding for the record.

8 I call your attention to Section 4.2.1.4, on
9 page 7, which states, "The Federal Bureau of Prisons also will
10 work with the D.C. officials to identify sites of federal
11 corrections facilities construction within D.C.," end of
12 quote.

13 The third category of federal and local
14 government interests involve the District's continuing
15 responsibility to house a specific group of inmates. Again, I
16 turn your attention to the memorandum of understanding signed
17 by these parties. Section 4.1.2.4 of the MOU on page 15
18 requires the District government to continue to house D.C.
19 census felons with parole and probation revocation hearings
20 pending in D.C. Superior Court.

21 When space is available, the District also must
22 house inmates with parole and probation revocation hearings
23 pending in federal court.

24 Let me just pause for a moment to demonstrate
25 why this was important and why the federal government required
26 the District to continue to house these inmates.

1 If X inmate who was serving 20 years and made
2 parole after 15 is now out on parole and he commits a crime
3 and he's arrested for that crime and he's got to stand trial,
4 they lock him up, and they send him back down to Lorton, but
5 when Lorton closes down, there's no place to put him unless
6 they put him 400 miles away because that's where the facility
7 may be.

8 So the federal government has said, "We're not
9 going to pay the cost of bringing those inmates back and forth
10 400 miles. They're going to have to be housed in the District
11 of Columbia," and that's what that memorandum of understanding
12 is all about.

13 There are a large number of inmates out there
14 falling in this category. Some has estimated as high as
15 1,400. No one seemed to know quite what the number is, but I
16 can assure you that it is hundreds of inmates.

17 The only two facilities that would be left, once
18 Lorton closed down, to house these inmates is the D.C. jail,
19 which is filled to capacity every day; the Correctional
20 Treatment Facility, which will not have enough space available
21 to meet this need. The overcrowding already is apparent.

22 Just a few weeks ago, the correctional trustee
23 went to members of Congress to ask their approval for double
24 celling inmates at the jail and the reopening of the modular
25 facility at Lorton which had been closed down.

26 Having another correction facility in the

1 District of Columbia, and even more perhaps, is clearly
2 understood by the federal government and the D.C. government
3 in signing the memorandum of understanding as I have described
4 to you earlier.

5 There is no question that the use of distant
6 facilities will result in higher federal government costs for
7 the transportation of inmates to and from the district for a
8 variety of legal proceedings in the D.C. courts.

9 In addition, inmates must be transported back to
10 the District for family emergencies. In fact, BOP Director
11 Kathy Hawkes-Sawyer expressed concern in a 1997 memorandum
12 about the increased transportation costs the federal
13 government would incur if a substantial number of inmate, of
14 D.C. inmates, are transferred to distant locations.

15 I call these matters to your attention because
16 we are well aware of your interest in and responsibility for
17 weighing the federal and local public policy interests that
18 are involved in the application that comes before you.

19 We turn now to the technical presentation, first
20 by Joe Haines for the architectural discussion, followed by
21 Ian Frost for the site selection, site planning, the
22 environmental aspects, and then by our three expert witnesses.

23 Joe.

24 MR. HAINES: Thank you, Mr. Ray.

25 CHAIRPERSON KRESS: Good afternoon.

26 MR. HAINES: Good afternoon. Thank you for

1 inviting us back. It's nice to be here before the Commission
2 again, and I'll make my statement brief.

3 I want to basically describe and illustrate the
4 facility changes that have been made since our last hearing.
5 We provided a summary of those written recommendations and the
6 changes, and we'll go through some graphic illustration.

7 To familiarize yourself or to familiarize other
8 people, I just want to point out specifically where our site
9 is. This is a 42 acre site, 295, the Blue Plains.

10 PARTICIPANT: Pull your microphone closer.

11 MR. HAINES: Excuse me. Is that better?

12 Try to illustrate the site location for all
13 parties involved to give some better clarification as to where
14 our site is located.

15 I-295, Oxon Cover, the Blue Plains waste water
16 treatment, D.C. impound lot, and D.C. Village property.

17 As Mr. Johnson stated earlier, the Federal
18 Bureau of Prisons has revised their solicitation to split up
19 the facility into smaller components. We are responding to
20 the low security male inmate proposal, which is 1,280 beds,
21 compared to our original 2,200 beds, which was a mixed low
22 security, youth and adult females.

23 This current illustration is a bird's eye
24 perspective of the scale model which is in front of you
25 illustrating the facility as if you were driving up through
26 Sheppards Parkway coming into the main entry.

1 The current design features six identical
2 housing units compared to the former design which had
3 additional housing unit shapes, as well as low and high rise
4 housing units. These housing units exist in this T-shaped
5 location. They are connected to a central core facility
6 through secure, enclosed corridor connections. All inmate
7 movement to and from the housing units to inmate services is
8 through the secure enclosed connection.

9 And the central core building contains the
10 administrative offices, the educational programs, food
11 service, visitation, religious programs, all of the necessary
12 support components required by the proposal and normally
13 provided in the correctional environment.

14 Facility design does correspond to the Federal
15 Bureau of Prisons' design standards. We've indicated that the
16 differences on this particular project are that we are
17 building the facility only on the 42 acre Oxon Cove site. The
18 facility is surrounded by additional trees in an increased
19 buffer area in terms of sight and visual impact to the site,
20 different from our original proposal. We were unable to
21 provide approximately 11 acres of buffer area compared to
22 about three prior to that. Six of those acres are
23 preservation of existing mature trees. Five of the acres are
24 reforestation due to grading and site development, a combined
25 effort of providing a 360 degree visual screen around the
26 facility.

1 The facility is enclosed within the 42 acres.
2 Twenty-one of the acres are enclosed by a double perimeter
3 fence, which is also monitored by a perimeter detection
4 intrusion system and a 24 hour roving mobile patrol providing
5 surveillance around the entire facility.

6 The facility size, in general, has decreased to
7 approximately 340,000 square feet of building, as opposed to
8 the 576,000 square feet.

9 In prior meetings with the Office of Planning,
10 we have incorporated a lot of information and input in terms
11 of architectural character, in terms of detailing texture,
12 color, materials, landscape buffers, and important components
13 to be good neighbors within the community in terms of the
14 architectural response.

15 This illustration here, a larger scale, the
16 central core building. In this you will see the two industry
17 building which we have now incorporated within a secure fence.
18 In the past, in the prior submitted, we had the facilities
19 adjacent to the secure fence. They were secured, but we have
20 incorporated suggestions of moving these industry buildings
21 within the secure fence to provide additional security and
22 ease of access.

23 This is a view coming up Sheppards Parkway,
24 approaching the entry to the facility. You'll see some of the
25 illustrations of landscaping, as well as the fenced area and
26 the low profile of the housing units and the central core

1 building.

2 This is a public entry component. All public
3 and visitors and staff come into a secure single point to the
4 facility. There is another secure point which allows vehicle
5 traffic for inmate access and for product services.

6 The facility in the central core area also
7 contains office space for the Federal Bureau of Prisons, a
8 contract monitoring staff. They'll be on the site full time
9 in terms of monitoring Corrections Corporations of America's
10 conformance to the operational contract. Dedicated office
11 space, as well as dedicated parking space is provided for
12 these contract monitors.

13 That's a quick overview of the architectural
14 changes that we've made from the prior hearing. I'd like to
15 turn this over to Mr. Frost who will continue the discussion
16 on the site planning and environmental aspects.

17 CHAIRPERSON KRESS: Thank you.

18 MR. FROST: Good afternoon. My name is Ian
19 Frost, and I'm going to be focusing on three issues that you
20 asked us to address during the previous public hearings, and
21 I'll just wait just one second as this comes up.

22 The issues that I'm going to be focusing on this
23 afternoon include the screening and landscaping plan, the
24 landfill gas conditions and what we're proposing to manage the
25 gas on the site, and then some miscellaneous items that came
26 up in the course of those public hearings.

1 First and foremost, in terms of the landscaping
2 plan, we think we have provided you with a model landscaping
3 plan. Some of the improvements that have been made are a
4 result of the shrinkage of the facility, and Joe Haines has
5 described some of that.

6 Most importantly, the facility has decreased in
7 height. The maximum height will now be two stories as opposed
8 to the original proposal for a four story, and that makes it
9 much less visually intrusive.

10 However, a number of other elements that we're
11 including now have been included as a result of meetings that
12 we've had with the Park Service, and, Madame Chairperson, you
13 asked us to have some meetings, and we did have three meetings
14 with the Park Services and went through a number of
15 interactions on our landscaping plan. We think we have come
16 up with a very good one at this point in time.

17 Next slide.

18 The three areas that I'd like to focus on are
19 the preservation zone, which is where we will preserve
20 existing trees; a reforestation zone, where we're going to do
21 dense plantings in accordance with the National Park Service's
22 guidelines; and then some traditional landscaping as well.

23 Next slide.

24 This is the figure that you have in the front of
25 your package, and I'd like to focus on the preservation zone
26 first. We are going to be preserving about six acres along

1 here, along the east, along the south, and along the west side
2 here, six acres of existing trees. For the most part, it's
3 mature trees, although on the west side, some of them are not
4 quite mature, and there's a small little window up in this
5 area where there's no tree cover right now.

6 In addition to that, we will be reforesting
7 about five acres here in this gray area and over here, as
8 well. These are areas that will be disturbed or cleared
9 because of the site development activities, but we're
10 proposing to reforest those in accordance with the Park
11 Service guidelines. They call for dense plantings, about
12 1,700 stems per acres, in order to achieve a very effective
13 and very fast growing screening.

14 We're going to emphasize the evergreen species
15 to maximize the visual screening afforded by the
16 reforestation.

17 In addition to that, could you go back just one
18 second? We are including some traditional landscaping on the
19 north face of the facility. These will be the more
20 traditional landscaping plants up in this area that will
21 screen the parking lot, the buildings, and as well the access
22 road right through here.

23 So on all fronts, all faces of the facility, we
24 believe we will have a very effective buffer and screen.

25 Now, I'd like to do a demonstration of how
26 effective this visual screening is going to be, and you asked

1 us to include some cross-sections. I have four cross-sections
2 that I'm going to show you today. Two are from I-295. Two of
3 them are from the Oxon Cove Children's Farm on the south side
4 of the facility.

5 The two from I-295 cut across here and here.
6 These areas were selected because the facility is closest to
7 Interstate 295 at this point in time. So they represent the
8 best opportunity to potentially see the facility.

9 We selected a building down here on the south
10 side because this is a sensitive environment down here owned
11 by the Park Service. It is a building, and because of the
12 distance separating these two areas and the elevation of this
13 site, again, it provide a very good potential to see our
14 facility.

15 The demonstrations that I'm going to show you, I
16 believe, will be very clear in showing that there is not going
17 to be an adverse impact from our facility.

18 These are the two cross-sections from Interstate
19 295, and to orient you, here's the southbound lanes, the
20 northbound lanes. Here's the existing tree buffer that's
21 going to be preserved. This is the reforestation areas in
22 here where we'll be doing replanting. This is the light pole,
23 fences, and the building.

24 And you can see from the line of sight of an
25 individual sitting in a car, that these trees are tall enough
26 that they will completely obstruct any view of the facility

1 and the fences.

2 This is now through the middle of the site,
3 again on 295, the same deal. Southbound lanes, northbound
4 lanes, existing tree buffer that will be preserved, smaller
5 reforestation area, facility, light poles.

6 You can see in this particular case the line of
7 sight is such that you'll barely be able to see the tops of
8 the light poles. As these trees mature, they will completely
9 obstruct that view.

10 Next one.

11 This is from Oxon Cove Children's Farm on the
12 south side across the cove, and the reason for this break is
13 because there's a 2,300 foot separation between these sites.
14 The same deal though, line of sight coming along here,
15 following up here, existing tree buffer, reforestation area,
16 light poles, building, fence.

17 You can see in both of these cases that the
18 existing tree height is such that the facility will not be
19 visible, nor will the light poles be visible.

20 I want to further this demonstration with some
21 actual photographs and photo simulations, and I'm going to
22 orient you each time to where we are. The first two are taken
23 from Interstate 295 just to the north of our facility. This
24 is our facility here, Oxon Cove down here. This is Interstate
25 295.

26 And this is the Department of Public Works

1 building. You can see it abuts very closely with 295. I
2 think it's evident that it's quite visually impacting upon the
3 environment here, and I think in judging the impact that our
4 facility will have, you have to understand the context of the
5 surrounding environment. These photos will show you that the
6 surrounding environment is largely and intensely developed,
7 and that's important.

8 Now, these are some computer simulations that
9 are going to show our site and how it will look when it's
10 ultimately developed. This is the edge of our property right
11 there. This is an incinerator ash pile that's on our site,
12 and this is the one area where there is not an existing tree
13 buffer, on that very northwest corner of our site.

14 Next one.

15 Now, this is the computer rendering of how the
16 facility would look, and in this case, this is pulled in front
17 of all the trees, pulled in front of all the hills, so that
18 you can see the basic site layout, but these are accurate.

19 The next one, and I'll put this on -- the next
20 one, please -- this is how the facility will look when it's
21 actually sited on this property. This is an accurate
22 depiction that takes into account known elevations of both
23 where I'm taking the photograph from, the elevations of the
24 site, and as well the tree cover and topographic changes and
25 so forth.

26 You can see the facility is obscured over in

1 this area. This is also taken during the wintertime when
2 there are no leaves on the trees, and you will see a small
3 part of the facility here and the light poles in a couple of
4 cases.

5 Now, I would also like to point out that there
6 will be effective screening provided by the reforestation and
7 landscaping in this area so that within a number of years the
8 facility and light poles should be completely screened.

9 Next one.

10 The next two, this one is taken from the north
11 side of our facility looking out over Blue Plains waste water
12 treatment plant, and then another computer simulation that
13 looks from Interstate 295 across our site in this direction.

14 I think you can agree with me here that the
15 entire west side of the 295 here is intensely developed, and
16 that's important in considering the visual impact of our
17 facility.

18 This is the existing condition in the
19 wintertime.

20 Next one.

21 This is the facility brought out in front of the
22 trees and in front of the hills so that you can see how it is
23 laid out.

24 And this is the facility once it's put in its
25 proper location. You can barely see the tops of some of the
26 flag or some of the lights, and you can barely make out some

1 of the facility through here, but very effectively screened.

2 Next one.

3 The next one is a photograph in a computer
4 simulation taken from the Oxon Cove Bridge and also a shot
5 take from Blue Plains Drive up in this area across from the
6 Police Training Academy. This is on the road that leads up to
7 the Wingate Apartments.

8 This is from the Oxon Cove Bridge looking out on
9 our site. Here's our site here. You can clearly see the
10 power plant stack on the D.C. Village site.

11 The facility brought out in front of all the
12 trees.

13 Next one.

14 And how the facility will look when it's
15 situated on our property.

16 Now, we've also included some of the out-fall
17 channels, and in our narrative we describe the fact that storm
18 water will have to be carried from our site down to Oxon Cove.
19 We've included some of those out-fall channels to show you
20 that they can be pretty well camouflaged on that slope along
21 Oxon Cove.

22 This is a shot from Blue Plains Drive right
23 across from the Police Training Academy, and our site is
24 behind this building. This is, of course, taken in the
25 summertime, but you can see the dense tree cover alone here
26 lining the road and the five story infirmary building here

1 will completely obstruct the view of our facility and our
2 site.

3 And I apologize. It takes a minute for the
4 screen to come up because the images have a fair bit of
5 computer space occupied. So --

6 CHAIRPERSON KRESS: That's all right. It takes
7 a moment or two to flip in your package.

8 MR. FROST: Good, and I'd also just like to say
9 that, you know, the projector loses some of the resolution,
10 and if you look at the pages that I've included, those are
11 computer generated printout of the figures that I think give
12 you a very crisp idea of how the facility will look.

13 All right. Okay. The next two slides are taken
14 from the D.C. Village site number seven from a grassy area
15 looking out over the D.C. Village, over the impoundment lot
16 and through our site, and number eight from a parking lot on
17 the D.C. Village site looking down over our site as well.

18 This is a computer simulation. We're scanning
19 in the D.C. village site, looking over existing buildings.
20 This is the power plant building here. Our site is behind
21 here, behind these trees.

22 Next one.

23 This little gray line here is our facility. It
24 looks so small because it's actually several hundred feet on
25 the other side.

26 Next one.

1 And when it's actually situated on our site in
2 the proper location, it's completely obstructed by the
3 existing building in this case.

4 This is the parking lot of the D.C. Village
5 area. This is taken in the summertime obviously, but there is
6 an effective tree screen here. This little area here is the
7 incinerator ash pile on our site. This represents a little
8 higher than the maximum elevation of our building. So you can
9 see that some part, a very small part of our building would be
10 visible from this particular location, but it would be well
11 screened.

12 Now we go into the site itself, and nine is a
13 site looking over the D.C. impoundment lot. Number ten is
14 some of the debris left on the site. This is what I said
15 about being visually impacted. This is looking out over the
16 D.C. impoundment lot. Our site is down over to the right
17 here. This is the power plant stock, the telephone poles, the
18 light poles. There's about 20-plus acres of abandoned cars
19 and impounded cars that certainly create a visual impression
20 in this area.

21 This is the incinerator ask pile on our site and
22 the tire pile on our site, and the last photograph is one of
23 the debris piles on the site right in the middle of the site.

24 This is one of several on the site. You can
25 make out -- again, this is taken in the wintertime -- barely
26 make out the Oxon Cove through this area. So this gives you a

1 perspective of how well the trees will screen any view onto
2 the other side of Oxon Cove.

3 Now, there's also been some issues raised about
4 a potential visual impact upon historic landmarks, and this is
5 a photograph taken from the Butler House, which is part of the
6 Oxon Cove Children's Farm. This is from the porch of the
7 Butler House.

8 You can see the five story infirmary building
9 here, the water tank that was part of the Fire Training
10 Academy. Our site is located over here, obscured by the
11 trees, and again, I think if you're going to argue that there
12 is a visual impact, you have to take into account in the
13 foreground some of the issues here. There's two trash bins
14 and certainly cars parked here that are far more important in
15 the visual image than something that would be screened by the
16 trees in this particular instance.

17 So to summarize the screening issues, our site
18 will be well screened immediately, and that screening will
19 improve over time as the trees mature such that it will be
20 completely obscured. We will be cleaning up the ash pile, the
21 tire pile, and the debris on the site, and making for a more
22 visually appealing environment.

23 Finally, I think we've developed a sensitive and
24 compatible development plan, one that can serve as a model for
25 future development that occurs in the area.

26 You asked us to address the landfill gas

1 conditions, and I would like to say that this has been
2 extensively studied over the course of several years. We have
3 installed eight gas probes on this site. Probes are
4 monitoring wells that go down into the ground that will allow
5 us to measure the concentrations of gases.

6 We've monitored those concentrations five times
7 over a period of ten months, and we've monitored it for the
8 production of gas, vertical gradients or how they change with
9 depth at the site, and we've analyzed for almost 50 different
10 compounds, including methane, in accordance with EPA
11 methodologies for landfill gas analysis.

12 Methane is the most important landfill gas
13 because, as organic matter deposes, it produces methane gas.
14 So this is the most significant one that's on there, but we
15 have analyzed for all the other constituents that are
16 sometimes a part of landfill gas.

17 In general, the concentrations are very low. In
18 six of the eight probes, the concentrations in the ground
19 below our site were less than what EPA would allow in the
20 buildings. That's a very conservative estimate since we're
21 talking about subsurface concentrations compared to what would
22 be allowed in the buildings.

23 There's very low gas production. There's little
24 gas being produced at this site, and that's expected because
25 of the age of the landfill.

26 This is a graph that shows the amount of gas

1 that's produced at a typical landfill based on the time since
2 that landfill was closed. This graph shows what would happen
3 if there's no an effective cap that blocks off rain water
4 getting into the site. This shows what would happen under a
5 normal situation where a landfill is closed.

6 And the important point of this graph is that
7 we're at 25 or 30 years post closure of this landfill. So you
8 can see in both of these instances there's very little gas
9 being produced. Most of what is there is residual gas from
10 previous times.

11 Now, two of those probes did have methane levels
12 that were high enough that we'll have to put in a recovery
13 system. I would like to point out though that those
14 concentrations are manageable and we're proposing a system
15 that will recovery and manager those gases.

16 We are proposing a multi-level system, and I
17 don't have time to go into all of the different components,
18 but we included detailed drawings in our submission to you
19 that showed what those were. The point is that there's multi-
20 levels, several safety valves allowed in this particular
21 instance, and that it's been successfully used at hundreds of
22 sites around the country.

23 I've been involved in two such cases where
24 facilities have been built upon old landfills. One was an
25 elementary school site in a park in Hanover County in
26 Virginia, and another one was a power plant, RPE power plant

1 in Chesterfield County, Virginia, but there's many instances:
2 baseball stadiums in Milwaukee and Charleston, South Carolina,
3 and so forth.

4 I'd also like to point out that this is an old
5 enough landfill that it's not subject to the regulatory
6 requirements of RCRA. RCRA is the Resource Conservation and
7 Recovery Act. It's the principal regulatory act governing
8 landfills.

9 We have proposed a system, and we have proposed
10 monitoring in conformance with RCRA even though we're not
11 obligated to, should this project be accepted. So we think
12 we're going above and beyond the call of duty in this case.

13 I'd like to address just a couple of issues very
14 quickly. One is the traffic issue. We did a detailed traffic
15 report for our original proposal for a 2,200 bed facility, and
16 the conclusion of DPW was that we would not have an adverse
17 impact. We're confident that with the reduction in the size
18 of this facility that we can make the statements that we will
19 not have an adverse impact in this case, as well.

20 Issues were raised about wetland delineations.
21 We have completed a wetland delineation. It has been approved
22 by the Corps of Engineers. All of the wetlands exist in a
23 very narrow margin along Oxon Cove, and there will be no
24 impact from the footprint of the facility. There will be some
25 minor impacts from those out-fall channels that I showed you
26 in one of the drawings.

1 There were also a lot of comments raised about
2 the NEPA process, and I want to give you a process flow
3 diagram that shows those steps. NEPA is the National
4 Environmental Policy Act. It's the principal act that
5 requires federal agencies to do IESes and EAs and so forth.

6 The NEPA process requires or what we have done
7 at this point is prepare a preliminary draft environmental
8 assessment. This was submitted to the Federal Bureau of
9 Prisons in January of this year and copies were given to you
10 as well.

11 If CCA is selected for this project, there will
12 be a number of additional steps. This document will be
13 revised and published as a draft environmental assessment.
14 There'll be comment periods where agencies have the
15 opportunity -- agencies and the public -- have the opportunity
16 to comment on it. It will be revised incorporating comments,
17 and then finally there will be a determination, what's called
18 a FONSI, which is a finding of no significant impact, or a
19 determination that an EIS, or an environmental impact
20 statement, is necessary.

21 Now, I want to make three particular points
22 about this process. The first is that there's been some
23 statements that CCA has somehow circumvented the NEPA process.
24 That is not true at all. This is the process that we're
25 obligated to follow under the Federal Bureau of Prisons'
26 contracting requirements. It's the standard NEPA process.

1 Secondly, I want to point out that there will be
2 subsequent steps that will allow public comment and agency
3 review of the document that's produced, and thirdly, I would
4 like to point out that it's the Federal Bureau of Prisons that
5 takes the lead role in all of these future steps. So we will
6 work with them in cooperation, but they will make the
7 determination of whether there's a significant impact based on
8 comments from the public and from regulatory agencies.

9 Finally, in terms of economic impacts, and I'm
10 going to leave most of the detail here to some experts that
11 are going to describe it in greater detail, but I would like
12 to say as part of the environmental assessment that we
13 prepared, we did analyze the economic impacts of this
14 particular project, and the conclusion was a very strong one
15 that there will be positive and tangible benefits from the
16 jobs, from the construction budget, from the multiplier
17 effect, from the revolving loan fund, and so forth.

18 In summary, let me say that I encourage you and
19 ask for your endorsement of this particular project because I
20 think it can achieve a number of very positive steps.

21 It can result in environmental clean-up of this
22 particular site. It will set a standard for well developed,
23 compatible, and sensitive development plans for future
24 economic development in this area.

25 It's an excellent example of brown field
26 developments. EPA has been strongly encouraging the reuse of

1 disturbed urban sites. This is a prime case where you can
2 take advantage of building on a site that's already been
3 impacted as opposed to going to a pristine site.

4 And finally, the positive economic benefits that
5 we've spoken of before. It will have very tangible and
6 positive benefits.

7 When I first spoke in front of you last year, I
8 told you that there are no perfect sites that I've found in
9 ten years of siting correctional facilities. That is the case
10 here. This is not a perfect site, but it's a very good site.

11 It's also not a perfect development plan, but
12 it's a very good development plan, one that is sensitive to
13 and compatible with the surrounding environment.

14 And at this point I'm going to turn it over to
15 Dr. Fuller to emphasize some of the economic issues.

16 CHAIRPERSON KRESS: Thank you.

17 DR. FULLER: Good afternoon.

18 CHAIRPERSON KRESS: Good afternoon.

19 DR. FULLER: I have prepared a written
20 testimony, which is being distributed to you now. It includes
21 a list of the major sources on which I have relied.

22 In my testimony, I will address the economic
23 implications of the proposed CCA facility on the District of
24 Columbia and adjacent community. Statements made in the April
25 9th Office of Planning memorandum to the Zoning Commission and
26 in testimony at previous hearings state that the proposed

1 facility would be detrimental to the area's economic
2 development environment and would reduce the economic
3 development potentials of the existing community.

4 However, no facts have been offered to support
5 these opinions. In fact, the economic development experience
6 of communities in which prisons have been located have been
7 found to be just the opposite. Studies of these facilities
8 confirmed that many of the widely expected negative impacts do
9 not occur, but rather, these correctional facilities have had
10 important direct and indirect benefits on these communities'
11 economies.

12 I want to review these findings with you because
13 the address many of the concerns of the mayor, local business
14 people and residents.

15 I have also a report on the magnitude and
16 significance of the benefits that the proposed CCA facility
17 will have on the District of Columbia economy and the economy
18 in the surrounding community.

19 First, it is useful to review what economic
20 development is. Economic development is simply increases in
21 income accompanied by structural changes that create the
22 capacity for further increases in productivity and growth in
23 income. Economic development enables the economy to grow,
24 that is, to add more jobs and more personal and business
25 income to the local economy.

26 Job and income growth are key measures of

1 economic development. These are a result of creating a new
2 capacity within the economy for job creation and, in
3 particular, for creating jobs that are more advanced and more
4 productive and, therefore, higher paying than the jobs that
5 currently characterize the local economy.

6 The location of correction facilities as
7 vehicles for economic development has gained prominence in
8 recent years. In both Virginia and Maryland, several prisons
9 have recently been located specifically to help strengthen the
10 local economies.

11 In Maryland, in Cumberland, in both Cumberland -
12 - that's Allegheny County -- and Princess Anne in Somerset
13 County, state facilities have been built, and their jobs,
14 payroll, and procurement outlays and the expenditures in the
15 community by family visitors and attorneys have resulted in
16 major economic benefits.

17 The same experience has been documented in
18 southwest Virginia where the Red Onion and Wallen's Ridge
19 Correctional Facilities. The jobs that were created and the
20 new payroll reduced unemployment, increased retail sales and
21 other local expenditures supporting existing businesses,
22 generated new tax revenues, and have been pointed to by local
23 economic development professionals as examples that establish
24 these communities as good places in which to locate other
25 businesses.

26 These facilities are not left out of the

1 promotional literature. Rather, they are highlighted as proof
2 that these communities can supply the skilled labor to support
3 other business locations and expansions, and that the local
4 economy has new and reliable sources of personal and business
5 income. These correctional facilities have created and
6 enlarged the market potential in their communities.

7 I spoke with Charles Massey, the County
8 Administrator, in Somerset County, Maryland, last week about
9 the prison there, and his comments were illuminating. He
10 spoke about the importance of the new jobs, not just that
11 there are new jobs and income, but these jobs offer young
12 people who have not been able to find good jobs locally and
13 who were leaving the area the opportunity to stay and work
14 productively in their community.

15 He also told me that there had been opposition
16 to the local of the prison, and now many of these previously
17 opposed people work at the prison and have become strong
18 advocates.

19 I asked him about the impact of the prison on
20 the business climate. His response was that it has been an
21 asset. It's an important customer for local businesses,
22 directly and indirectly, and has become a symbol of the
23 economy's resurgence. They are pleased with the benefits they
24 have gained, and even remarked that the prison is very visible
25 on a major highway, but because it's so well landscaped, it
26 has become -- it is a visual asset.

1 Some of the widely held views regarding the
2 impact of correctional facilities on their communities have
3 been carefully studied, and the research results have proven
4 the opposite of commonly held views. I want to review a
5 couple of these points with you quickly.

6 First, the impact of prisons on property values.
7 The general feeling is that prisons will have a detrimental
8 effect on their surrounding areas making property less
9 desirable and, therefore, decreasing property values.

10 Studies conducted in Florida and Wisconsin
11 comparing a change in property values around a prison with
12 property values in control areas found that property values
13 near the facilities were higher than in the control areas, and
14 that proximity raised the assessed property values. The
15 closer a house was to the facility, the higher its assessed
16 value.

17 Crime rates in proximity to prisons. A study
18 conducted by Florida International University comparing prison
19 and non-prison areas in Florida indicated that crime rates
20 near prisons were less than in control areas when there was a
21 difference at all.

22 A study in California that examined 21 cities
23 found communities with correctional facilities tend to have
24 lower than average crime rates than those that did not have
25 such facilities. The average crime rate in the cities with
26 the correctional facilities was 22 percent lower than in the

1 comparison cities.

2 What's the economic impact of prisons? A
3 central question. In recent years it has become commonplace
4 for communities to compete with one another for siting
5 correctional facilities as a form of economic development.
6 The reason for this high level of interest is that these
7 facilities represent a major source of good paying jobs and
8 stable tax revenues.

9 Procurement of goods and services from local
10 firms by prisons has been found to provide an important source
11 of business stimulation in the surrounding neighborhood. A
12 study in Pennsylvania of 185 towns within a 25 mile radius of
13 a state correctional facility determined that 65 percent of
14 the procurement value was captured by local firms.

15 Mr. Massey in Somerset County, who I told you
16 about, told me that while area firms benefitted from
17 procurement spending in the prison there, the impacts were
18 limited because it was a state facility, and procurement
19 procedures, in his words, were overly complex and bureaucratic
20 and often reflected statewide procurements.

21 A privately run facility would have much greater
22 procurement flexibility than a state run correctional
23 facility, thereby increasing the local business potential that
24 could accrue from its procurement spending.

25 The multiplier effect of this spending on the
26 local community is also important. Both payroll and

1 procurement outlays generate additional jobs and income and
2 also tax revenues as they are present in the local community.

3 The initial construction benefits are quite
4 large and easily documented. They also have measurable
5 indirect or multiplier effects.

6 Construction benefits are one time effects,
7 limited to the construction period. However, the operating
8 outlays of the correctional facility that recur annually and
9 accumulate over time to build and strengthen the local market
10 in the surrounding community, these generate the principal
11 sources of long term benefits.

12 There's been an issue raised about the impact of
13 prisons on the business climate. In Montgomery, Alabama, the
14 community expected that the Kilby Correctional Facility would
15 impede industrial and community development in the surrounding
16 area. To evaluate the facility's development impact,
17 investment patterns and proximity to the prison were studied
18 over a ten year period following its opening.

19 Besides the location of Auburn University's
20 satellite campus for 6,000 students and medical center, two
21 industrial complex and two shopping centers were developed
22 nearby and resulted in shifting the city's commercial district
23 towards the prison site.

24 This same study confirmed that housing property
25 values did not decline as a result of the prison. An
26 attitudes survey of business people found the prison was

1 viewed as a positive factor for business.

2 A study in Dade County, Florida involved a
3 survey of residents living near a correctional facility.
4 Seventy-eight percent of the residents believed that the
5 quality of life in the neighborhood had improved or remained
6 the same despite the presence of the facility. Ninety-seven
7 percent indicated that the facility did not create a
8 significant problem for them or their families.

9 The findings of this survey suggest that the
10 negative psychological and sociological impacts of
11 correctional facilities upon surrounding communities have been
12 exaggerated by their critics.

13 Larry Freer, Executive Director of the
14 Washington Council on Crime and Delinquency, in his literature
15 review on impact to communities of siting correctional
16 facilities concluded that, and I quote, "The major thrust of
17 the research literature suggests that fears concerning the
18 threats to public safety, declining property values, economic
19 cost, and eroding quality of life from siting correctional
20 facilities in communities are unfounded."

21 Correctional facilities have been shown to be
22 significant generators of new, local economic activity, new
23 jobs, new payroll, increased sales to vendors, and a stimulus
24 to new business development. This is economic development by
25 any definition. Economic flows associated with the proposed
26 CCA facility in the District of Columbia established the

1 significance of this economic development project.

2 During the construction phase, a total of \$84
3 million will be spent on construction and furnishings. This
4 spending could support directly 379 jobs in the District of
5 Columbia with an estimated payroll of \$13.5 million. The
6 direct and indirect job generation during this one year
7 construction period is important in the city as its overall
8 job base has been declining in recent years. Construction
9 employment in the District declined 200 jobs last year. If
10 this project had been constructed in 1998, the city's
11 construction work force would have gained 358 on-site
12 construction jobs, more than offsetting lost jobs,
13 representing a 1.7 percent gain rather than a two percent
14 decline that actually occurred.

15 With the completion of the facilities, it will
16 employ 450 workers with a payroll of \$16 million, plus four
17 million in fringe benefits. With an average salary of
18 \$35,500, the spending of the funds in the local economy would
19 generate an additional 98 jobs with a payroll of \$2.2 million.
20 Additionally, the procurement spending by CCA will total \$18
21 million annually for food, maintenance, and repair, medical
22 and office supplies, uniforms and general operations,
23 including utilities.

24 To the extent that locally based businesses
25 pursue and succeed in capturing this business, it could
26 support substantial business development opportunities in the

1 surrounding community. The total economic impact, \$18 million
2 in procurement spending on the D.C. economy would support 94
3 jobs in the District with an annual payroll of \$2.15 million.

4 How significant is this one project? The
5 District's job base has lost 63,500 jobs since January 1990.
6 That's through March of '99, with the private sector losing
7 10,500 jobs during this period. So any project that generates
8 450 on-site jobs and whose payroll and procurement spending
9 could support an additional 192 jobs for a total of 642 jobs
10 should be considered as major.

11 Over the past 12 months, that's March '98 to
12 '99, the District of Columbia had experienced net job growth
13 for the first time of 1,200 jobs. Had the proposed CCA
14 facility been operational during this period, total job growth
15 in the District would have been 1,840. The difference between
16 these two numbers is 53 percent.

17 Against the backdrop of eight years of declining
18 employment and with the District economy now beginning to grow
19 for the first time since 1990, a single project that can
20 generate over 600 net new jobs on site and in the community is
21 significant by any measure.

22 The impact of this new spending on the District
23 of Columbia's economy can be illustrated by comparing the
24 District's gross state product without the proposed CCA
25 facility and with it in full operation. The District's gross
26 state product in 1998 is estimated at \$41.5 billion. That's

1 in 1992 dollars, and it is projected to increase in 1999 to
2 41.8 billion.

3 If the CCA facility had been fully operational
4 over all of 1999, it would have contributed \$42.2 million in
5 direct and indirect spending to the local economy. Without
6 the CCA facility, the District's gross state product is
7 projected to increase \$332 million. With the CCA facility,
8 the District's gross state product would have increased \$374
9 million, for a gain of 12.6 percent.

10 The increase in the District's economy would be
11 12.6 percent greater this year had the CCA facility been in
12 operation. This different is large. There can be no doubt
13 that this is economic development, creating new and better
14 jobs, new personal income, new business revenues, and new tax
15 revenues.

16 This project could be discounted as an economic
17 development project if the opportunity costs of using the Oxon
18 Cove site as proposed would prevent its use for a more
19 economically productive activity. History has shown that this
20 is not the case. Without the CCA proposal, this site would
21 not have been available for private economic use, and even if
22 it had been made available for private use, no such uses have
23 been identified as being financially feasible, given the
24 prevailing market conditions in the surrounding area and the
25 isolated nature of this site and the availability of other
26 sites that are more attractive and more centrally located,

1 with better market accessibility and better visibility.

2 The opportunity costs of utilizing the Oxon Cove
3 site for the CCA facility appear to be small to none.
4 Consequently the economic benefits to the CCA facility are not
5 only significant, but they constitute a net increment of
6 economic development that would not have been otherwise
7 achieved.

8 In conclusion, the proposed CCA facility is
9 definitely an economic development investment. It will have
10 important job and income impacts that can have long term
11 benefits to the District of Columbia, and particularly to the
12 surrounding community.

13 It will enhance the local economy, strengthen
14 the area's business base, and it represents a gain that would
15 not displace any other economically productive use. By any
16 definition, the CCA facility must be viewed as an expansion of
17 the local economy's capacity to support future growth.

18 I visited this site. I've driven the area. I
19 know this city for many years. I've studied dating back to
20 1975 and conclude that this is the best site for this
21 facility. There is no other site where the potential negative
22 effects can be so well mitigated, while the positive effects
23 can still be captured for the benefit of the city and the east
24 of the river community.

25 Thank you.

26 CHAIRPERSON KRESS: Thank you.

1 MR. PROST: Good afternoon, Madame Chairman,
2 Commissioners.

3 CHAIRPERSON KRESS: Good afternoon.

4 MR. PROST: My name is James Prost. I'm a
5 principal of Basil, Baumann, Prost & Associates. We are an
6 economic development, real estate planning firm. I have over
7 30 years of experience in economic development planning, and I
8 have appeared as an expert witness before this august body.

9 We have conducted numerous valuations throughout
10 the District both for the public and private sector. We've
11 previously worked for the District government. We've
12 previously worked for local development corporations east of
13 the river. We've worked for various private sector entities
14 in evaluating economic development, market conditions in the
15 District and nearby Prince George's County, and in the east of
16 the river area.

17 What I'd like to do briefly is summarize my
18 testimony in terms of quantifying the fiscal and economic
19 impacts of the proposed PUD, evaluating what the development
20 impacts are in a kind of macro sense, real estate development
21 within Ward 8, within the east of the river area, and then
22 specifically focus on what the proposed PUD may mean in terms
23 of development implications for the D.C. Village site itself.

24 Just briefly going over the project, and it's
25 been described earlier, so that I don't really want to get
26 into too much detail other than, I think, a site assessment,

1 if you look at the site, it's a very isolated site from the
2 rest of the District, from the rest of Ward 8. The site has
3 limited access. It's a former landfill. As we noted, it has
4 environmental issues, and it's impacted by the various
5 adjacencies: Blue Plains waste water treatment, D.C.
6 government impoundment lot, the Police Academy, the Fire
7 Academy, the training facilities, Job Corps, Capital Tree
8 Nursery. So it is defined by its surrounding uses.

9 The proposed project in terms of brick and
10 mortar cost is an \$80 million state-of-the-art facility, and I
11 think it's important to note that it employs on site 450
12 people. If you're talking about economic development, that's
13 the equivalent of a 200 to 250,000 square foot shopping center
14 or a 100,000-plus square foot office building, a significant
15 amount of development occurring on site.

16 What we've done is measured the direct fiscal
17 impact. What are the taxes that would be generated to the
18 District government as a result of development on this site?

19 Secondly, we've measured what the direct and
20 indirect economic benefits would be in terms of jobs, payroll,
21 material purchases, consumer expenditures, and we've organized
22 that into the, as Dr. Fuller mentioned, the one time
23 construction period and the ongoing permanent impacts that it
24 has each year this facility is operated.

25 We've developed a model for measuring economic
26 fiscal development impacts that we've applied working for the

1 District, recently been applied to the District's Economic
2 recovery Act. It's been applied to various financial analyses
3 for the public and private sector.

4 We've adapted this model to take into
5 consideration the just announced, enacted or reformed in terms
6 of the District's tax structure. So if we did this a week
7 ago, the tax revenues would be a lot higher, but we've put the
8 whole impact of the tax reform into this evaluation rather
9 than the phase-in.

10 And then just to emphasize that this is in
11 constant 1999 dollars. So it hasn't been puffed up to include
12 any inflationary effects.

13 The impacts in terms of the actual construction
14 in terms of what types of tax revenues might be developed or
15 generated to the District government as a result of
16 construction in today's dollars are about \$1.2 million. That
17 consists of income tax and sales tax, significant one time, up
18 front impact from the construction of an \$80 million facility.

19 The economic impacts in terms of the region, in
20 terms of the payroll has created almost \$20 million in payroll
21 would be created both direct and indirect as a result of the
22 construction. Within the region there would be approximately
23 \$8.4 million in material purchases, and a resultant payroll
24 and the multiplier impacts would create almost \$16 million in
25 consumer expenditures.

26 So to impact in today's dollars upon the local

1 economy is approximately \$44 million.

2 Looking at the fiscal impacts in terms of the
3 ongoing annual operation of the facility, we estimate that
4 approximately \$550,000 in individual income tax would be
5 created. This is based on the salaries proposed. This is
6 based on the recently enacted reduced individual income tax
7 rate, and it's based on the proposal that 51 percent of the
8 workers would eventually be District residents.

9 Estimated property tax would be 1.7 million, for
10 a total tax revenue of about \$2.3 million.

11 Looking at the permanent direct and indirect
12 impacts in terms of the economic value created, the annual
13 direct and indirect payrolls are about 24 million. The annual
14 consumer expenditure is about 19 million, for a total annual
15 benefit to the economy of \$43 million.

16 The important thing to note about this is this
17 is not a one time shot. It's something that happens over a
18 long period of time, and what is the value of 25 years' worth
19 of taxes generated on that site in today's value? Well, the
20 value, the economic impact of that in terms of the taxes that
21 the District would generate over a 25 year period is value of
22 approximately \$30 million. The District could take the
23 revenue stream generated by this and issue a \$30 million bond
24 for capital improvements.

25 Looking at the value of the permanent direct and
26 indirect impacts on the overall economy, we see the value over

1 25 years of the payroll in today's dollars, \$320 million,
2 consumer expenditure \$250 million. So the overall value of
3 this development over 25 years to the economy is quantified at
4 \$586 million.

5 The specific benefits that would be generated in
6 Ward 8, and these were mentioned earlier in terms of the
7 targeted Ward 8 programs, the minority business revolving loan
8 of \$1 million, the Ward 8 employment preference and training
9 program, the scholarship program where a minimum of 50
10 scholarships per year.

11 I think a very important aspect is the
12 memorandum of understanding for a contractual relationship
13 with the Washington Institute of Technology. This enables the
14 Washington Institute of Technology in its important training
15 programs to be a reality.

16 Finally, there's the improvement, the
17 environmental improvement of the Oxon Cove site. What's
18 happening in east of the river, and we're very pleased of the
19 development that we've been seeing. We're very pleased of the
20 new initiative of the mayor in terms of economic development
21 over that particular portion of the District. We see
22 important opportunities existing around the new Metro station
23 at Alabama Avenue, at Prince George's District line at
24 Southern Avenue; significant opportunities at the Anacostia
25 Metro station, Anacostia gateway. We'll hear in a minute of
26 the wonderful residential activities that is occurring in the

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.

(202) 234-4433 WASHINGTON, D.C. 20005-3701 www.nealrgross.com

1 District through various initiatives, such as the investment
2 tax credit and various elements that the District government
3 is doing.

4 The Skyland Shopping Center, in terms of its new
5 Safeway, is an important new development. Good Hope
6 Marketplace, and one of the important things we see is the
7 Washington Institute of Technology in terms of contributing to
8 D.C. Village.

9 So what does this project mean in terms of the
10 east of the river area? It means jobs. It means payrolls.
11 It mean consumer expenditures. It means business
12 expenditures. It means the community multiplier effect, a
13 significant injection of dollars into the community, and as
14 Dr. Fuller says, a great opportunity for the community with
15 its economic development planning to capture those dollars.

16 Increased support in housing, as we'll hear in a
17 minute. What it does is develop a site that wouldn't
18 otherwise be developed, a site that is isolated from other
19 areas, which does not negatively impact other areas because of
20 its location, because of its site design.

21 What it does is it facilitates adjacent
22 development in terms of the Washington Institute of
23 Technology.

24 Looking specifically at the D.C. Village site,
25 what's going on at D.C. Village?

26 The D.C. Village has limited marketability right

1 now. It's always been a target of development, but it's
2 always kind of trailed because of other aspects, because of
3 its location, because of its access, because of its
4 visibility, because of the proximity to Blue Plains, the site
5 contamination on a portion of the site.

6 The adjacent governmental uses, as you saw in
7 the slide, are not conducive to development in terms of those
8 facilities, and those facilities are unlikely to relocate.

9 What you do have as a result of this particular
10 consolidated PUD proposal is a development that is compatible
11 with the surrounding governmental uses, an industrial program
12 that's compatible with the surrounding uses, investment in a
13 site which is unlikely to attract investment, significant
14 environmental problems, access problems. How do you get
15 environmental clean-up on the site? You get it because of
16 this particular use.

17 It eliminates the uncertainty of what might
18 happen to that site and can foster, as Dr. Fuller noted, an
19 atmosphere of security that encourages development, that has
20 been influential and important for development.

21 The educational and training programs,
22 particularly as it relates, I think, to the Washington
23 Institute of Technology, you've got a diesel institute, a
24 repair and maintenance institute, office and clerical workers
25 training, culinary and domestic training.

26 This relates very much to what's going on on the

1 consolidated site. It creates an attractive location for
2 technical businesses, and it directly relates to the
3 District's long term planning goals of getting production and
4 technical employment.

5 You have a training center. You have uses that
6 are conducive to that training center. You have direct
7 training, diesel training, improvements, repairs that can jump
8 start that site.

9 In summary, from an economic development
10 reality, from a private sector investment perspective, what
11 you have is major investment in an area. We have a secure,
12 isolated site that does not negatively impact other areas. We
13 have a tremendous generation of economic value. We have a
14 positive contribution targeted to the Ward 8 community. We
15 have support that directly is support of a production and
16 technical employment at the D.C. Village.

17 We don't have any negative impact because of the
18 location and design. On other locations where development is
19 more likely to occur first, and it's a productive use of a
20 site that otherwise would not be developed.

21 Thank you.

22 CHAIRPERSON KRESS: Thank you.

23 I would just remind the Applicant that there's
24 about seven minutes left, and so anyone else that wishes to
25 testify --

26 MR. CRAWFORD: I'll summarize.

1 CHAIRPERSON KRESS: -- needs to testify in seven
2 minutes. I don't mean to cut you short, but I just thought I
3 would remind the Applicant.

4 Thank you.

5 MR. CRAWFORD: Madame Chair and members of the
6 Commission, my name is H.R. Crawford. I'm a long time
7 resident of the District of Columbia. I resided most of my
8 life in the Southeast community across the river.

9 Most of my work has been in the Ward 8 community
10 which I considered always a diamond in the rough. Ward 8 is
11 presently experiencing a renaissance like never before. It's
12 on an upswing.

13 We have more positive development taking place
14 in the Ward 7 community now than ever before. I would never
15 do anything to impede that process.

16 I highly endorse this project. It can only
17 assist the kind of thing that's taking place in Ward 8 now.

18 Ward 8 is on a boom, just as the rest of this
19 city is. The real estate values in this city are sky
20 rocketing now. People are returning to this city. The city
21 is experiencing a magnificent renaissance. There is no way
22 that this would impede what's beginning to happen in our town.

23 I think very highly of our city, and I have
24 always been very high on our city, but there's a lot of myths
25 about our city, particularly the Ward 8 community.

26 Ward 8 has the best topography in this entire

1 area. We just dedicated the Walter Washington Estates last
2 week of which we're proud to say now that over 67 of those
3 residents have been committed, and these people are coming
4 from around the region. What we're attempting to do is to
5 integrated the neighborhood socioeconomically, which is going
6 to bring something totally new to that section of our town.

7 In addition to that, I'm proud to say that over
8 \$70 million from federal and private funds are being allocated
9 to the development of the Southeast area, just that particular
10 quadrant alone, and we're now looking at some other areas in
11 Ward 8 to develop.

12 The momentum is here, and we need to continue
13 that.

14 In 1973, about my background, I was appointed
15 Assistant Secretary of HUD by President Nixon. I was
16 responsible for all of the housing entities throughout our
17 country and in all of our possessions.

18 Many times I've had to appear before various
19 panels to testify to the kinds of housing situations that we
20 wanted to integrate into communities throughout our
21 possessions and all 50 states.

22 I've been a developer, property manager,
23 professionally all my life, of which I've spend more than 33
24 years in property management in some way, either through the
25 political process or in the private sector.

26 I've been a city councilman for 12 years,

1 representing the Southeast area, Ward 7 where I live. I
2 served for 12 years on the City Council, and of course, I
3 served for three years as the Chairman of Commission on Human
4 Services, which had particularly oversight for human services,
5 which at that time was over -- had oversight for this facility
6 that we're discussing.

7 When this facility was conceived, it was out of
8 sight, out of mind. It was put way over there at one of the
9 lowest points in the Southeast area because it was sort of
10 forgotten. It was the kind of situation we didn't want to
11 think about. So we put it over there many, many years ago,
12 out of sight, out of mine, the foster care and people who
13 couldn't really fend for themselves. So it's one of the
14 lowest points in the Ward 8 area, in the entire region.

15 I've gained broad and deep experience in both
16 social services needs throughout our city and particularly
17 east of the river. I recall in 1990 when I was on the D.C.
18 City Council, we had to take a vote on a treatment facility.
19 That treatment facility went through a lawsuit. The lawsuit
20 was overturned. It went through the court of appeals and
21 lost, and once again, we protested a treatment facility on the
22 old D.C. Jail site. It received much opposition.

23 I'm pleased to say that my office is located
24 within walking distance from that facility. That office has
25 not impeded my operation. It hasn't affected my income or
26 anything. As a matter of fact -- nothing adversely -- as a

1 matter of fact, that's one of the hottest real estate markets
2 in the District of Columbia, and that's within walking
3 distance of this treatment facility, the D.C. Jail.

4 As a private businessman, I've managed rental
5 properties with thousands of residents and thousands of units
6 all over this city, primarily in the Ward 8 community, and
7 many thousands of tenants over the years. I've developed
8 residential property, but most recently, Walter E. Washington
9 Estates, where we've invested in excess of 24.5 million, with
10 another six million planned for the total investment.

11 We're moving ahead with plans to renovate a 125-
12 unit apartment building, and we have plans for three other
13 developments in the Ward 8 community. This facility is not
14 going to impede that process. It can only assist because what
15 we're hopeful of is that many of these persons who will be
16 working at this facility will purchase homes or will either
17 rent one of our newly renovated developments.

18 Of all the person visiting our site, I have
19 heard nothing negative about this facility coming into the
20 community. People's concern are service delivery and the
21 school systems. That seems to be the number one issue, not a
22 facility that's out of sight, that hopefully will be well
23 protected. That's just not in anywhere near what we're
24 attempting to do.

25 The proposed correctional facility at Oxon Cove
26 will bring into this neighborhood a new pool of potential

1 residents who are responsible people, the 450 employees of the
2 facility. These positions have required responsibility on the
3 job, correctional offices, nurses, health care personnel,
4 teachers, food service workers, administrative employees, and
5 these people will make some of the highest incomes, if not the
6 highest, paid by any employer in the Ward 8 community.

7 I understand that the scales or wages are
8 prepared by the or established by the federal regulations.
9 There was a considerable assurance that salaries will remain
10 at a very high level. People who have steady, well paying
11 employment, and are in responsible positions also tend to
12 demonstrate responsibility as homeowners and tenants. They
13 keep their homes well maintained. They pay their bills, and
14 they teach their children to get an education and become good
15 citizens and take a part in their neighborhood.

16 These qualities are extremely essential to the
17 stability and success of any community. So as a housing
18 developer within the Ward 8 community, I see the correction
19 facilities' employees as a group I want to attract as home
20 buyers and tenants in the Ward 8 properties that we are
21 developing.

22 The Commission has been very supportive of many
23 projects that we've appeared before you in support of, and I
24 appreciate that. The corrections facility applications offer
25 you yet another opportunity to act in a manner that supports
26 the revitalization of housing and the economic development of

1 an area that's long been forgotten in Southeast Washington,
2 and I urge your approval of this application.

3 Thank you.

4 CHAIRPERSON KRESS: Thank you very much. Right
5 on time.

6 I will allow a one minute closure statement if
7 you prefer prior to questioning. We have exactly hit our time
8 frame.

9 MS. GIORDANO: Yes, Cynthia Giordano.

10 That concludes our presentation. I'd like to
11 submit though for the record a pamphlet that is an updating
12 and a refinement of the Washington Technical Institute
13 proposal.

14 CHAIRPERSON KRESS: Thank you.

15 With that, I will open it up to my colleagues
16 for questions. Would you care to begin, Commissioner
17 Franklin?

18 COMMISSIONER FRANKLIN: This is for Mr. Johnson
19 or Mr. Ray.

20 First of all, what is the status of this
21 proposal now with the Bureau of Prisons? I'll have some
22 questions for the other gentlemen, but are we going to go
23 through another 12 hours of hearings and then discover that
24 you haven't been selected after all? What is the status?

25 MR. JOE JOHNSON: Madame Chairperson,
26 Commissioner Franklin, I, in all candor, will try to answer

1 your question as best I can. It's sort of an interesting and
2 intricate question.

3 The Bureau of Prisons is on a path to make a
4 selection. We believe the selection will not be made until
5 some time in late August, possibly early July. We believe
6 that we are extremely well positioned to be selected.

7 MR. RAY: Well, Commissioner Franklin,
8 obviously, you know, I can't tell you when the BOP will make
9 the selection, but as Mr. Johnson has indicated, they are
10 slated to make their decision. They're to make it sooner, but
11 you know, sort of by law they would have to make it some time
12 in July, no later than early August or they would have to
13 extend the process beyond.

14 So I think it's extremely time sensitive in
15 terms of their making the decision. You know, obviously the
16 date that was set by Congress in the law, which was 2001,
17 they're not going to make that date, and there's a great deal
18 of sensitivity on the part of BOP to that mandate. So I would
19 anticipate that they will make that decision as soon as
20 possible.

21 As I indicated earlier, back under the
22 memorandum of understanding and as expressed in the study that
23 was done on the closure awarded, the expression has been made
24 quite clear that having facilities in the District of Columbia
25 is the best for everyone. I think we all realize, you know,
26 the difficult road that we are traveling here, you know. So I

1 think the BOP would like to make this as soon as possible.

2 COMMISSIONER FRANKLIN: What explains the change
3 in their request for proposals?

4 MR. RAY: You mean the initial change?

5 COMMISSIONER FRANKLIN: Well, you're here with a
6 very scaled down proposal, and I'm just curious as to why the
7 BOP made a change in that regard.

8 MR. RAY: Well, I can't say with complete --

9 COMMISSIONER FRANKLIN: I understand.

10 MR. RAY: -- as to why they did that. I can
11 share with you what they said. They indicated that they gave
12 some additional thought to the RFP and decided that it would
13 be best to separate out the women, the youth, and the what it
14 called low minimum inmates, and you know, that's all that I
15 can say because that's what they indicate.

16 COMMISSIONER FRANKLIN: Did you want to add
17 something, Mr. Johnson?

18 MR. JOE JOHNSON: I, Commissioner Franklin,
19 share Mr. Ray's opinion on that. I think that the Bureau of
20 Prisons found themselves in a very interesting position on the
21 first round. They really attempted to try and, I think,
22 provide for a competition that would allow one or more
23 providers to win and thereby have some measurable way to look
24 at the private sector's performance here.

25 As we've stated, we did not submit for the first
26 round. However, we did, because of the many requests from

1 inmates at the CTF, females who we now house, petition the
2 Bureau of Prisons to allow them to remain in the city. That
3 was a very actively considered request by the Bureau of
4 Prisons. There were some things that we couldn't get together
5 here locally, but they clearly wanted to keep the female
6 inmates here and, I think, would welcome a proposal to keep a
7 segment of the population here.

8 I think their major issue was to try and
9 encourage competition among more than one vendor.

10 COMMISSIONER FRANKLIN: Could you also supply
11 for the record the incidence of escapes from CCA facilities?
12 I know since the last hearing there's been some press accounts
13 of additional incidents, and I would like to have it submitted
14 for the record so that we have a complete record of those
15 incidents.

16 MR. JOE JOHNSON: Mr. Franklin, I'll be happy to
17 do that. I'm not aware of any incidence since our previous
18 meeting. Could you help me sort of define those a little
19 better?

20 COMMISSIONER FRANKLIN: I thought there was one
21 at your detention facility in the District.

22 MR. JOE JOHNSON: Oh, the CTF, sure.

23 COMMISSIONER FRANKLIN: Yes. Well, whatever CCA
24 experiences have been throughout the country, that would be
25 helpful.

26 Also, regarding the --

1 MR. RAY: Mr. Franklin.

2 COMMISSIONER FRANKLIN: Yes.

3 MR. RAY: Commissioner, if I can, we will be
4 happy to submit that, Commissioner Franklin. I just wanted to
5 put on the record that what you will find, and you know,
6 there's numerous studies on this, and Mike Quinlan is here.
7 He's the former head of the BOP, and what you're going to find
8 is that the escape from private facilities is no great, but, I
9 think, frankly, a little bit less than they are from public
10 run facilities.

11 COMMISSIONER FRANKLIN: That may be so.

12 MR. RAY: I think that's what you will find, and
13 the studies so indicate.

14 COMMISSIONER FRANKLIN: Do I understand that the
15 BOP has not made any change in its announced policy that they
16 continue to reserve the right to put non-D.C. residents in
17 this facility, to incarcerate them in this facility?

18 MR. RAY: As I pointed out, you know, during our
19 last discussion, Commissioner Franklin, the federal
20 government, the D.C. government, and any number of states -- I
21 don't know the number right off the top of my head, but I can
22 provide an accurate number for you for the record -- are all
23 members of what is known as the Interstate Compact, and we're
24 able to store and house inmates in other facilities in the
25 federal government because we're part of that.

26 For example, the inmates that are in the

1 Virginia facility that we sent out recently were sent there
2 under the Interstate Compact, and when we have bed available
3 here or they have beds available there, we have access to
4 those beds, and there is no way that we cannot agree to accept
5 inmates from out of state or from the Federal Bureau of
6 Prisons and be a part of that Interstate Compact.

7 Having said that, as I pointed out to you
8 before, it is hard for me to see under any scenario where any
9 appreciable number of inmates from any other facility or any
10 other system would be part of this facility.

11 As I pointed out earlier, just last week the
12 trustee went to Congress and asked them to allow them to
13 double sell at the D.C. jail, to reopen demolished facilities
14 because we don't have the bed space.

15 As I also pointed out to you, we were required
16 to enter into a memorandum of understanding to make sure that
17 the D.C. government would still have the responsibility of
18 housing all of these inmates who go through the Superior Court
19 system even though, you know, they are a census felon in
20 certain instances.

21 So, Commissioner Franklin, I cannot see a
22 scenario, you know, in my lifetime where 99.9 percent of the
23 inmates at this facility are not going to be D.C. inmates.

24 COMMISSIONER FRANKLIN: Referring to the
25 memorandum of understanding and the part of it that you quoted
26 to us where it says the BOP will also work with D.C. officials

1 to identify sites for possible federal correctional facility
2 construction within D.C., could you tell the Commission what
3 the BOP has done in compliance with that provision of the MOU?

4 MR. RAY: Well, I cannot because the BOP has not
5 talked to me. I think you'd have to talk to folks like
6 Councilman Evans who used to be Chairman of the Judiciary
7 Committee and Mr. Drissell at this point, Mr. Cropp and
8 others.

9 COMMISSIONER FRANKLIN: But you're citing that
10 provision of the MOU, and so far as I know, unless my
11 colleagues can correct me, I'm not aware of any study that was
12 conducted with D.C. officials. The Office of Planning doesn't
13 refer to any to identify sites for such construction within
14 the District. Is it fair to conclude that that never
15 occurred?

16 MR. RAY: I do not know whether it did not
17 occur. I can say to you that as you recall, in the original
18 RFP, there was a provision in that RFP that D.C. locations
19 would be given preference on the part of the BOP, and to the
20 extent that they've had discussions with officials, I think
21 only elected officials could respond to that.

22 But I think when they talk about working with
23 D.C., they're not talking about working with private
24 individuals like myself, but rather with elected officials and
25 others.

26 COMMISSIONER FRANKLIN: Well, the question

1 really relates to a larger, more general question, which
2 perhaps one of your other experts might address, and that is:
3 what is the planning background for this proposal? Normally,
4 whether it was an economic development plan or any other land
5 use plan, one would suppose that a number of sites would be
6 explored, and the pros and cons of each site would be
7 identified, and some expert would opine that this particular
8 site is superior to all the others that have been explored for
9 various reasons.

10 And if there has been some exercise of that
11 sort, it hasn't been unveiled so far as I'm aware. So we're
12 being told that this is a great site, but we're not being told
13 of any other planning, exploration of other sites, and why
14 this one is superior to those other sites.

15 MR. RAY: Commissioner Franklin, Mr Frost may
16 want to add to this, but basically what the BOP did initially
17 is that they put out an RFP, and they asked for responses to
18 that RFP. I do not know exactly how many responses there
19 were, but I do know, based on my base intelligence, that there
20 were four or five responses.

21 Those responses were not required to be in the
22 District of Columbia. The District of Columbia was simply
23 given a preference.

24 COMMISSIONER FRANKLIN: I understand.

25 MR. RAY: There was a site in the District. I
26 know that there was one in North Carolina, and I guess we know

1 now that there was one in Pennsylvania.

2 COMMISSIONER FRANKLIN: Well, but I understand
3 all of that.

4 MR. RAY: And BOP did look at all of those
5 sites.

6 COMMISSIONER FRANKLIN: The BOP does not to the
7 planning in my judgment for the District of Columbia. The
8 District of Columbia is in charge of its own planning, and I'd
9 like to know what kind of planning has preceded the selection
10 of this particular site.

11 Let me go on to maybe Dr. Fuller and Mr. Prost
12 can address the issue.

13 Is it not true that the positive economic
14 potential that has been set forth here would be true, perhaps
15 even more true, of any other site within the District of
16 Columbia? There's nothing about this particular site, is it
17 true, that is salient in terms of the economic development
18 potential here?

19 DR. FULLER: Well, the economic development
20 potential includes both the benefits and the costs. So what
21 may be unique about this site as opposed to one on New York
22 Avenue or some other place would be that the reuse or the
23 opportunity cost of utilizing this site for this purpose is
24 fairly modest.

25 COMMISSIONER FRANKLIN: Well, is there data on
26 New York Avenue that you can point to that shows how that can

1 qualify?

2 DR. FULLER: Well, I don't think there happens
3 to be a site on New York Avenue, or is it in the Office of
4 Planning's program to suggest that that's a good location?
5 Most of these benefits are city-wide benefits that can be
6 captured in whatever community that the facility might be
7 located.

8 COMMISSIONER FRANKLIN: So it's not site
9 specific.

10 DR. FULLER: Some are. Some are, but some
11 aren't. I mean, it's a function of how eager the community
12 and the business, the entrepreneurs in that community are to
13 benefit from this.

14 Clearly, there are some locations that would be
15 less amenable because there are no economic support systems
16 surrounding them. If you put it totally in the midst of the
17 northwestern part of the region or the District where there
18 are no commercial facilities, but most of them are general.

19 COMMISSIONER FRANKLIN: Let me recast the
20 question in this form. If the mayor were to ask you, Dr.
21 Fuller, for an economic development strategy for the east side
22 of the river or Ward 8 or that general sector, would you come
23 out with a policy recommendation that ranked a correctional
24 facility at the top of the list so far as an economic
25 development policy is concerned?

26 DR. FULLER: Well, I'd be hard pressed to

1 identify specific opportunities that we know could locate in
2 this location or in the east of the river anyway. There have
3 been proposals for 25 years about a full range of facilities
4 very few of which have materialized yet. Most of the
5 development opportunities east of the river are going to be
6 supported by the residential income that exists in that
7 location. They're going to be commercial, and that's
8 beginning to emerge now.

9 This particular site isn't a shopping center
10 site. There are --

11 COMMISSIONER FRANKLIN: Well, a lot of the
12 things that have been stated to us regarding the positives of
13 this site relate to its, quote, isolation, unquote. It
14 strikes me that the isolation of the site is something that
15 also militates against some of the positive economic
16 development potentials that you are citing.

17 The site is quite accessible, is it not, from
18 Maryland and Virginia in terms of employment and shopping?
19 You just cross the Wilson Bridge and you're in Virginia in a
20 few minutes.

21 The way in which you have proposed the economic
22 development potential here makes it sound as though this site
23 is across the street from some thriving commercial shopping
24 center, and it isn't.

25 DR. FULLER: Well, there's two issues here. One
26 is that this type of economic development activity doesn't

1 require the consumers to come to it. It represents a work
2 force of 450 people who take --

3 COMMISSIONER FRANKLIN: Who may live in
4 Virginia.

5 DR. FULLER: Well, that may be true. Two-thirds
6 of the jobs in the District of Columbia are filled by suburban
7 residents.

8 COMMISSIONER FRANKLIN: Right.

9 DR. FULLER: But in this case, as I understand
10 it, it's the commitment of the CCA to train local residents
11 for these jobs. If the local community cannot supply the
12 potential labor force, clearly other people will get these
13 jobs.

14 And so this is an opportunity that's set at the
15 doorstep of this community to utilize and take advantage of or
16 to lose to the suburbs or to some other ward, for that matter.

17 COMMISSIONER FRANKLIN: So it all boils down, it
18 seems to me, to seizing the opportunity.

19 DR. FULLER: Absolutely. Also, there's
20 substantial evidence over time that economic development of a
21 market drive nature is hard to accomplish in this portion of
22 the region, not only in the District, but just a mile and a
23 half down the road in Prince George's County.

24 We've been watching National Place emerge now
25 for more than ten years, and they have not done residential.
26 They have not done office building. They have not done

1 shopping centers. They're having to go to hotels and to adult
2 and to recreational kinds of functions, and this is the most
3 prominent site directly at the foot of Wilson Bridge with
4 interstate highway access.

5 The Oxon Cove site doesn't have all of those
6 advantages, and clearly one can't assume that it is as
7 attractive as the National Harbor site. This is a use that
8 would not be on the top of my list because it probably
9 wouldn't be on my list unless somebody brought it to us.

10 It's been brought to us. It's been brought to
11 the community and say: here's an opportunity with 450 jobs.
12 What other facility is pending within this community with 450
13 jobs? Is it good? Is it bad? Are these jobs that can be
14 retained? Is there income spending that can be captured here?

15 Those are the planning issues, and I think the
16 answer can be yes.

17 COMMISSIONER FRANKLIN: Would it be true as a
18 generalization in terms of the other communities that you
19 cited in your statement that they tended to be relatively
20 rural or small communities whose options for economic
21 development were quite limited?

22 DR. FULLER: Many of them are. Dade County is
23 Miami. I don't think that qualifies as being small, and that
24 was one of the -- and Montgomery, Alabama.

25 But frequently they are, and frequently it's the
26 only game in town.

1 COMMISSIONER FRANKLIN: Right.

2 DR. FULLER: This is not an urban site by
3 standards of other locations in the District of Columbia.
4 This is about as rural as one can get. Try driving to it and
5 see how good the road signs are. This is not a site that's
6 prominent in the District of Columbia.

7 And so even the community has some of the
8 characteristics that one finds in rural communities. There
9 are not lots of jobs for young people. Young people have a
10 very high unemployment level. It's atrociously high
11 unemployment level, and those that can be employed are having
12 to leave to find jobs in other places, the same thing that
13 happens in rural communities.

14 The services are not as good in this community
15 as elsewhere in the District. This differential is not unlike
16 we find in other places, and so the parallel between a
17 correctional facility being located here as an economic
18 stimulus and one in Somerset County is not as far a reach as
19 may appear on the map.

20 COMMISSIONER FRANKLIN: Well, then what I hear
21 you saying is that had there been a planning exercise of any
22 sort, which there hasn't been, to locate a facility of this
23 sort within the boundaries of the District of Columbia, that
24 planning exercise would have settled on this site?

25 DR. FULLER: I wouldn't have been surprised if
26 that's true. There are not very many large sites like this in

1 the District of Columbia by virtue of the District of Columbia
2 being largely developed. Trying to find a site of 40-plus
3 acres that can be developed for anything is a challenge, and
4 then finding one that doesn't have an alternative better use,
5 a more prominent use, one that isn't more central to the
6 marketplace.

7 It's possible there's another site. I have
8 looked at maps. I can't find one that I would recommend as
9 highly, but i haven't done the study to be sure.

10 COMMISSIONER FRANKLIN: Well, you can see what
11 the difficulties are at least for me, that we're supposed to
12 be making judgments on the basis of some kind of planning
13 process, and we don't have that context.

14 That's all, Madame Chairman.

15 CHAIRPERSON KRESS: Thank you.

16 COMMISSIONER HOOD: Madame Chair, I have a few
17 questions.

18 With all of your zoning changes, why are you
19 still asking for the land to be zoned M? And are you
20 suggesting all low security facilities take the highest zone
21 in a particular jurisdiction?

22 MR. RAY: Commissioner, I'm not -- I'm trying to
23 follow you. I'm not quite sure I understood.

24 COMMISSIONER HOOD: Okay. I'll read the
25 question again.

26 MR. RAY: Thank you very much.

1 COMMISSIONER HOOD: Okay. With all of the
2 changes that are still -- that have been asked for, why are
3 you still asking for an M zone? Are you suggesting that all
4 low security facilities take the highest zone in a particular
5 jurisdiction?

6 MR. RAY: Well, Commissioner, as we look at the
7 zoning laws as they exist today, I am not sure that the zoning
8 laws preclude a correction facility from being anywhere, and I
9 think that's in large measure because traditionally these
10 kinds of facilities have been built by the government.

11 For example, the D.C. Jail and the Corrections
12 Treatment Facility is literally across the street from a
13 residential area. As you well know, the old Women Detention
14 Center used to be right next to Gonzaga High School, until it
15 got so bad we closed it down.

16 So, you know, traditionally correction
17 facilities have been building, you know, all over the place,
18 in residential areas and what have you.

19 We are here because, one, we are a private
20 company building a facility, but I would also ask you to keep
21 in mind that this facility is not being built for a private
22 use. It's being built for a public use, and both the D.C.
23 government, as well as the federal government, has decided
24 that they want a certain number of corrections facilities
25 built by private companies.

26 The D.C. City Council and the mayor when I was

1 on the City Council, both starting with the '95 and '96 budget
2 declared that all of Lorton, as well as all of these
3 facilities, would be totally taken over by the private sector,
4 and Congress then passed a law doing a 50 percent minimum of
5 that.

6 So we are here because as a private company, we
7 believe that this particular zoning status will allow us to
8 build this facility. There is no guidance as to whether or
9 not in trying to build a corrections facility, whether it's a
10 medium or a maximum, it should be one zoning designation
11 versus another.

12 COMMISSIONER HOOD: Okay. Well, that didn't
13 quite answer my question, but we can move forward.

14 MR. RAY: Well, I --

15 COMMISSIONER HOOD: That's fine. That's fine.
16 I'll fill in the rest.

17 Are you still operating -- and some of these may
18 be coinciding with Commissioner Franklin's questions, but I'm
19 looking for a particular answer -- are you operating on the
20 premise that all inmates will be residents of the District of
21 Columbia?

22 MR. RAY: Yes, we are. The whole purpose of
23 closing down Lorton and building new facilities is to house
24 D.C. inmates, and but for the exception that I explained to
25 Commissioner Franklin, yes, the premises that all of these
26 inmates will be D.C. residents.

1 COMMISSIONER HOOD: In the RFP on page 6, Line
2 8, it says, "It is anticipated that the BOP will predominantly
3 designate individuals committed as a D.C. sentenced felon to
4 the institution. However, the BOP may designate any inmate
5 within its custody utilizing the same designation criteria as
6 used at other BOP facilities." That's in the RFP. I just
7 wanted to put that on the record.

8 MR. JOE JOHNSON: Commissioner Hood, I want to
9 say that is -- a prime example of what you've just read is the
10 kind of thing that happens when someone like a Roy Westin, the
11 Capitol Hill Shooter, who came in from wherever he came from -
12 - I'm not sure -- shot up the Capitol building. He is now a
13 resident, an inmate at the CTF. He is not a District of
14 Columbia resident, but he is under the jurisdiction of the
15 U.S. attorney, and he is housed in Washington, D.C., and those
16 kinds of things are contractually stated in that RFP to be
17 able to cover such issues as that.

18 But there is no question that this is primarily
19 a designed facility for D.C. residents.

20 And I wanted to say, Mr. Franklin, to you -- I
21 started not to say this, but I think I have to -- we are not a
22 unit of the government. We cannot come to the Planning
23 Department -- we are in a competitive process -- and say,
24 "Will you help us decide where best to plan and find a
25 facility, a location for a facility for our project?" We are
26 not the government.

1 It is our duty to find the most appropriate site
2 and describe that site to the public officials and try and
3 move it forward.

4 We do not have the capacity to engage the
5 Planning Commission or the Planning Department in a long-term
6 plan for that resolution.

7 COMMISSIONER HOOD: Okay. My next question is:
8 as a result of the changes, have you met with the community,
9 and what was the response?

10 MR. RAY: Yes, we have met again with various
11 community leaders, as well as the ANC.

12 The ANC, as you recall, opposed the original
13 submission, and they went on record to oppose the revised plan
14 as well.

15 On the other hand, as I think that you will find
16 throughout this hearing, that a large number of the residents
17 of Ward 8 support this facility, and I will dare say you will
18 find that most of the witnesses that will be coming here to
19 testify against this facility, when you ask where they are
20 from, I'm going to suggest to you that you will find that they
21 are from several places: Prince George's County, Wards 1,
22 Wards 2, Wards 3, and some in Virginia and Maryland and some
23 in Ward 8, but the overwhelming majority of those that will
24 come and support this facility will be residents of Ward 8.

25 COMMISSIONER HOOD: Okay. Mr. Ray, just as the
26 project has changed, I believe you referenced the MOU with

1 former council members prior. Are you aware that some of the
2 support has changed, too?

3 MR. RAY: The MOU, Commissioner, is a very
4 different document. The MOU is a legal document that was
5 entered into between the City Council, the mayor, and Office
6 of Management and Budget, and it doesn't matter, you know, who
7 leaves, the City Council or vice versa. That is a legal
8 document that's binding.

9 In terms of the changes -- and I assume you're
10 making reference to the changes in the City Council.

11 COMMISSIONER HOOD: I'm making reference to --
12 you referenced something that was in the material that we
13 received earlier in the previous two hearings, and I have the
14 updated material, which is -- for instance, you called one
15 Council member's name that was in agreeance (phonetic) at one
16 time. I'm going by your piece that you had previously, and
17 that --

18 MR. RAY: Well, I didn't call a name. I said
19 there was 12 members.

20 COMMISSIONER HOOD: Right. I didn't call the
21 names either, but I'm saying now I see letters of opposition.

22 MR. RAY: Well, i don't know who the letters of
23 opposition is from. I mean if you could tell me, I could
24 share with you whether or not they were the 12 that signed the
25 original letter, but I wanted to make a distinction between
26 the MOU. The MOU is not a letter. That's a legal, binding

1 document that was entered into between the mayor, the City
2 Council, and the Office of Management and Budget.

3 You know, there has been some new members
4 elected to the City Council since the last election, and
5 there may be some difference there.

6 COMMISSIONER HOOD: The next question is to Mr.
7 Crawford.

8 Mr. Crawford, can you go into more detail how
9 you would equate development of the correctional facility with
10 such projects as the Walter Washington Estates, especially if
11 this is the type of development we don't want to see or we're
12 trying to hide? Could you just elaborate how you equal to --

13 MR. CRAWFORD: My position is there's no
14 impediment. As a matter of fact, many of the persons
15 hopefully that would be working there hopefully, in view of
16 the Fannie Mae announcement just a week ago which encourages
17 employers to subsidize those persons who are at the work force
18 to move into facilities such as Walter Washington Estates and
19 some of the other projects that we're proposing. That would
20 just facilitate it and complement the effort.

21 But I see this project here as no impediment to
22 the development process. That's my major concern. There's a
23 terrible myth about that neighborhood. It's a beautiful
24 neighborhood, a very attractive neighborhood, and I consider
25 this would be another force that would complement the activity
26 that's presently taking place in the neighborhood.

1 COMMISSIONER HOOD: Thank you.

2 Mr. Frost, if you could come back to the table,
3 one quick question for you.

4 Within the National Environmental Policy Act
5 process, where are we in this process as it pertains to this
6 development?

7 MR. FROST: We are in the first step. We have
8 prepared a preliminary draft environmental assessment, which
9 was submitted to the Federal Bureau of Prisons in January of
10 1999, and you have a copy of that.

11 That is not an official NEPA document until the
12 agency responsible for the action publishes it, and the
13 Federal Bureau of Prisons would be that agency. They would
14 publish it if CCA was selected for this particular contract.

15 COMMISSIONER HOOD: So that's as far as we've
16 gotten, is what's submitted?

17 MR. FROST: Yes, sir.

18 COMMISSIONER HOOD: Okay.

19 CHAIRPERSON KRESS: I had a question on this, if
20 I could just interrupt you.

21 COMMISSIONER HOOD: Sure.

22 CHAIRPERSON KRESS: As long as we've got the
23 chart up on this. If you take this all the way through and
24 they're required to do the final EIS, what is the time frame
25 that will be involved? And does that still work with the
26 process you've outlined and the Federal Bureau of Prisons'

1 early move-in date, shall we say?

2 MR. FROST: Sure, and just to clarify, the EIS
3 would only be prepared if there was a determination as part of
4 this process that there was a significant impact.

5 CHAIRPERSON KRESS: That's why I asked it as an
6 "if."

7 MR. FROST: So, you know, at the point that the
8 Federal Bureau of Prisons publishes this, and that has not
9 happened yet, there has to be at least 45 days of comment
10 period allowed, and then 30 days for the final publication of
11 an EA. So an absolute minimum of 75 days from the time this
12 occurs.

13 So it certainly can be done in the time frame of
14 the contracting requirements for this particular project. I
15 can't say that it is going to be done in that time frame, but
16 the Federal Bureau of Prisons could complete it within a time
17 frame that's commensurate with the schedule for this project.

18 CHAIRPERSON KRESS: But if you're pushed to go
19 to a full EIS, there is another major time frame step, isn't
20 there?

21 MR. FROST: Yes, that would be a significant
22 amount of time to do a draft and a final environmental
23 assessment -- I'm sorry. A draft environmental impact
24 statement is generally going to take 14 months to 24 months.

25 CHAIRPERSON KRESS: Thank you.

26 I'm sorry. Go ahead with your questions.

1 COMMISSIONER HOOD: Sure.

2 CHAIRPERSON KRESS: I just wanted to finish that
3 one issue.

4 COMMISSIONER HOOD: Sure.

5 CHAIRPERSON KRESS: Thank you.

6 COMMISSIONER HOOD: We're operating on the
7 premise that you're going to get the contract and you're going
8 to switch the land. If you are not awarded the contract, what
9 contingency plan do you have with the land on Oxon Cove?

10 MR. RAY: Commissioner, we came to you under a
11 PUD application. I mean we simply could have come in for a
12 zoning change to this piece of property. We came in under PUD
13 because in talking with the planning staff and others, they
14 suggested that that was the route that we should go, and we
15 wanted to be as cooperative as possible.

16 And obviously by coming in with the PUD
17 application, it's for that particular facility that we have
18 put before you, and if we don't get that facility, we wouldn't
19 be able to build anything there. We'd have to come back, you
20 know, to you again.

21 COMMISSIONER HOOD: Okay. So in other words,
22 you have no contingency plan if you're not awarded a contract
23 and you own the land?

24 MR. RAY: No, we don't have any contingency plan
25 to build anything else here if that's what you're asking.

26 COMMISSIONER HOOD: Right.

1 MR. RAY: No.

2 COMMISSIONER HOOD: My last question, Madame
3 Chair, is a transportation issue. Are there any bus lines
4 that run back up in there that would maybe run in front of
5 your facility?

6 MR. RAY: Yes. D.C. Transit runs down there.

7 COMMISSIONER HOOD: Okay. Thank you, Madame
8 Chair. No further questions as of this moment.

9 CHAIRPERSON KRESS: Thank you, Commissioner
10 Hood.

11 Commissioner Clarens.

12 COMMISSIONER CLARENS: Yes. Good afternoon. I
13 have a few questions.

14 Mostly let's start with talking about the
15 amenities package of the PUD application, what you call, I
16 believe, the public benefits, and let's start with number one,
17 the Washington Institute of Technology.

18 And I see on page 13 of your revised what do you
19 call it? Your supplemental submission for the PUD, but what I
20 don't see any numbers. I don't see any dollar numbers
21 associated with your participation. I see a reference to a
22 memorandum of understanding which WIT, and so --

23 MR. JOE JOHNSON: What would you like you see in
24 numbers?

25 MR. RAY: Commissioner, in order words, when you
26 talk about numbers, you mean the amount of --

1 COMMISSIONER CLARENS: Well, the form in which
2 you're going to make -- yeah, the manner. If I remember from
3 the first application, there was some understanding that the
4 correction facility was going to provide a market for the WIT.
5 How is the relationship? Can you expound?

6 MR. RAY: Commissioner, as you will recall in
7 the original proposal, as well as in this proposal, there's
8 really two aspects of this. One is that we have a large
9 number of training programs for the inmates on the facility,
10 as well as the industry's program as we well.

11 We would contract with the institute to teach
12 and train the inmates both in the standard programs, whether
13 it's electricity, whether it's plumbing, whether it's
14 carpentry, et cetera, as well as providing training in the
15 industry program as well, because in the industry program
16 basically most of these inmates will be in the position that
17 they have to be trained to do the job before they can do it.

18 So you start training inmates. You create a
19 pool that can start doing the job. Then you continue to train
20 them for those industry jobs, as well as for the other
21 programs that are there.

22 Now, we are not just going to go out and grab
23 any inmate. We want the inmates who go into this program to
24 be good inmates who are conducting themselves well. So the
25 educational programs, the industry programs are used as an
26 incentive to get inmates to do the right thing.

1 And we can't give you a number off the top of
2 our head of out of 1,200 inmates how many would ultimately
3 sign up and become part of this. What I can say, based on
4 experience with these being low level security inmates, which
5 are the best group for rehabilitation, we would anticipate
6 that the vast majority, you know, 70 to 80 percent of the
7 inmates that are incarcerated there will be participating in
8 these programs.

9 COMMISSIONER CLARENS: And can you give me some
10 idea, a rough park figure as to the level -- the amount, the
11 dollar amount of the contractual relationship between CCA and
12 WIT for the services that you're talking about?

13 MR. RAY: Yes. The brochure, Commissioner, that
14 they provided with you set forth their costs, I mean, what the
15 result --

16 COMMISSIONER CLARENS: Their tuition.

17 MR. RAY: Yeah, their tuition based upon the
18 number of inmates we have enrolled in these various programs,
19 as well as the training programs that we have will ultimately
20 result in the figure that we would --

21 COMMISSIONER CLARENS: Well, but you're not
22 going to be paying full tuition. CCA won't be paying full
23 tuition. This tuition will be for somebody that walks out on
24 the street and comes in, et cetera, et cetera, et cetera.
25 You'll be engaging in some sort of a contract that will be
26 negotiated with WIT to provide these services.

1 MR. RAY: There would be a multitude of these,
2 Commissioner. As you well know, UDC for many, many years ran
3 a program at Lorton which allowed inmates to get a college
4 education.

5 And I might just say to all of the
6 Commissioners, given all of the bad publicity about Lorton,
7 Lorton graduated more inmates from college than any other
8 institution in America. It had one of the best college
9 programs in the country.

10 We have offered, you know, I think it's 50
11 scholarships for UDC, in addition to the scholarships and
12 others that we will offer here. So if there's an inmate, and
13 you will have inmates who will have already got beyond the
14 level of training for carpenters or whatever, who will be
15 ready for the kind of programs that the WIT offers for people
16 on the outside, and they would be able to offer those to
17 inmates who are incarcerated, as well.

18 So it would be a mixture of things.

19 COMMISSIONER CLARENS: Well, let me clarify
20 because I'm a little bit confused about WIT, as I was in the
21 first application.

22 This is a private school, vocational school in
23 business already somewhere. I believe in Maryland, and CCA is
24 going to engage them to provide the services at this facility
25 if this facility proceeds.

26 MR. JOE JOHNSON: That's correct. That is

1 correct.

2 COMMISSIONER CLARENS: That is correct?

3 MR. JOE JOHNSON: That is correct.

4 COMMISSIONER CLARENS: Okay, and the sort of
5 agreement would be that you would be paying a predetermined or
6 a negotiated amount per inmate that participates in the
7 program provided by WIT within your facility.

8 MR. JOE JOHNSON: Basically, that's correct.

9 COMMISSIONER CLARENS: And the fact that this
10 program is going to be in place and WIT is going to have this
11 contract, this ongoing contract with you is going to allow
12 them to move forward with a development of a campus at the
13 D.C. Village site.

14 MR. JOE JOHNSON: That's correct. That's
15 correct. That is correct.

16 COMMISSIONER CLARENS: And that is the extent of
17 your commitment to WIT for the development of the D.C. Village
18 site.

19 MR. JOE JOHNSON: That is a front end part of
20 our discussions, to sit down with them and look at our
21 vocational education budget that we will have in place as part
22 of our contract to work in a subcontract method with them for
23 training our inmates in our facility.

24 There are also other amenities that we are
25 looking at with them that may help leverage other sources of
26 funds through our ability to help provide some kind of method

1 to look at leveraging low interest loan programs or other
2 kinds of access to capital that we, quite frankly, need to sit
3 down and hammer out together.

4 But we have agreed on the front end that they
5 would be handling our vocational training portion for our
6 contract.

7 COMMISSIONER CLARENS: So, in fact, as a city,
8 we don't have any assurances whatsoever that WIT is going to
9 move forward with the development of a vocational school that
10 will serve all residents of the city, and specifically of Ward
11 8, beyond the intention that this is so, that this work is so.

12 MR. JOE JOHNSON: Well, I think our intentions
13 are primarily there as an assurance for you now. I'm not sure
14 what else we could do. I would be open to your suggestions
15 for other assurances, but this is a project that we're fully
16 committed to move on.

17 COMMISSIONER CLARENS: No, I'm not sure that I
18 have any suggestions. I'm just wondering that it appears on
19 your application as the number one or the first of public
20 benefits as being provided, and it seems to me that one
21 component of that is the provision of training to your
22 inmates, and that's one thing.

23 But that doesn't really help the people outside
24 the facility. What might become useful would be a vocational
25 training program or facilities located at D.C. Village, and
26 that seems to me that that would be the goal of some sort of

1 an agreement for an amenities package as part of this PUD, and
2 we need to endeavor to figure out how to make this happen.

3 You know, I don't know how to make that. You
4 know, I'm not going to propose how that's going to happen, but
5 it seems to me that it's very loose at this end, that there's
6 basically no commitment except an intention with an
7 institution that even in the first application I have problems
8 because of its lack of history or track record in this field,
9 and that is a concern that I expressed then, and I'm
10 expressing today.

11 MR. RAY: Commissioner, let me say three things.
12 One is in terms of our commitment, I think that we can find
13 some language that will make you feel a lot more comfortable
14 about that and that you will see a greater binding commitment
15 on our part.

16 Secondly, in the agreement that we signed with
17 them, we insisted that they contain language in there, which
18 would not allow them to discriminate against any inmate who
19 came out of our facility or any inmate who came out of any
20 other facility in terms of going to the facility outside.

21 Third, this institute, you know, was not our
22 idea. This was the idea of someone else who saw what we were
23 doing and came to us, and we saw it as an opportunity to
24 provide a service that we needed, as well as, you know,
25 putting an infusion of funds into this to get them started
26 because, you know, the start-up cost is the most difficult

1 cost, and we would give them a ready made student body with
2 income screens coming in to allow them to get going.

3 I think they have a strong commitment. They are
4 here, and maybe they can come down. I know they've already
5 put together an unsolicited proposal. I don't know if they've
6 actually submitted it or not. I think perhaps they have for
7 this site in terms of what they want to do.

8 But in terms of us making a commitment
9 financially to see them get started, we can put the necessary
10 language together because we are committed to that, and we
11 would give that to you.

12 COMMISSIONER CLARENS: Okay. So that's the
13 first thing that I think is important that we tie down.

14 MR. RAY: All right.

15 COMMISSIONER CLARENS: And at least have some
16 idea, a clear idea, of what is the level of commitment of CCA.

17 The same question then applies to number two in
18 the public benefits package, and that is the Ward 8
19 scholarship program. I have missed it. It could very well be
20 here somewhere, but I don't see any dollar amount. I see the
21 only -- yeah, I don't see any dollar amount. I don't see
22 numbers of scholarships and the amounts of the scholarships.

23 MR. JOE JOHNSON: We can, Commissioner, work
24 that through with you and put numbers there. Our
25 understanding is that our process would be to work directly
26 with the University of the District of Columbia and work with

1 them in terms of what their prevailing tuition rates are for a
2 full-time load and what's there for a part-time load or what
3 in between a student might want to work on.

4 I believe the yearly tuition is somewhere
5 between six and 7,000 a year. I'm not sure what it is at UDC,
6 but --

7 COMMISSIONER CLARENS: Well, we need to be sure,
8 but we need more than that. We need to know, in fact, how
9 many scholarships are you funding.

10 MR. JOE JOHNSON: We said 50.

11 COMMISSIONER CLARENS: Are you funding one?

12 MR. JOE JOHNSON: We said 50.

13 COMMISSIONER CLARENS: Fifty.

14 MR. JOE JOHNSON: Fifty. That should be in
15 there. If it's not, it should be there.

16 COMMISSIONER CLARENS: Well, I don't see it, but
17 if it's 50, that's something we can -- okay. This will be 50
18 full-time equivalent.

19 MR. JOE JOHNSON: Fifty full time or part time.

20 COMMISSIONER CLARENS: Okay. We need then to
21 clarify that because 50 full time or part time can be a big
22 difference. I mean I don't know what the credit cost of UDC
23 is, but it could very well be, let's say, \$100 or \$200. I
24 don't know how much it is. Part time it might be a three
25 credit hour person taking a course. That's a very different
26 type of commitment than a full-time equivalent. What would it

1 cost to go full time to UDC?

2 MR. RAY: Commissioner, let me clarify. We
3 would define 50 full-time equivalent scholarships. What Mr.
4 Johnson is saying, if someone were to take 12 hours versus 15
5 hours, you know, we would not deny that individual the
6 opportunity to participate.

7 COMMISSIONER CLARENS: Okay, but it's 50 full
8 time?

9 MR. RAY: But it's 50 full time, yes.

10 COMMISSIONER CLARENS: Fifty fully time. Okay.

11 MR. RAY: Yes.

12 COMMISSIONER CLARENS: The revolving loan
13 program. Okay. I'm sorry. I answered that question.
14 Okay. Now, that's fine.

15 Okay. Now, let's get back to the landscaping
16 situation, the landscaping buffer, and I don't think that
17 there is a problem, but maybe we want to get some response on
18 the record about the idea of having a prison surrounded with a
19 fence, a correctional facility surrounded with a fence, and
20 then surrounding that fence with a buffer of planting.

21 And I can understand why you're going there, and
22 I understand the visual impact and the benefits to the visual
23 impact from that, but my question is the relationship of doing
24 that and the issues of security, and I just want to address
25 that issue and put it on the record and get that over.

26 MR. FROST: Yeah, we did consider that, and in

1 fact, when we had multiple meetings with the National Park
2 Service, you know, we were trying to go as far as we could to
3 accommodate their concerns and improve the buffering plan.

4 We did talk with the security folks and CCA
5 about what they felt they could live with in terms of a
6 separation distance between the edge of the facility and the
7 beginning of the trees, and basically what we came back with
8 was that we felt we would not be compromising security in any
9 way if we kept a distance of about 50 feet between the edge of
10 the perimeter road and the beginning of the trees.

11 That was one particular location on that
12 southeast corner where the facility is quite close to the
13 trees. We have encroached upon that, but the rest of the area
14 where we're able to keep a 50 foot separation, and we feel
15 comfortable that operationally and from a security perspective
16 that we're not compromising the issue.

17 COMMISSIONER CLARENS: But there's no need --
18 there will be no need for any additional -- a lot of this
19 buffer area is within your property.

20 MR. FROST: All of the buffer area is within the
21 property, yes.

22 COMMISSIONER CLARENS: And there will be no need
23 for sensors or any kind of additional security within the
24 buffer area.

25 MR. FROST: No, the outside of the facility
26 itself is the security route, the perimeter route. So there's

1 no need for additional security measures above and beyond
2 that.

3 MR. RAY: We have a security expert here.

4 MR. SPEAKMAN: My name is Warner Speakman. I
5 testified previously to you.

6 COMMISSIONER CLARENS: Correct.

7 MR. SPEAKMAN: There's really nothing else to
8 say. The Federal Bureau of Prisons sat down, laid down the
9 standards of security. Security are first the building. We
10 talked about the rings, the theory of the security, and it
11 starts within the building, and your last point within your
12 security area as defined by all government and state
13 facilities is the perimeter fence or your perimeter road.

14 Now, excuse me. We've looked at the site, and
15 we see we have a very strong perimeter with the two fence
16 design. On the interior fence, we do have electronic
17 surveillance. So if we have a penetration, it then
18 communicates to the perimeter mobile, and the penetration,
19 there should be someone there to visit with once you go beyond
20 that second fence.

21 So the 50 feet that has been discussed is well
22 within the design perimeter set forth by the FBOP and set
23 forth in this RFP.

24 COMMISSIONER CLARENS: Okay, and my last
25 question is something that actually came out of Mr. Crawford's
26 testimony, and it occurs to me that Anacostia and Ward 8 is

1 mostly located on the slopes of a hill, and a lot of its charm
2 and beauty comes out of the topography, which is somewhat
3 exceptional to the District.

4 And it occurred to me that the studies that have
5 been made of the views of this facility have been made from
6 areas which are below the facility, and my question would be:
7 what would be the views of these facilities from above, from
8 other areas within the ward? And how visible is this facility
9 going to be seen from other significant areas of the ward?

10 MR. FROST: Just give us a minute while we put
11 this up, if we may.

12 COMMISSIONER CLARENS: Sure.

13 MR. FROST: I think the area you're referring to
14 is up here. If you follow Blue Plains up in this area,
15 there's quite a steep topographic relief, and then there's a
16 road along here, and there's a number of residential
17 developments along here, and Wingate, of course, is right
18 about up here.

19 You know, I have driven up along this road, and
20 there's mature, forested trees all throughout this area here
21 that at least from road level screen out the facility very
22 effectively.

23 Now, Wingate is an apartment complex, and it may
24 be high enough that you can partially see some of our
25 facility. I haven't done that particular study, but the trees
26 along here are tall. They're mature. They will effectively

1 screen it.

2 And I would like to point out that just in the
3 even that you could see our facility from Wingate Apartments,
4 I would suspect you're also seeing an awful lot of development
5 from Blue Plains and from the D.C. Village site and from the
6 Training Academy, and so forth. So I don't think that there
7 will be any adverse visual impact even under the worst
8 situation with Wingate Apartments, for example.

9 COMMISSIONER CLARENS: Okay, and then that
10 brings me to my real last question.

11 (Laughter.)

12 COMMISSIONER CLARENS: And it has to do perhaps
13 with that possible view, and it has to do perhaps -- I can't
14 help but talk a little bit about the architecture of the
15 facility and the institutional nature of that architecture,
16 the way that it looks.

17 Maybe the architect might want to approach and
18 sit.

19 And my question is, and you should have a pretty
20 clear answer to it and it's very straightforward. If the
21 facility were to be built, would it be possible at all to have
22 any other kind of roof that was not a flat roof?

23 MR. HAINES: I would say the possibility exists
24 to have any number of types of roofs associated with the
25 architecture. You can put a roof on about anything you want
26 in terms of the technological engineering capabilities.

1 COMMISSIONER CLARENS: I'm talking about for a
2 prison facility. You're an architect specializing in prison
3 facilities, and so my question to you is: is there anything
4 prohibiting you from considering other roof forms than a flat
5 roof?

6 MR. HAINES: Not necessarily.

7 COMMISSIONER CLARENS: Not necessarily?

8 MR. HAINES: This is not a flat roof. It's a
9 sloped roof.

10 COMMISSIONER CLARENS: Well, it is a flat roof.
11 It is sloped only to get rid of the water.

12 MR. HAINES: Correct.

13 COMMISSIONER CLARENS: But it is not a sloped
14 visually. It is a flat roof visually.

15 So it would be possible to consider the
16 possibility of gable or some sort of roof that would make the
17 facility look less institutional.

18 I'm in agreement that the rest of the area,
19 especially Blue Plains, is not particularly handsome to look
20 at, but we don't need to increase that. We don't need to
21 increase that. We need to perhaps change it and make the
22 facilities more compatible with the rest of the architecture
23 that exists in the city as a whole.

24 As you perceive the city, as you fly into the
25 city, and if you drive around it, you will see that the flat
26 roof is associated usually with taller buildings and not

1 necessarily with residential buildings.

2 MR. HAINES: You can put a roof on the facility.
3 The larger core area would present some engineering problems
4 which have hips and valleys in there, which would increase
5 security concerns in terms of surveillances on the roof.

6 The inmate housing area with a smaller foot
7 print would enable a gable roof, a hip roof style to be put on
8 there. It would also raise the height of the roof ridge,
9 which would then come into impact in terms of a visual buffer
10 screening.

11 So we have higher roof lines as opposed to the
12 lower profile we're looking for now, as well as some security
13 breaches in terms of larger footprint core area.

14 COMMISSIONER CLARENS: Okay. Well, --

15 MR. HAINES: It may be a compromise. Maybe some
16 could and some couldn't in light of the overall perspective of
17 trying to monitor visual buffering, trying to provide security
18 applications and visual screening and keeping a low profile in
19 terms of the view sheds we discussed earlier.

20 COMMISSIONER CLARENS: Yeah, and the point I'm
21 trying to make basically is that it seems to me that the basic
22 philosophy is to hide this facility behind this buffer and to
23 screen it and basically hide it and no one is going to see it.
24 It's going to be there. It's out in one corner, and that's
25 going to be that.

26 But my question is basically that that's really

1 not going to happen; that the facility will be seen, and I am
2 not complaining about the architectural moves that you've made
3 to handle the fenestration and the banding that you've created
4 and even the color selection, which I assume is the same for
5 this facility that you presented in the original application.

6 MR. HAINES: We have not changed the
7 architectural character. We've worked closely with the Office
8 of Planning for suggestions in the architectural content,
9 incorporating into the building opportunities to less the,
10 quote, institutional appearance of that, and we have achieved
11 that with the current design in terms of --

12 COMMISSIONER CLARENS: Okay, but you would
13 consider studying an alternative or two to make the facilities
14 less institutional?

15 MR. HAINES: Would we study that?

16 COMMISSIONER CLARENS: I'm asking -- I'm saying
17 that if we are asking you to do that, you would provide us
18 with such studies.

19 MR. RAY: Commissioner, I can answer your
20 question. I just spoke with the Vice President here. We are
21 willing to take your suggestion under consideration and take a
22 look at them and see what we can do in that regard.

23 COMMISSIONER CLARENS: Great.

24 CHAIRPERSON KRESS: I don't know that we're
25 asking that at this time.

26 COMMISSIONER CLARENS: Correct.

1 CHAIRPERSON KRESS: That is a suggestion. We're
2 not asking you to do that at this time.

3 COMMISSIONER CLARENS: That's right. That is
4 correct.

5 CHAIRPERSON KRESS: Did you have anymore
6 questions?

7 COMMISSIONER CLARENS: I don't have anymore.

8 MR. RAY: Madame Chairman, I would like to add a
9 little additional response to a question that Commissioner
10 Franklin raised earlier that I didn't get a chance, and it was
11 about the idea of planning for the city.

12 Commissioner Franklin, I served on the City
13 Council for 18 years. I oversaw a number of the comprehensive
14 plans and planning for the city. We have a comprehensive
15 plan. We have zoning. From time to time we go back, as you
16 well know, and we revisit the comprehensive plan, and we have
17 set forth a plan for the city.

18 Indeed, we've set forth a plan for the wards,
19 and indeed, some of the wards when I was on the City Council
20 went into great detail to come up with their ward plans.

21 And to the extent that we have presented a
22 correction facility, we have presented a facility that's
23 consistent with the comprehensive plan and with the plans for
24 those city and for the kind of facilities that are called for
25 in that area, and I just wanted to put that on the record.

26 COMMISSIONER FRANKLIN: Could I respond, Madame

1 Chair?

2 CHAIRPERSON KRESS: Absolutely.

3 COMMISSIONER FRANKLIN: CCA, I assume, and maybe
4 there are public correctional facilities that also are housed
5 within what might be called urban kinds of facilities. Some
6 of them I've seen pictures of. If you pass by them, if you
7 look just in passing, you might not know that they were
8 correctional facilities because they are very urban. They
9 look like an office building or what have you.

10 We're considering now a proposal that is really,
11 as somebody has said on your team, about as rural as you might
12 expect in a city. It takes up a lot of space. It is using
13 something that is basically an open land situation.

14 It just strikes me that one could meet some of
15 the requirements that the Bureau of Prisons has set forth and
16 economic development potentials might suggest are worthy of
17 consideration in an urban kind of development, in a more
18 central location within the city than in what is aptly called
19 a rural development in an open space setting.

20 I mean those are very different kinds of
21 developments, and you know, a planning process, if it were
22 engaged in, would perhaps come up with some that would be an
23 alternative site that would look very different in terms of
24 how much space it took up and its height and such like.

25 So that was all I was really talking about in
26 terms of planning. It just seems to me that there are options

1 available that have not been explored, and I might add that
2 when CCA first acquired land for this facility, it acquired
3 land that was not within the District of Columbia. So it was
4 not really looking for something that would accrue the
5 benefits that have been cited to us on this particular site.

6 We're considering something that is a result of
7 a land exchange where the initial impetus had nothing whatever
8 to do with the District.

9 MR. RAY: Well, you are correct that the
10 majority of the land was not in the District of Columbia, the
11 land that we initially acquired.

12 Commissioner, if you look at the D.C. Jail or at
13 the Correction Treatment Facility, you know, they are in the
14 main the kind of facilities you're talking about. Indeed, you
15 know, one person who lives near there is sort of responding to
16 living there by the Correction Treatment Facility said that
17 she sort of thought it was a hospital, you know, when she
18 first saw it.

19 But those kinds of facilities that are built up
20 like that are generally facilities where people are going to
21 be for a temporary, not long-term basis. It's very difficult
22 to build those kind of facilities for the kind of services
23 that we're going to be providing for these kinds of inmates,
24 and Mike Quinlan, I guess Mike is a party, who is the former
25 head of the BOP, could speak to that.

26 The reason the BOP has put forth this specific

1 design is because of the type of inmates that we're going to
2 be housing there, and I don't think that they would even
3 consider housing these kind of inmates in the type of
4 facilities you're talking about, which is basically designed
5 for a jail, temporary detention facilities.

6 I mean, throughout the country you will find
7 these downtown facilities, but by and large, they're temporary
8 facilities like a jail or detention facility.

9 COMMISSIONER FRANKLIN: So are you saying the
10 BOP in its request for proposal has made it clear that it
11 would not entertain any proposals that were in what I would
12 call an urban configuration?

13 MR. RAY: Indeed, and I'll let Mr. Johnson speak
14 to this, one of the issues we had with the women that we
15 wanted to keep at the Correction Treatment Facility because we
16 wanted to keep the women here, and there was a great demand
17 for that, is that they had concerns with the fact that the
18 Correction Treatment Facility is a highrise facility.

19 MR. JOE JOHNSON: Commissioner Franklin and
20 Madame Chairperson, the initiation of this project began with
21 the idea that Lorton was going to close and that many of the
22 citizens of the District of Columbia who are housed there
23 should have the opportunity to be rehabilitated and serve
24 their time in the District. That's where it started from.

25 And the drawbacks of a highrise facility, if you
26 believe in rehabilitation as we certainly do, your program

1 space and your opportunity for training programs are severely
2 limited in a vertical build-up versus one that is spread out
3 in the way we're trying to visualize this facility in Oxon
4 Cove.

5 I might add that there is a very good synergy of
6 this very similar type facility in Nashville, Tennessee, where
7 we operate a facility of a very similar number of folks in the
8 same kind of configuration right on the outskirts of
9 Nashville, right in a similar kind of position as we're
10 talking about here, and it works very well.

11 MR. RAY: This is Mike Quinlan. He was head of
12 the Federal Bureau of Prisons for what, four or five --

13 MR. QUINLAN: Five and a half years.

14 MR. RAY: -- five and a half years, and he can
15 explain to you why a highrise versus the type we have here is
16 not acceptable.

17 MR. QUINLAN: Well, if I could just explain that
18 a highrise facility is generally used by the Bureau of Prisons
19 in major metropolitan areas for detection purposes, and the
20 reason they use it in those facilities is that there is not a
21 lot of movement by the inmates in those kinds of facilities
22 between the housing units and the activities. Because they're
23 in a detection setting, they generally just stay in their
24 housing unit. They're fed in their housing unit. Any
25 programs, recreation and such, et cetera, are very limited
26 outside of the unit.

1 In a correctional facility, like the one that is
2 proposed by the Bureau in this solicitation, there are a
3 number of programs that the inmates will be participating in
4 outside of their housing units. Because a highrise facility
5 has to use elevators for movement of inmates, it's very
6 difficulty from a management standpoint to get inmates from
7 one place to another in a highrise facility, and that bodes
8 against the use of those facilities in this kind of a
9 correctional facility.

10 COMMISSIONER FRANKLIN: Thank you for that
11 information.

12 CHAIRPERSON KRESS: I would like to suggest to
13 my colleagues that it might be a good time to break. I think
14 that a lot of people seem to have been sitting for over three
15 hours, and I think we could all use a little stand up, walk
16 around.

17 What I was going to suggest is that we go ahead
18 and break now for about 20 minutes with your approval, and
19 then when we return, we'll finalize any of our questions as
20 the Commission and ask the Office of Finance to suggest any
21 potential questions to us that we may ask after we return, and
22 then we'll finish our questioning and move on to the cross
23 examination of the parties.

24 Does that sound in agreement with everyone? Is
25 that all right with you?

26 COMMISSIONER FRANKLIN: When does the OP report

1 come in?

2 CHAIRPERSON KRESS: The OP report comes in after
3 the cross examination.

4 So with that, I will hereby declare a break for
5 20 minutes.

6 (Whereupon, the foregoing matter went off the
7 record at 4:14 p.m. and went back on the record
8 at 4:55 p.m.)

9 CHAIRPERSON KRESS: I hereby call to order our
10 continuing hearing on the Corrections and Rehabilitation
11 Center.

12 I wanted to double check with the Commissioners.
13 Commissioners, did you have any further questions of the
14 Applicant? Are we prepared to move on to cross examination?

15 Office of Planning, did you have any questions
16 you wished to ask is?

17 MR. COLBY: No. After -- I think you've
18 answered all of our question, and I feel guilty after having
19 gotten that privilege not to have to take advantage of it, but
20 you all did such a good job, we can essence get at our issues
21 through direct testimony.

22 CHAIRPERSON KRESS: Thank you.

23 Then with that, we'll move to cross examination
24 by the parties of the Applicant.

25 Mr. Kinlow, would you and Mr. Thompson like to
26 begin since you are sitting there?

1 This is your opportunity to ask any questions of
2 the Applicant, as you know, that you wish. It is not the time
3 to testify. You will be testifying later on behalf of your
4 organizations. So this is a time to ask questions on what has
5 been testified to for clarification.

6 MR. KINLOW: Okay. Let's see. I had a question
7 for Mr. H.R. Crawford, but let me jump to the next issue.

8 CHAIRPERSON KRESS: Mr. Crawford?

9 MR. RAY: I think Mr. Crawford had to leave.

10 CHAIRPERSON KRESS: Oh, excuse me. I wanted to
11 stop for a moment. I know you were. Has anyone that's here
12 now that's going to testify been sworn in? Because some
13 people came late. Have you not been sworn in?

14 PARTICIPANT: No, no.

15 CHAIRPERSON KRESS: Are you going to be
16 testifying or asking questions?

17 PARTICIPANT: Yes.

18 CHAIRPERSON KRESS: Could someone quickly swear
19 in those additional people?

20 Just stand right there. I'll ask all those to
21 rise who need to be sworn in.

22 (Whereupon, additional witnesses were duly
23 sworn.)

24 CHAIRPERSON KRESS: Thank you.

25 I'm sorry to interrupt you, Mr. Kinlow. Would
26 you please?

1 MR. KINLOW: Okay. For the record, my name is
2 Eugene Dewitt Kinlow, representing the Far Southwest Civic
3 Association and the Ward Coalition.

4 CHAIRPERSON KRESS: Would you also do me a
5 favor? There has been some question about where people come
6 from and where they live. I would like to ask everyone as
7 they continue to testify today to identify for the record.
8 Typically we ask your name and where you live, but identify
9 for us particularly if it's Ward 8.

10 MR. KINLOW: And I live on 3952 Second Street,
11 S.W., in Ward 8.

12 CHAIRPERSON KRESS: Thank you.

13 MR. KINLOW: This question is directed toward
14 either Mr. Fuller or Mr. Prost. Based on the plan that you
15 have shown us for the Oxon Cover location, if there were an
16 alternative plan that was not a correctional facility, but
17 provided all of the same benefits, equal amounts of dollars to
18 the city treasury, the same number of jobs, would you, all
19 things being equal, would you -- which one do you think you
20 would --

21 MR. PROST: Well, there's a question of the
22 reality, whether or not there's a market potential and where
23 that alternative use can afford to pay the environmental
24 clean-up. So I guess hypothetically if you can wish something
25 on the site that had the same value, would generate the same
26 development, but I can't imagine what development could occur

1 on that site given the near term market, given the
2 environmental constraints

3 MR. KINLOW: Okay. Again, on that site, since
4 it abuts waterfront property, do you know of any other
5 correctional facilities that have been sited on the water in
6 urban areas, and traditionally what are some perfect uses for
7 land abutting riverfront property or cove type property?

8 MR. PROST: I'm not an expert on prison
9 locations per se. Alcatraz is one that comes to mind,
10 frankly, in terms of waterfront location in an urban site, and
11 so is Sing Sing and other facilities.

12 Again, it really depends on the ability to use
13 the site and what is an economically viable use on the site,
14 and one of the unique aspects of this is its ability to
15 develop the site, given the condition of the site and given
16 the existing uses proximate to the site, Blue Plains and the
17 other D.C. Village functions.

18 MR. KINLOW: Okay. This question is for Mr. Ray
19 just so we can clarify this process once again. Does CCA have
20 a contract or does CCA own the land at this point or has the
21 land been transferred to the control of CCA?

22 MR. RAY: Mr. Kinlow, one, we do not have a
23 contract, as was indicated earlier. The BOP has not selected
24 a contractor for this particular RFP, and as indicated
25 earlier, the CCA and the National Park Service has agreed upon
26 a three person team to determine the value of our parcel and

1 their parcel, and we, both parties, have agreed to live by the
2 findings of that three person team.

3 And in fact, the three person team had indicated
4 that their appraisal would be filed on or about the 17th of
5 this month, which is today, and as Mr. Johnson entered in his
6 testimony, under the law passed by Congress, if the appraisal
7 teams conclude that the National Park Service site costs more
8 than our site, we have to pay the difference. If they
9 determine that our site costs more than the National Park
10 Service Site, the government will not pay us anything. So
11 that -- (pause).

12 MR. KINLOW: Okay. This question is for Mr.
13 Fuller or Prost. I forget who was speaking on the screening.

14 And I guess screening talks about being able
15 pretty much to hide the facility. Can you tell me --

16 MR. RAY: That was Mr. Frost.

17 MR. KINLOW: That was Mr. Frost. Sorry. I had
18 Frost. I'm sorry.

19 Could you tell me how many lights are located
20 around the facility and do you know what wattage they are?
21 Because I know you can kind of hide a facility, but at night
22 I'm sure with the lights on, it might look like RFK or
23 something like that. Can you tell me if you have that
24 information?

25 MR. FROST: I can't tell you exactly how many
26 lights will be there. I think the spacing for the lights is

1 generally about every 100 feet or so, and I believe the
2 wattage, two or three per light bulb.

3 Identify yourself.

4 MR. HAINES: Joe Haines.

5 The lighting standards for the facility designer
6 dictated by the Federal Bureau of Prisons design criteria,
7 which requires a minimum of 1.5 foot candles for average
8 lumination (phonetic) through the entire site. That's roughly
9 equivalent to what you'd find in a current shopping center
10 parking lot design.

11 There'll be some higher intensities focused
12 towards the ground at the perimeter fence area, nominally
13 about five foot candles, but the overall lighting level is not
14 going to be comparable to RFK Stadium. It's more comparable
15 to a parking lot.

16 MR. FROST: And I'd just like to add to that if
17 I could that the D.C. impoundment lot sits adjacent to our
18 site. It has about 20 light poles of the same height, and I
19 believe there's two bulbs per light head of the same wattage
20 of what we have. So there's a facility adjacent to us that
21 has fairly similar security lighting.

22 MR. KINLOW: Thank you.

23 To Mr. Ray, earlier you indicated several times
24 the letter sent by the District of Columbia City Council,
25 about 12 members who supported a prison in town, and I think
26 someone cross-examined you and asked did you know that some of

1 those City Council members were opposed to a facility at that
2 site.

3 I'm going to ask again. Do you know of any
4 council members who are opposed to a facility at the Oxon Cove
5 location?

6 MR. RAY: As I indicated, 12 members sent a
7 letter to the Director of Bureau of Prisons stating why they
8 thought a facility should be in the District of Columbia. I
9 do not know, you know, all of the members who may have since
10 sent a letter to the City Council opposing this site. The
11 only person that I know for sure was the one who gave some
12 testimony at the last hearing, which was Council Member Allen,
13 who stated that she supported the position of ANC.

14 MR. KINLOW: Okay. A question for Mr. Fuller or
15 for Mr. Prost, and this was actually a question directed
16 toward Mr. Crawford.

17 He said that it -- well, maybe I can't ask this
18 question then because it said he could not affect his property
19 values, but -- it's okay. I guess I can't ask it because he's
20 not here.

21 CHAIRPERSON KRESS: Well, Mr. Fuller perhaps
22 could answer that if you feel comfortable asking that of Mr.
23 Fuller.

24 MR. KINLOW: Okay. He was citing no impact, and
25 this question goes to address the nature of economic
26 development and housing prices in Ward 8. Specifically, if

1 Mr. Crawford has these properties that have been subsidized
2 for 25 million or 24.5 million and each unit is subsidized for
3 20,000 and they haven't sold, which is generally a great
4 bargain, they should be sold.

5 So the question is: are there some factors that
6 negatively impact housing prices in Ward 8?

7 DR. FULLER: Well, I don't think he said that
8 these were subsidized by 20 million a year. That's how much
9 he's invested in the area, and he is selling houses.

10 He did indicate, as well, that the housing
11 market in the District and in Ward 8 has improved
12 substantially, as we know, over the last two years, and that
13 the evidence that I've seen in examining other cases has shown
14 that when one provides jobs in the community, the market
15 strengthens, and that's been the case with correctional
16 facilities around the country, that the residential market has
17 improved because there are more job holders who have higher
18 incomes able to buy these houses.

19 And I know that Mr. Crawford is, as he said, is
20 hopeful that by creating several hundred new jobs, paying over
21 \$35,000 a year that are targeted for Ward 8 residents, that
22 some of those new employees will come by and buy some of his
23 houses. So he's looking for it as increasing demand, and
24 that's what's been the examples that I found in Florida and
25 Wisconsin and in California, that the demand for housing went
26 up because incomes went up.

1 MR. KINLOW: Well, my question, to piggyback on
2 that then, is -- and for a fact I do know that these homes
3 have been subsidized to at least \$20,000 per unit, but if you
4 decrease the price, surely you're supposed to increase demand,
5 but that hasn't happened. So my question is: what are some
6 of the other factors that are affecting, in your estimation,
7 these properties not being sold?

8 DR. FULLER: Well, I think the factors
9 affecting housing sales and business in general east of the
10 river are factors relating to income and to unemployment, and
11 as individuals have more stable income, as unemployment goes
12 down, they're able to buy more. They're able to support
13 retail and better stores, and as more stores develop, there
14 are more jobs, and there's more income retention to the
15 benefit of the community.

16 And so it's part of a process, and in effect,
17 it's a cycle that as one generates more high paying jobs, the
18 community -- the housing market is going to strengthen, just
19 as the retail market will strengthen, too, and that's why this
20 facility could be such a positive influence on this community.

21 MR. KINLOW: Mr. Ray, earlier you indicated that
22 a majority of the folk who are going to testify as supporting
23 a prison live in Ward 8. Do you know of the leadership of
24 those folk who live in the Ward 8, who are supportive of a
25 prison at this point?

26 MR. RAY: Mr. Kinlow, I've been in this city

1 sine 1967. I spent 18 years on the City Council. There's not
2 a community or a neighborhood in this city that I do not know.
3 I know most of the leaders in this city by name, including
4 yourself, including this wonderful lady that's sitting next to
5 you who's generally here, who I've known for years, and I can
6 identify almost every leader in every community in this named
7 by sight and can call them by name, and I have seen those who
8 have showed up at these hearings. I've seen those who have
9 demonstrated. I've seen those who have marched with you, and
10 I have never been able, even with the march that took place in
11 Ward 8, to identify more than eight people in that march that
12 lived in Ward 8.

13 I did identify an awful lot of my friends that
14 lived in Ward 2 and Ward 3, including a school board member
15 from Ward 2 who was there, and it's on those bases that I made
16 that statement.

17 The Chairman has asked those to identify
18 themselves when they testify so we will determine where they
19 live.

20 MR. JOE JOHNSON: Mr. Kinlow, could you be a
21 little bit more specific in your definition of a leader?

22 MR. KINLOW: Well, we have the Advisory
23 Neighborhood -- we'll start with elected officials, the
24 Advisory Neighborhood Commissions, and several of them have
25 come out on the record opposed to --

26 MR. JOE JOHNSON: And several have supported.

1 CHAIRPERSON KRESS: We're starting to testify
2 and this is not what the intent is here at this point. It is
3 for Mr. Kinlow to ask questions.

4 MR. JOE JOHNSON: I was just trying to figure
5 out how to answer the question.

6 CHAIRPERSON KRESS: Then accidentally he ended
7 up answering by starting to testify. I think the question is
8 a well taken question, and that's: do you know of individuals
9 who live in Ward 8 who are leaders, if I heard the question
10 correctly, who are supporting the Applicant's case?

11 If you know such people, I would answer them
12 with names. If not, it will come up in the hearing with
13 people identifying themselves.

14 MR. KINLOW: Okay. At this time I'm going to
15 pass the mic to ANC Commissioner Winifred Freeman. I do have
16 a few other questions. I just want to organize my thoughts,
17 if that's okay.

18 CHAIRPERSON KRESS: Certainly, and is Mr.
19 Thompson going to be asking questions as well?

20 MR. KINLOW: No, Mr. Thompson just recently had
21 a baby. So he won't be here.

22 CHAIRPERSON KRESS: Oh, that's right. So he's
23 not going to be here.

24 MR. KINLOW: But we have two ANC Commissioners
25 from eight.

26 CHAIRPERSON KRESS: All right. Thank you.

1 MS. FREEMAN: Good afternoon. My name is
2 Winifred Freeman. I'm Chairman for ANC Commission 8D.

3 And I have a question for Mr. Prost.

4 CHAIRPERSON KRESS: And you definitely live in
5 Ward 8.

6 MS. FREEMAN: And I definitely live in Ward 8,
7 97 Elmira Street, right down the street from Hadley Hospital,
8 which is on the southwest side of Southeast.

9 Mr. Prost, what is the construction cost for the
10 revised design of the correctional facility? I know in the
11 initial presentation it was 60 million, and I wanted to know
12 if it was a mistake that I heard in terms of it now being 80
13 million.

14 MR. PROST: It is my understanding that the hard
15 construction costs are 80 million.

16 MS. FREEMAN: All right. The other thing is in
17 discussing the technical program, my first question is: is
18 this program package that you're talking about now more of a
19 dream than the one that was talked about in the initial
20 hearing?

21 MR. RAY: Let me assume that I understand your
22 question, Commissioner. When you say the technical program,
23 are you talking about the programs that we're offering the
24 inmates in terms of the technical training --

25 MS. FREEMAN: Yes, I am.

26 MR. RAY: -- inside and the industry

1 programming?

2 MS. FREEMAN: Yes, I am.

3 MR. RAY: Commissioner, Corrections Corporation
4 of America is really the sixth largest operator of facilities
5 in the United States. Only five states in the federal
6 government operate more beds every day in CCA, and at many of
7 our facilities the kinds of programs, the kind of industries
8 that we are talking about here we are operating every day at
9 this very moment, and at any time that you or anyone else
10 would like to go and visit those facilities and see the
11 industry programs that we have, the training programs that we
12 have operating those facilities, we would be glad to take you
13 there.

14 It is not a dream. It's a reality, and they're
15 already in operation, each and every day, in facilities all
16 across this country.

17 MS. FREEMAN: Okay. The other question I have:
18 do you have more programs included in your package at this
19 point than you had before? Because the person speaking about
20 his program before did say as a result of a dream that he has
21 had for years. So do you have additional courses included in
22 the package now?

23 MR. RAY: No. As Mr. Johnson pointed out in his
24 statement, the only reduction that we have made in terms of
25 the programs that we were offering in our initial proposal, in
26 the initial proposal we were talking about 2,200 inmates, and

1 we offered to operate five industries.

2 We simply cannot operate five industries with
3 1,200 inmates, and we have reduces the number of industries
4 from five to two, but the other benefits that were included in
5 the initial package are all part of this package as well.

6 MR. JOE JOHNSON: Ms. Freeman, I think the
7 comments you are directly referring to was a comment made by
8 one of the principals of the Washington Institute of
9 Technology, who, as I heard him, I believe that he meant to
10 say that it was his dream that he'd realize now to be able to
11 bring a vocational educational school to this particular part
12 of the city because he thought it would do so much good and
13 enhance the employment opportunities of residents within that
14 area. I believe that's what he meant.

15 MS. FREEMAN: Right. Thank you.

16 Also, now that you're mentioning that there are
17 only two industries being addressed, does this in any way
18 limit the inmates in terms of the program choices that they
19 have and the amount of variety that would exist between those
20 choices in order for them to get kind of the program choice
21 they wanted?

22 MR. RAY: It does not limit them in terms of the
23 type of training that we would provide in the facility. It
24 does limit the opportunity they would have in terms of doing
25 an actual job in the facility, but as I pointed out before,
26 we're talking about a reduction from 22 to 1,200.

1 MS. FREEMAN: Okay. Currently the D.C. Village
2 site has the Fire Department and Police Academy for Training,
3 the nursery for the Architect of the Capitol, and the
4 Americorps and Potomac Job Corps Programs. What do these
5 groups get from this proposed facility that's positive?

6 MR. RAY: I think that they will get a good
7 neighbor who will clean up a large part of the site which now
8 has a lot of undesirable trash and other things on it. It
9 will create clean site with nice landscaping, and it will
10 create additional, you know, employees in that area.

11 In terms of the Metropolitan Police Department
12 and in terms of the Fire Department, I do not know of any
13 objections that they have raised to the facility being located
14 there.

15 MS. FREEMAN: Mr. Ray, in your comment about --
16 some of your earlier comments about training programs, you
17 indicated that the participation in the training programs by
18 the inmates will be an incentive. It's my understanding that
19 rehabilitation by incarcerated persons would include training
20 which would prepare them to return to the community as skilled
21 individuals and thereby lessen the possibility of them
22 returning to recidivism.

23 So I'm concerned. Why is it that this is an
24 incentive rather than mandatory participation? And this is as
25 a part of their rehabilitation.

26 MR. RAY: Yes. I'm not --

1 MS. FREEMAN: From an inmate to a citizen.

2 MR. RAY: I understand. Mr. Quinlan, who is
3 head of the BOP for many years, will tell you why it's
4 important.

5 MR. QUINLAN: Mainly the research has shown that
6 trying to make people learn doesn't work. What the experience
7 has been in the prison systems, both the state, local, and
8 federal system, is that the most powerful programs are those
9 that are really meeting the needs that they would have in the
10 community and giving them the proper motivation within the
11 facility, the proper facilities that are comparable to what
12 they would find in a free type facility of a similar type, and
13 giving them all of those ingredients and then hoping that they
14 will take advantage of it.

15 If you force people to take advantage of things,
16 the experience has been that they tend to just make it very
17 difficult for those who were interested in learning to
18 actually learn. They're disruptive. They're constantly
19 making it difficult for the other inmates who are maybe back
20 in their housing units trying to study. They're making fun of
21 them or doing things of that nature.

22 So as much as I would agree with you that it's a
23 positive attribute of a prison experience to learn new skills,
24 it's a careful combination of motivation and the proper
25 programming that make it more successful than forcing people
26 to learn.

1 MS. FREEMAN: Well, fortunately, I have had the
2 opportunity to see some evidence of the results of positive,
3 let's say, forced learning situations, and it's not as -- it
4 is a good approach to that particular population, and maybe
5 when we get to another point in the situation, we can -- I can
6 give you an instance to look at because I --

7 CHAIRPERSON KRESS: You are testifying and so we
8 want --

9 MS. FREEMAN: Well, no. All I'm going to say on
10 this, that this does not give us any incentive to change our
11 opinion in terms of any positiveness about this project.

12 Thank you.

13 CHAIRPERSON KRESS: Thank you.

14 Any other cross examination from parties?

15 MS. IJAMES: Yes. My name is Robin Ijames. I'm
16 a Commissioner of Ward 8D05. I'm also representing Wingates.
17 I'm the President of the Tenants Association there.

18 I have a question for CCA in general. Have you
19 spoke with the owner of the Wingates property in reference to
20 the proposal of this prison being in the village, Oxon Cove
21 area?

22 MR. RAY: No, I have not spoken to the owner of
23 the Wingate property, and I don't think that anyone else on
24 the CCA team has spoken to the owners of Wingate.

25 MS. IJAMES: I'm asking because it does concern
26 us. We can see the property from where we are on the floor

1 now with the trees almost full, and there we can see the
2 complete property, and this man is thinking of taking his rent
3 up to the ceiling value of 1,200 a month, and I don't think
4 that's going to be possible with a prison there.

5 My next question is the 40 acres plus that you
6 were talking about in the D.C. area that you were unable to
7 find. Did you look in Rock Creek Park?

8 MR. RAY: Well, Mr. Quinlan, I think, he was the
9 head of the BOP, and there was a point in time when I know
10 that they -- the BOP tried to build a prison here when I was
11 on the City Council, and I know they looked at several sites,
12 and I think he can probably tell you all of the sites they've
13 looked at over the years and why they did not accept those
14 sites, but I don't know that they looked at one in Rock Creek
15 Park.

16 I doubt very seriously you could even build one
17 in Rock Creek Park.

18 MS. IJAMES: Okay. I was just concerned because
19 that's also park land and so is --

20 MR. RAY: Well, he will tell you the sites they
21 have looked at over the years.

22 MS. IJAMES: Okay, and --

23 MR. RAY: Well, just a moment and he'll tell you
24 what the sites are.

25 MS. IJAMES: Oh, okay.

26 MR. RAY: I'm sorry.

1 MR. QUINLAN: Okay, and let me just preface my
2 remarks by saying that during my tenure as Director of the
3 Bureau of Prisons, we expanded the federal prison system from
4 45 institutions to 80 institutions, and so siting institutions
5 for the Federal Bureau of Prisons is something that I have a
6 fairly significant amount of experience.

7 One of the projects that we worked on when I was
8 Director was trying to site a facility within the District of
9 Columbia for federal prisoners. That would be for U.S.
10 Marshal Service, Immigration Service, and the Federal Bureau
11 of Prisons, and we had a team that worked diligently for about
12 a year and worked with the city and attempted to -- and with
13 the Department of Corrections, in particular, representing the
14 city -- to try to find sites that would be suitable for a
15 1,000 bed detention facility for the Federal Bureau of
16 Prisons.

17 We looked at sites that were, for example, at
18 Fort Lincoln. We looked at St. Elizabeth's. We looked at a
19 site out near the Douglas Bridge off of Suitland Parkway. We
20 looked at a couple of sites on New York Avenue, South Dakota,
21 up near South Dakota and the BWI Parkway. We looked at sites
22 at the Anacostia Naval Yard. We looked at sites at the
23 Washington Naval Yard.

24 We looked at a number -- we also looked at a
25 site in Brentwood. That was ultimately chosen by the Bureau
26 of Prisons for potential development of a facility.

1 I say all of that to tell you that there has
2 been in the last eight to ten years a number of efforts to
3 look at potential sites. These sites were eliminated either
4 because of the land use compatibility issues, potential
5 environmental problems, or potential development issues that
6 were being planned by the city for those particular areas.

7 If I had known that the National Park Service
8 site at Oxon Cove might become available back in 1990 and 1991
9 -- it only became available to Corrections Corporation, as you
10 know, because the Congress decided that that would be suitable
11 for a land swap with the Corrections Corporation of America
12 for some land that we own on the Potomac.

13 But had I known of that availability of the Oxon
14 Cove site, I can tell you from my personal experience that
15 that would have been an ideal site for the location of the
16 federal prison, and now, of course, I can't say for sure that
17 everything would have fallen into place with the Congress,
18 that they would have endorsed it, but assuming that they would
19 have, then there would be probably today a 1,000 bed
20 metropolitan detention center operated by the Federal Bureau
21 of Prisons.

22 And I would also add in terms of the siting
23 because I know these are difficult issues and these are -- a
24 lot of these issues are issues of first impression for you
25 because it's not often that you have to deal with them.

26 But having the experience of working --

1 CHAIRPERSON KRESS: This is getting to be
2 testifying. Has this answered your question?

3 MS. IJAMES: Yes.

4 CHAIRPERSON KRESS: I think we're finished with
5 you --

6 MS. IJAMES: The best that they can at this
7 time.

8 My last one is we all know that CCA has not kept
9 their commitment in Ohio. What is it that's going to make you
10 keep your commitment now to us if we did allow you to build
11 that prison?

12 MR. JOE JOHNSON: We have kept our commitments
13 in Ohio.

14 MS. IJAMES: Well, we are constantly reading
15 about the incidents that are happening. So obviously the
16 commitments have not been kept. They have not been kept when
17 the six broke out. They have not been kept when you sent them
18 up there knowing that you mixed murderers in with the other
19 prisoners.

20 So what can you say that will make us be able to
21 accept the idea of CCA building this prison in Ward 8 and that
22 you will hold up to your commitments when you do so?

23 MR. JOE JOHNSON: We have a facility in almost
24 every -- well, in many states in this country and also outside
25 the country. We have close to 60,000 inmates. If you would
26 multiply that times man-hours and days, you'd come up with an

1 astronomical number.

2 We have a very real commitment as a leader in
3 this industry to uphold the strictest rules of safety, and we
4 have done that. We've operated for three years a very sound
5 program in the Ward 6 area. We have great community and
6 corporate relations there.

7 We intend to do the same thing in Ward 8.

8 MR. RAY: Let me add to that. If you start with
9 the correctional treatment facility in Ward 6, I think there's
10 no better example to demonstrate the commitment by CCA to the
11 city and its ability to keep its commitments.

12 The correctional treatment facility was built in
13 1990 by the city. It was a brand new facility. By 1993 that
14 facility was under about nine court orders. The elevators
15 didn't work, et cetera, et cetera, et cetera.

16 CCA bought that facility from the city, also
17 loaned the city \$50 million and also took on the
18 responsibility of having that facility certified. In less
19 than two years, we have done all of the court orders except
20 one little piece of one court order. It's the only facility,
21 the only facility in the entire correctional system in the
22 District of Columbia that is certified as meeting national
23 standards, the only facility.

24 The D.C. Jail sitting right next to it is run by
25 the city. It's under numerous court order. Elevators don't
26 work, across the board down the line, and in terms of the

1 northeast Ohio facility, that facility was examined by a
2 national standards organization. It passed 100 percent on all
3 of the mandatory standards, 98.5, Mike, thereabout, on all of
4 the optional standards, and that facility will be certified as
5 meeting national standard probably in June or July of this
6 year.

7 CHAIRPERSON KRESS: Thank you.

8 Did you have anymore questions?

9 MS. IJAMES: That's it.

10 CHAIRPERSON KRESS: Any other questions from
11 other parties who wish to cross examine?

12 MS. FREEMAN: Yes.

13 CHAIRPERSON KRESS: Ms. Freeman.

14 MS. FREEMAN: I had one more question in terms
15 of the environmental aspect of it. I believe in previous
16 presentations, a previous portion of the presentation, it was
17 brought out that even through trees might be a major portion
18 of the buffer around the facility, that the facility would
19 still be visible six months out the year.

20 Has anything about the buffer design changed
21 that?

22 MR. FROST: Mr. Frost. Yes, Ian Frost.

23 I don't know that we made that statement. Some
24 people might have claimed that. Under the previous proposal,
25 of course, the facility was a maximum of four stories as
26 opposed to two. So it would have been more visible than the

1 proposed one.

2 In addition, we have enhanced the buffer and
3 increased the amount of screening that will occur. So there's
4 been a significant improvement in the buffer area and the
5 screening that will occur with the new facility.

6 I don't believe we made any statements that it
7 was going to be visible six months of the year under the
8 previous scenario.

9 CHAIRPERSON KRESS: Other questions from
10 parties?

11 MR. O.V. JOHNSON: I'm Commissioner O.V.
12 Johnson, and I live in Ward 8 and also am with the ANC that
13 represents the significant area.

14 I have several questions since the one question
15 has been answered on the land, but I'd like to know for
16 clarification, since you have a new proposal for 1,200 instead
17 of 2,200, and I did see your draft that you illustrated, what
18 and how different are the scope and use of the land and what
19 is your status on the land use at this moment in time?

20 Anybody who wants to answer that.

21 MR. FROST: Let me make sure I understand the
22 question. You want me to describe what we're proposing on the
23 sites?

24 MR. O.V. JOHNSON: From the original proposal,
25 by the time I became familiar with that -- I got your map now
26 -- how different is this new proposal from the old one?

1 MR. RAY: I think Joe can tell you.

2 MR. HAINES: The original solicitation by the
3 Federal Bureau of Prisons had a total of 2,200 inmates that
4 they wanted accommodated. Our original design, which included
5 the three different classifications, adult males in two
6 different security classifications, adult females in, I
7 believe, three classifications, and youths; the facility we
8 proposed at 2,200 beds had all three inmate populations
9 incorporated into this site in various housing configurations
10 dictated by the Bureau of Prisons standards of classification
11 of segregation in inmate programs.

12 And we had the facility design which varied in
13 one story to four story building heights in order to
14 accommodate this inmate population in the bed grouping that
15 the Bureau of Prisons dictated. We couldn't vary from the bed
16 count numbers in terms of the architectural layout.

17 The current RFP asks for 1,200 low security
18 adult males, all one type of inmate classification, which
19 allows the architectural design to be more standardized in its
20 building components. The reduced number of beds
21 allowed us to have a low rise facility, all two story for the
22 housing unit, one story for the support areas, and all of the
23 housing units are now very similar in layout design because we
24 have the exact same inmate population.

25 The square footage of the facility at the 2,200
26 bed level was 578,000 gross square feet. The square footage

1 of the current 1,200 bed facility is approximately 341,500
2 square feet.

3 The reduction in land area is not directly
4 proportionate to the reduction in beds, given the fact that
5 the 2,200 bed facility was a more densely designed facility in
6 terms of its highrise nature. We have utilized less acreage
7 in terms of the fenced area, and we are utilizing a campus
8 plan, as Mr. Quinlan talked about as more appropriate for the
9 sentenced facility, and we have more uniformity in the housing
10 units in terms of accommodating one inmate classification type
11 instead of three.

12 MR. O.V. JOHNSON: So you're saying you have one
13 class of inmates?

14 MR. HAINES: Yes. The Federal Bureau of
15 Prisons' classification, low security adult male, sentenced
16 felons, I believe, is the way the proposal reads.

17 Mr. Quinlan, you might -- if that's not correct.

18 MR. QUINLAN: Yes.

19 MR. O.V. JOHNSON: What low classification of
20 felony -- what scope of crime does that cover?

21 MR. HAINES: The classification of crime? I'm
22 not familiar with the classification system in terms of the
23 felons they put in there. Mr. Quinlan may determine that.

24 It has a lot to do with the way the bureau would
25 classify the individual to be incarcerated, not so much the
26 criminal activity the person performed, but I'm not privy to

1 the exact classification system.

2 MR. RAY: Mr. Johnson, let me take this
3 opportunity just add and respond to your question. I know one
4 of your colleagues has pointed out earlier that there was
5 murderers and what have you at the facility in Ohio, and
6 that's very misleading.

7 You know, classifications are not just based
8 upon the fact that someone committed murder. It's a whole
9 host of things that have to be considered. There's been a lot
10 of discussion and talk about inmates going from Lorton to
11 Youngstown who was in maximum security. What a lot of people
12 don't realize, that at Lorton because the Aquacline (phonetic)
13 was a barracks type facility, was an open barracks that was
14 built back in 1919 where you had 100 inmates, you know, all in
15 open barracks, so when they had to have a lock down and
16 someone had to be separated, the only place they could put the
17 person was over in the maximum security at Lorton.

18 So while he was there in maximum security, he
19 wasn't there because he was a maximum security inmate. He was
20 there because that was the only way they could separate him.

21 And so when you read these things in the
22 newspaper and on television, you know, you have to understand
23 the whole system and not just someone using the term
24 "murderer." You know, that is not -- the classification is
25 not just set up on that, and Mr. Quinlan might want to share
26 with you --

1 MR. O.V. JOHNSON: I would like to --

2 MR. RAY: -- a whole list of things to look at
3 in setting up a classification system.

4 CHAIRPERSON KRESS: Mr. Johnson, make sure that
5 they're answering the question that you're asking. If not --

6 MR. O.V. JOHNSON: I would like to know if there
7 are murderers.

8 MR. QUINLAN: The classification system, as Mr.
9 Ray indicated, is based upon the current offense. It's also
10 based on any prior criminal history, including sentences that
11 were not actually sentences to confinement, but just
12 probation.

13 It also has to do with the length of the
14 sentence that the court imposed. It also looks at issues as
15 to whether there's ever been any attempts to escape from a
16 prison or any violence in the prison when they were serving
17 their sentence or any violence or use of guns in the
18 commission of their crime.

19 So there's a whole host, and one other key
20 ingredient, and that is proximity to release. How close is
21 the individual to an expected, anticipated release date?

22 All of those factors are added into a very
23 complicated way of figuring out how to classify the inmate so
24 that the risk of that person to the staff and to other inmates
25 and to the public at large is at a certain level, and a low
26 security inmate means that by the Bureau of Prisons standards,

1 that that person present a low risk to escape and to doing
2 things of violent or other nature, negative nature, to either
3 other prisoners or staff.

4 MR. O.V. JOHNSON: Well, that doesn't quite --
5 can a murderer be a low impact?

6 MR. QUINLAN: A murderer could be a low, yes, at
7 the time then that person is reaching near their release date,
8 yes.

9 MR. O.V. JOHNSON: Thank you.

10 MR. RAY: Or he could be in a halfway house if
11 he was within six months of release.

12 CHAIRPERSON KRESS: Mr. Johnson, did you have
13 anymore questions?

14 MR. O.V. JOHNSON: That answered that question.

15 When you bided (phonetic) for the site in D.C.,
16 did you have any competition bidding against you in D.C. for
17 the site?

18 MR. RAY: I don't know whether anyone bided in
19 D.C. against us for the site. I mean these were bids filed
20 with the BOP and, you know, we can't go look at those bids.

21 What I can say, that this was an open
22 competition bid, and you know, people had an opportunity to
23 select whatever site they wanted to select and submit their
24 bids, and there was more than one bidder. I mean, as I
25 indicated before, sort of based on the intelligence that I
26 have, I think there was at least four or five bidders that

1 responded to the RFP.

2 MR. O.V. JOHNSON: Okay. Did you bid outside
3 D.C. within the 300 mile limit that the specs. set forth?

4 MR. RAY: Mr. Johnson, we have made it clear
5 that we feel very strongly that for this level of inmate, that
6 rehabilitation and habilitation is a real possibility; that if
7 we cannot rehabilitate, habilitate a low security, medium
8 security inmate who has the best chance of rehabilitation,
9 then we ought to give up on the system.

10 So we as a philosophy believe that inmates ought
11 to be kept as close to home as possible, and we selected a
12 site in the District of Columbia, and we did it here because
13 we believe that's the best for the city; it's best for the
14 inmate; it's best for the family; it's best for the training;
15 it's best for the rehabilitation; it's best for creating job
16 skills for these inmates.

17 MR. O.V. JOHNSON: Well, Mr. Ray, did you bid
18 outside the city at all?

19 MR. RAY: I just told you.

20 MR. JOE JOHNSON: Mr. Johnson, no. The rules of
21 the procurement would not allow you to have multiple sites.

22 MR. O.V. JOHNSON: Okay. Thank you. You didn't
23 bid outside. That's all I wanted.

24 Mr. Ray, you said that for training you would
25 determine the good inmate. How are you going to be able to
26 determine a good inmate for training?

1 MR. RAY: What I said, Mr. Johnson, was that one
2 disclassification of inmates, low security, minimum security,
3 are the best candidates for rehabilitation and habilitation
4 and for training, and I think Mr. Quinlan has indicated to you
5 in terms of how you go about classifying an inmate, you know,
6 the things that you look at in determining whether an inmate
7 is going to be in maximum, medium, low security with minimum
8 classification.

9 And so, you know, those are the things that, you
10 know, -- the classifications we would look at in terms of
11 classification. I don't know another way other than that.

12 MR. O.V. JOHNSON: If you do not get this
13 approved, would that mean you would drop any request for
14 zoning for future use, for further use for any other purpose?

15 MR. RAY: Well, at the present time this piece
16 of property is unzoned. As I pointed out earlier, you know,
17 we are here with a PUD application. We pursued the PUD
18 application because we sat down with the Office of Planning
19 and we talked with them. They suggested to us that this is the
20 way they would like for us to proceed.

21 We have tried to cooperate with them in every
22 manner, and so we are here with the PUD, and this PUD is for a
23 specific type of facility to be built there, and if this PUD
24 is denied, obviously we can't build the facility there. So --
25 and we have no other plans at this point for any other
26 development there, but what holds for the future, you know, I

1 can't speculate.

2 MR. O.V. JOHNSON: And in view of the crime rate
3 going down and with the Rangle bill before Congress now that
4 may equalize the sentencing guide, what measure or what method
5 would you use to keep a full prison? Your bottom line --

6 MR. JOE JOHNSON: Mr. Johnson, let me be very
7 clear with you and candid with you. We do not have any
8 control over who is sentenced by the courts to our facilities.
9 At the present time, there is a need to house 1,200, and more,
10 D.C. inmates for a period exceeding the next 15 to 20 years.
11 If we got no new inmates in tomorrow, there are still D.C.
12 residents who will be serving their sentence up until and
13 beyond the year 2010.

14 MR. O.V. JOHNSON: Well, the purpose of my
15 question right now, Mr. Johnson, if for a fact you said now
16 you load your classifications to one classification, lower
17 security inmate, lower security class of inmate, if you did
18 not have what is the minimum, what is the minimum --

19 MR. JOE JOHNSON: Your assumption --

20 MR. O.V. JOHNSON: No.

21 MR. JOE JOHNSON: I'm sorry. I'm sorry.

22 MR. O.V. JOHNSON: Just answer my question.

23 What is the minimum that you would propose that
24 the prison could operate if you didn't have the full 1,200
25 prisoners?

26 MR. JOE JOHNSON: Under our --

1 MR. O.V. JOHNSON: In minimum security?

2 MR. JOE JOHNSON: Under our contract with the
3 Bureau of Prisons, they are the determinant, determiner of
4 what we would do in the future. I am trying to answer you
5 now, and I think it's a misnomer in terms of your assumption,
6 if I could just beg you to accept my premise on that, that
7 crime will be so reduced in the District of Columbia that you
8 will never have the need for another facility.

9 If that is your impression, I have a problem
10 with the assumption. As I've just said, that if you built
11 nothing -- if you didn't sentence another inmate, you would
12 still be running the next ten to 15 years with guys that are
13 already in the system.

14 MR. O.V. JOHNSON: When you build this prison,
15 how long is it built for? How many years is it proposed to be
16 built for?

17 MR. JOE JOHNSON: The life cycle of a facility
18 could be anywhere between 30 to 40 years.

19 MR. O.V. JOHNSON: And in view of that, have you
20 knowledge of President Clinton's designated enterprise and
21 empowerment zone for this particular area?

22 MR. JOE JOHNSON: Yes, I do.

23 MR. O.V. JOHNSON: That means that we anticipate
24 development that has never been set forth even favorable to
25 come to the District now -- going to come there now. Have you
26 compared your -- and this was done in 1998.

1 Have you made your measurement against President
2 Clinton --

3 MR. JOE JOHNSON: Mr. Johnson, Mr. Johnson.

4 MR. O.V. JOHNSON: -- empowerment zone for Ward
5 8?

6 MR. JOE JOHNSON: Mr. Johnson, I have not, and I
7 will defer to our other experts, but unless there is some plan
8 to move Blue Plains, as our other experts have testified, and
9 some of the other amenities that -- some of the other
10 institutions that are there, I'm not sure whether you're
11 saying that it is our facility that will dissuade folks from
12 coming into the area to provide economic development.

13 MR. O.V. JOHNSON: Well, President Clinton --

14 CHAIRPERSON KRESS: We're getting into the area
15 of testifying again.

16 MR. JOE JOHNSON: I didn't understand his
17 question.

18 MR. O.V. JOHNSON: I asked --

19 CHAIRPERSON KRESS: No, I'm sorry. I'm not
20 trying to be critical, but we need to be very specific.

21 MR. O.V. JOHNSON: I asked that he compare his
22 prison enterprise, industry along with the proposed President
23 Clinton empowerment zone and enterprise zone for this
24 particular area.

25 CHAIRPERSON KRESS: And I believe I heard his
26 answer was no.

1 MR. O.V. JOHNSON: No? Okay. Great.

2 MR. PROST: In evaluating the economic
3 implications of the prison -- may I? No?

4 MR. O.V. JOHNSON: I beg your pardon.

5 CHAIRPERSON KRESS: We're into testifying again.
6 Is there a question on the table that needs to be answered?

7 MR. O.V. JOHNSON: I'll pass for the time being.
8 Perhaps my (pause) --

9 MS. IJAMES: While the mic is passed to me, I
10 have one more question.

11 (Laughter.)

12 MS. IJAMES: I was out front and I couldn't help
13 but overhear. How much are you paying the guys that came down
14 in the van to be for the prison?

15 MR. RAY: How much as I paying them?

16 MS. IJAMES: Well, CCA or your affiliates.

17 MR. RAY: I'm not paying them anything.

18 MS. IJAMES: CCA or your affiliates, how much
19 are you guys paying the ones that came down in the van today
20 to be for the prison?

21 MR. RAY: I'm not paying them anything, and I
22 don't know that CCA is.

23 MR. KINLOW: This is directed toward Mr.
24 Quinlan. I've spoken to the Director of BOP, current
25 Director, Kathy Hawkes-Sawyer, several times. Based on the
26 conversation we've had, she says that based on BOP's own rules

1 that if a community doesn't want a prison, they don't get it.

2 Is that true in your estimation?

3 MR. QUINLAN: As a general rule, if 51 percent
4 of the people in a community are against the prison, we will
5 try to relocate it.

6 MR. KINLOW: How does one assess 51 percent?

7 MR. QUINLAN: Well, in some instances, there's a
8 referendum taken. In some instances, it's just a sense of,
9 you know, public opinion polls that might be run by the local
10 newspaper, but it's generally a professional judgment based on
11 available information.

12 MR. KINLOW: Sometimes can public opinion be
13 assessed from elected officials in an area, for example, say
14 ANC civic associations, council members, mayors?

15 MR. QUINLAN: Certainly the representatives hold
16 weight, and great weight, in representing the views of
17 different communities, but it's a combination of issues in
18 terms of, you know, what are the alternatives available, you
19 know, in terms of other sites, what are the economic benefits
20 to an area.

21 You know, one of the things that is true in 100
22 percent of the cases that I've been involved in is that the
23 economic viability of the institution is so powerful that
24 after the institution is built there's no complaints.

25 MR. KINLOW: Question. If -- now this is the
26 rule. The question I just asked you applies to Bureau of

1 Prisons zoned prisons -- if a private prison operator wanted
2 to site a prison in a community and yet the community was
3 opposed and the Bureau of Prisons awarded a contract to this
4 firm, could at some point, once the 51 percent or public
5 opinion was assessed, could the Bureau of Prisons pull that
6 contract back?

7 MR. QUINLAN: I suppose if the Bureau of Prisons
8 was willing to pay the damages to the company based on the
9 original approval, yes.

10 MR. KINLOW: Okay. Well, a question that
11 modifies that question then is: does a private prison
12 operator have to follow those same rules that the Bureau of
13 Prisons follows when a community does not want a prison in its
14 community?

15 MR. QUINLAN: Those are, Mr. Kinlow, with all
16 due respect, those are not rules. Those are judgments made by
17 people who have the responsibility for making decisions in
18 those areas as to when it does not seem viable that the
19 facility is going to meet with initial public approval.

20 MR. KINLOW: If the public's opinion is that
21 they do not want this prison at the Oxon Cove location for the
22 Ward in community and/or for the community of Washington,
23 D.C., and including the community of Maryland, Prince George's
24 County, would it be safe to assume that the Bureau of Prisons
25 would not award a contract, all things being equal?

26 MR. QUINLAN: I don't think, first of all, that

1 that is an issue that would be a criterion during the
2 selection process.

3 MR. KINLOW: But earlier you indicated that if
4 51 percent of a community, based on some poll or some other
5 assessment, were opposed, well, then the Bureau of Prisons
6 would take that into advisement and probably not site; is that
7 not correct?

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

9 MR. KINLOW: Okay.

10 MR. QUINLAN: Although it's not a hard and fast
11 rule.

12 CHAIRPERSON KRESS: I think we've exhausted that
13 line of questioning if you don't mind.

14 MR. QUINLAN: Thank you.

15 MR. KINLOW: Another question, Mr. Quinlan.
16 When you discussed alternative sites a little earlier, you
17 indicate that or you mentioned a few of the other sites.
18 Were none better suited than the Oxon Cove location?

19 MR. QUINLAN: Absolutely not.

20 MR. KINLOW: Even -- well, I've spoken to many
21 city planners, and I'm a member of a planning organization --

22 CHAIRPERSON KRESS: You're starting to testify
23 again.

24 MR. KINLOW: Okay. Sorry.

25 Well, the question is: wouldn't a perfect
26 location for a prison be adjacent to an existing prison or

1 correctional treatment facility?

2 MR. QUINLAN: Certainly if there is available
3 space and appropriate available space for the type of facility
4 that is being planned, that would make sense to have it near
5 other facilities if it from a transportation standpoint was
6 going to be accessible to the users and was not going to put
7 an overload on services that are necessary for that particular
8 area. Sure, that's an interesting factor that would be
9 considered in any location of a -- of a facility, but that
10 would suggest a detention facility, not a correctional
11 facility since those two facilities are more for the shorter
12 term offenders.

13 MR. KINLOW: I'm not sure if I followed. Are
14 you saying if the area -- that land adjacent or near the CTF
15 and the D.C. Jail is only good enough for short term
16 offenders?

17 MR. QUINLAN: Yeah. Well, the basic issue, Mr.
18 Kinlow, is that the Bureau of Prisons I don't think is looking
19 for highrise facility for the type of population that they're
20 attempting to place in this particular contract, and so there
21 wouldn't be enough land available to build the type of
22 facility they are looking for near the existing D.C. Jail and
23 CTF.

24 MR. KINLOW: Are you aware of the park land
25 abutting the Anacostia River in a short proximity from the
26 general D.C. Jail complex?

1 MR. QUINLAN: I cannot personally say I am, no.

2 MR. KINLOW: Okay. A question for Mr. Ray.

3 You indicated earlier that CCA was a good
4 steward. Has CCA paid its outstanding utility bill of one-
5 plus million or has that been settled?

6 MR. JOE JOHNSON: The bill was never 1.3
7 million. The bill cannot be assessed because there are no
8 meters at D.C. General Hospital. We have estimated the amount
9 and put our own meters in, and, yes, we have satisfied the
10 bill.

11 MR. KINLOW: Okay. Well, this again just
12 piggybacks on the good steward question. You indicated, Mr.
13 Ray, that CCA is a good steward, and how much has CCA paid in
14 settlement fees regarding District inmates over the last year,
15 if you know?

16 MR. RAY: I do not know the exact amount, Mr.
17 Kinlow. What I do know and what you might be referring to,
18 that there has been an amount indicated in the newspaper
19 relative to the Youngstown situation, you know, and I'm sure
20 there's probably some instances where CCA -- other instances
21 where CCA has found that it may be more practical to settle a
22 lawsuit than to pursue it.

23 But I can put it in perspective for you to say
24 that the settlement in Youngstown of 1.-some million dollars
25 for an inmate population of 1,700, I can say to you that if
26 you looked at the settlements that the District has made over

1 the years, that the settlement for one inmate generally for
2 the District is more than it was for 1,700 inmates up there.
3 So that's relatively a very small settlement. You're talking
4 about what, you know, less than \$1,000 per inmate? So it's
5 very small.

6 MR. KINLOW: Okay. Mr. Ray, one more question.

7 MR. JOE JOHNSON: Can I ask a question? What is
8 meant by "a good steward"? So I'm just -- I'm not -- I'm not
9 clear on that.

10 MR. KINLOW: Well, Mr. Ray indicates a good
11 steward. You'll have to ask him.

12 A question in regard to the CTF, Mr. Ray. You
13 indicated that there's certain certifications that the CTF had
14 received and was accomplished in and how it had received
15 certain rankings and accreditations and such. Can you tell us
16 why the CTF was fined over one and a half million dollars last
17 year then? I mean, was there a fine? It might not have been
18 paid. It might have been remediated somewhat, but was there a
19 fine and if so, could you tell us for what?

20 MR. JOE JOHNSON: Mr. Kinlow, at the CTF the
21 corporation and the District of Columbia have entered into a
22 very tightly monitored contract. There are times when the
23 District and CC -- when the District talks to us about what
24 they call discrepancies. They then take those discrepancies,
25 and they put a dollar figure on them. They do not amount to
26 fines until there's an arbitration, and the District has

1 chosen never to go to arbitration with us on any of those
2 issues.

3 So the answer is that we don't consider any
4 fines having been levied on us. They are not there, and the
5 only way it would be determined if a fine -- if a discrepancy
6 resulting in a fine was going through arbitration and
7 remediation.

8 MR. KINLOW: No further questions.

9 CHAIRPERSON KRESS: Thank you.

10 Does that conclude all of the parties -- I'm
11 sorry. You had -- Ms. Freeman, you had another?

12 MR. O.V. JOHNSON: Again, Mr. Ray, you was
13 saying you was on the council for, I think 18 years. You had
14 mentioned that you -- how familiar you were with the prison
15 and whatnot, and that when looking for a site, your experience
16 and whatnot with the prison system -- I'm trying to rephrase
17 what you said -- put us on the -- I guess on the priority
18 list for a prison, and also that you had planned to have a
19 first rate prison with all the training and what have you.

20 From an economic development point of view, Mr.
21 Ray, the training, what have you, did you lift that from the
22 Ward 8 plan?

23 MR. RAY: No, I did not, Mr. Johnson. In fact,
24 I've served on the City Council for 18 years, and I also
25 served on the Judiciary Committee for 18 years.

26 Councilman Bill Lightfoot and I introduced and

1 passed through the City Council a bill which set forth the law
2 which allows the District of Columbia to have industries and
3 work programs which allow inmates to work and to draw a
4 regular wage, and the program also requires that if they have
5 a family, one third of that money would go to their family.

6 If they owe the folks money, one third goes to
7 that to pay for those individuals and one third goes into a
8 savings account, and you know, this was a law that Mr.
9 Lightfoot and I worked to get passed.

10 The city was never able to implement the law
11 because of a lack of funds, and CCA, the proposal we have
12 here, would be the first facility that would begin to
13 implement that law.

14 MR. O.V. JOHNSON: Okay. I want to congratulate
15 you on the law, Mr. Ray, but the training plans that you cited
16 in your PUD or RFP, whatever, were the same plans I wrote for
17 the Ward 8 plan.

18 CHAIRPERSON KRESS: That's wonderful, but you
19 aren't testifying, and we should probably wait until we get to
20 your testimony.

21 MR. O.V. JOHNSON: And that's why I want to know
22 did you go to the Office of Planning or did you use the Office
23 of Planning documents to lift your proposals when putting your
24 RFP.

25 MR. RAY: No. I got the proposal from Mike
26 Quinlan and the federal department and made the necessary

1 changes that they have in the program.

2 MR. O.V. JOHNSON: Perhaps, Mr. Ray, did you use
3 the plan that I submitted to the council, which you got a --
4 which you partaked (phonetic) in using?

5 CHAIRPERSON KRESS: All right. I think we've
6 had enough of that conversation. You will have a chance to
7 testify and make your point in a few minutes, Mr. Johnson.

8 MR. O.V. JOHNSON: Okay.

9 CHAIRPERSON KRESS: Have we finished our cross
10 examination, please?

11 MR. O.V. JOHNSON: Oh, yeah, one other thing.
12 For an example, and God forbid, if you happen to get out of
13 prison and it's private control, what redress does the
14 citizenry, the immediately impact -- who governs you then?
15 Your contractor? What redress does the citizen, the residents
16 that live near that prison, have?

17 MR. RAY: Mr. Johnson, we are governed by the
18 contract that we enter into with the Federal Bureau of
19 Prisons. We are governed by the laws of the District of
20 Columbia, by the federal laws, and we operate the facility in
21 accordance with the operational agreement that we enter into
22 with the federal government, and we stand to be sued, and we
23 can sue like any other private citizen.

24 MR. O.V. JOHNSON: That's all I have. Thank
25 you.

26 CHAIRPERSON KRESS: Thank you.

1 Have we completed cross examination of the
2 parties?

3 MS. FREEMAN: Yes.

4 CHAIRPERSON KRESS: Thank you.

5 Do please stay there because we are going to
6 move on to the Office of Planning, and you will also have the
7 ability to cross examine them as well. So if you're
8 comfortable there, please keep your position through the rest
9 of the hearing.

10 With that, we will go ahead and move to the
11 government agencies, starting with the Office of Planning and
12 Vanessa Aiken.

13 MS. AIKEN: Thank you.

14 CHAIRPERSON KRESS: And you might want to put
15 forth your expert witness as well. With that I'll turn it
16 over to you.

17 MS. AIKEN: Madame Chairperson, procedurally I
18 would like to enter some documents into the record that was
19 not available when we first started this afternoon.

20 CHAIRPERSON KRESS: And those documents are?

21 MS. AIKEN: Those documents are a letter signed
22 today by the Honorable Anthony A. Williams, Mayor of the
23 District of Columbia; the copy of plan issues and open space
24 plans; the Office of Planning final report; the Ward 8 map;
25 the demographic profile of Ward 8 without Bolling; PUD
26 evaluation standards; CBS News 60 Minutes transcript excerpt,

1 dated May 2nd, 1999.

2 In addition, Madame Chairperson, David Colby
3 also has a procedural issue.

4 MS. GIORDANO: Excuse me, Madame Chairperson.
5 We would object to the submission of the 60 Minutes transcript
6 into the record. It's not different than the video that was
7 excluded by Corporate Counsel with Corporation Counsel's
8 advice in the last hearing. There is no way to cross examine
9 former prison guards that are interviewed in this report or
10 any of the other people that are interviewed in the report.

11 CHAIRPERSON KRESS: All right. Let's stop and
12 deal with that issue.

13 Are there any objections to the other
14 information they're now entering into the record, Ms.
15 Giordano?

16 MS. GIORDANO: Madame Chair, some of the people
17 even in this that are quoted in this transcript are not even
18 identified by name. They're called Man No. 1, Man No. 2. We
19 don't even know who these people are. It's just -- it's
20 really of no probative value.

21 CHAIRPERSON KRESS: What's your pleasure,
22 colleagues? I do think that the 60 Minutes piece -- is this
23 an appendix to the report or is this just a separate piece of
24 information?

25 MS. AIKEN: Just a separate piece of
26 information.

1 CHAIRPERSON KRESS: I personally -- I did not
2 see this. Did any of this see this particular piece on 60
3 Minutes?

4 I feel Mr. Giordano does have a case. People
5 are mentioned. People's names aren't even always used. I
6 feel that it's probably -- a case is probably made that this
7 should not be formally entered into our record.

8 What is your sense, colleagues?

9 COMMISSIONER FRANKLIN: I don't think it's
10 relevant to the rest of their report and for the reasons that
11 Ms. Giordano has advanced, I think it ought to be excluded.

12 COMMISSIONER HOOD: Madame Chair, I think it
13 should be included in the record and also the piece that she
14 was referring to. We could look at that, too, but I see so
15 far I'm outnumbered. So --

16 CHAIRPERSON KRESS: Commissioner Clarens hasn't
17 spoken?

18 COMMISSIONER CLARENS: I don't think it should
19 be introduced.

20 CHAIRPERSON KRESS: All right. Three to one, we
21 will not accept the 60 Minutes piece into our record.

22 MR. KINLOW: Madame Chair, I just wanted to say
23 I have seen several different transcripts, one that had all
24 the names and another one that didn't. So maybe there are two
25 different versions. I'm not sure. Just a point of
26 clarification.

1 CHAIRPERSON KRESS: Thank you.

2 I think the ruling will stand. With that I
3 believe Mr. Colby wanted to introduce the next witness.

4 MR. COLBY: I think I have an issue, and I'm not
5 sure from listening to the team who their counsel is. Are the
6 two counsels serving the Applicant or is it just Ms. Giordano?

7 MS. GIORDANO: Excuse me?

8 MR. COLBY: Is John Ray counsel also?

9 MS. GIORDANO: Yes.

10 MR. COLBY: Well, I think the horse is out of
11 the barn on this one, but we'll be testifying on the
12 comprehensive plan and consistency with this project and the
13 comprehensive plan, and just before the break counsel
14 essentially testified on that subject, noting that in his mind
15 that the project was consistent with the comprehensive plan.

16 And while I think that the testimony by the
17 Applicant is over and we aren't likely to run into that again,
18 I would assume that somebody else on the team could make that
19 kind of judgment without the counsel having to make it.

20 MS. GIORDANO: I think counsel was just
21 summarizing and reiterating points that have already been made
22 in written submissions to the Zoning Commission. I don't
23 think there's any rule that says counsel can't summarize the
24 arguments in favor of a proposal.

25 CHAIRPERSON KRESS: I'm sorry. Mr. Colby, would
26 you make your point once more a little more clearly?

1 MR. COLBY: Well --

2 CHAIRPERSON KRESS: Your uncomfortableness is?

3 MR. COLBY: Yeah. Ms. Giordano was saying that
4 somebody else had already testified to the consistency of the
5 project with the comprehensive plan. I think that's what she
6 said.

7 MS. GIORDANO: Yes, in the previous hearing.
8 That's right. I think the OP did as well last time.

9 MR. COLBY: And that Mr. Ray was just
10 summarizing somebody else's testimony, and I guess I hadn't
11 heard that testimony given previously or at least tonight --

12 CHAIRPERSON KRESS: Is -- is --

13 MR. COLBY: -- but it could be in the record from
14 some previous hearing as well.

15 MS. GIORDANO: It's in our supplemental
16 submission, and it was in the previous OP report, as well. I
17 mean, I don't think the time -- I'm not sure where we're going
18 with this, but --

19 COMMISSIONER FRANKLIN: Madame Chair, I really
20 don't see the relevance of this. I mean there's a dispute as
21 to whether the comprehensive plan does or does not have a
22 conflict with --

23 CHAIRPERSON KRESS: And I think there is a
24 disagreement, and the disagreement will be on the record.

25 COMMISSIONER FRANKLIN: Right. Let's proceed.

26 MR. COLBY: Okay.

1 CHAIRPERSON KRESS: I agree.

2 COMMISSIONER CLARENS: Well, Madame Chairperson,
3 I think that the point raised, which is an addressing point
4 because I noticed it before, and that is that Mr. Ray was
5 testifying. It was not a summary. Many of his comments were,
6 in fact, statements of fact with regards to the application,
7 but I believe that he was sworn in at the beginning of the --

8 MS. GIORDANO: Yes, he was. I think that's from
9 a legal standpoint.

10 COMMISSIONER CLARENS: So he is acting as a
11 counsel, but he's actually wearing two hats in this hearing,
12 and he is counsel to the CCA, but he's also a member of the
13 team that is testifying on behalf of the application on
14 issues, on factual issues.

15 I think that we have done that in the past. In
16 some cases we clarify the distinction between the counsel and
17 their role and that of witnesses, but in this case I think
18 that Mr. Ray has presented himself both as a counsel and also
19 a witness, and in each role he's qualified to testify, and I
20 think that the Commission shouldn't have any problem with
21 that.

22 I don't know if that was the issue that Mr.
23 colby raised, but I think that that's an issue that I want to
24 clarify because counsel is a counsel, and a witness is a
25 witness.

26 MS. GIORDANO: Right. Mr. Ray in this case has

1 a great deal of very specific background on the history,
2 legally, legislatively of this proposal, and also a lot of
3 background on Lorton in his role on the council dealing with
4 these judiciary issues. So there are times when he is
5 testifying on those issues.

6 COMMISSIONER CLARENS: And perhaps it would have
7 been better if at the beginning of the application that would
8 have been clarified, that he would have been testifying to
9 some issues as a witness.

10 MS. GIORDANO: Okay.

11 COMMISSIONER CLARENS: Madame Chair.

12 CHAIRPERSON KRESS: I think it's very important.
13 I just wanted to point out that he did take the oath as
14 compared to the typical lawyer and playing the typical role,
15 and I just wanted to reinforce that.

16 COMMISSIONER CLARENS: As opposed to Ms.
17 Giordano who has not taken the --

18 MS. GIORDANO: Actually I took the oath as well.

19 COMMISSIONER CLARENS: You did?

20 MS. GIORDANO: Just to be on the safe side, yes.

21 COMMISSIONER CLARENS: I see. Well, we won't
22 allow you to testify.

23 (Laughter.)

24 CHAIRPERSON KRESS: I'm sorry. Commissioner
25 Hood?

26 COMMISSIONER HOOD: Madame Chair, I'm still not

1 clear on Mr. Colby's issue. If I can get some further
2 clarification.

3 MR. COLBY: Well, my issue was essentially the
4 issue that was reinforced by Mr. Clarens, and I think the fact
5 is as the Chair has noted and Mr. Franklin also that what's
6 done is done, and it's in the record or at least it's out
7 there, and there's probably nothing gained at this point by
8 trying to make more of it than we should at this point in the
9 hearing.

10 COMMISSIONER FRANKLIN: Yes, and proceed.

11 CHAIRPERSON KRESS: And ultimately it will be
12 this Commission's decision to decide whether we feel it is in
13 compliance with the comprehensive plan or not.

14 So with that we'll move forward, and I believe
15 we were next moving to having an expert declared or --

16 MS. AIKEN: Yes. I have testimony first.

17 CHAIRPERSON KRESS: You have testimony first?
18 I'm sorry.

19 MS. AIKEN: Good afternoon, Madame Chairman, and
20 members of the Zoning Commission. I am Vanessa Aiken, newly
21 appointed Acting Director of the Office of Planning. I am
22 joined by Herb Bixhorn, David Colby, and Steve Cochrane of the
23 Office of Planning, and our economic consultant on the ongoing
24 east of the river studies, Stuart Patz.

25 I will be introducing the speakers who will
26 provide you with our testimony based essentially on, but not

1 limited to our April 9th, 1999, final report.

2 On behalf of the Mayor of the District of
3 Columbia, as referenced in his letter, and the citizens of
4 Ward 8, we are recommending that the Commission not approve
5 the PUD and map amendment before you.

6 First, let me say that the application before
7 you is not devoid of all merit. Compared to the prior
8 application, the proposed correctional and rehabilitation
9 facility has become smaller and lower in height. It had
10 incorporated in its industries program into the initial phase
11 of the PUD. It will produce some jobs and provide other
12 limited benefits to the community, including proximity for
13 family visits, although our testimony will question whether
14 those jobs and benefits wouldn't be increase if there were no
15 prison at all on the proposed site.

16 We initially visited the application for a
17 proposed correctional and rehabilitation facility at Oxon Cove
18 under the previous administration that favored a correctional
19 facility at the site. However, as this applicant has moved
20 through the hearing process and responded with the revised
21 application and to revise the RFP from the Bureau of Prisons,
22 the District has undergone a change in administration.

23 Our government is now placing significant emphasis on
24 economic and community development east of the Anacostia
25 River. While some of the positive activity began prior to
26 1999, which includes the Good Hope Marketplace, a number of

1 new market rate housing projects replacing distressed public
2 housing units, and a comprehensive east of the river study,
3 much more needs to be accomplished and the momentum nurtured.

4 Mayor Anthony Williams has indicated that he
5 places a high priority on establishing an overall economic
6 development program for this area. A correctional facility,
7 even though it has been scaled down in size in the revised
8 application, would have an adverse impact on achieving
9 economic development and enhancing the image of this section
10 of the city.

11 It is in this context that the Office of
12 Planning report indicates a reevaluation of OP's former
13 position regarding consistency with the comprehensive plan and
14 the net economic impact of the proposed correctional facility.

15 Our report raises issue with the Applicant's
16 logic regarding consistency with the comprehensive plan. We
17 have now concluded that the parks, recreation, and open space
18 designation on the comprehensive plan generalized land use map
19 is not readily replaceable with a production, technical
20 employment, industrial designation, without a study to guide
21 an amendment process, informed by the District and community's
22 current vision for the area and the area's critical role in
23 the economic development of Ward 8.

24 There is a comprehensive planning effort
25 underway east of the Anacostia River with major community
26 participation, an effort strongly supported by Mayor Anthony

1 A. Williams, who has emphasized his commitment to improving
2 the image of the whole area and taking specific steps to spur
3 economic development, especially at key sites, including D.C.
4 Village.

5 The problem noted in our report is that the
6 proposed correctional and rehabilitation facility on Oxon Cove
7 site represents a negative image for the entire area. Even
8 though the site is relatively isolated and buffered, it is the
9 public perception of the correction facility that would likely
10 hamper economic development efforts over a far wider area,
11 while potentially derailing current efforts to attract
12 companies to D.C. Village.

13 Finally, before introducing our first speaker, I
14 would like to focus your attention on the PUD evaluation
15 standards and the zoning regulations that provide a framework
16 for your consideration of the revised application,
17 specifically, the first three tests which appear to be
18 particularly relevant to this site.

19 PUD evaluates (phonetic) and standards, 2403.3,
20 "the impact of the project on the surrounding area and upon
21 the operation of the city services and facility shall not be
22 found to be unacceptable, but shall instead be found to be
23 either favorable, capable of being mitigated, or acceptable
24 given the quality of public benefits in the project."

25 2403.4, "the Zoning Commission shall find that
26 the proposed planned unit development is not inconsistent with

1 the comprehensive plan and with other adopted public policies
2 and active programs related to the subject site."

3 24.03.5 and .6, in the comp. text of the
4 comprehensive plan, "the Zoning Commission shall also evaluate
5 the specific public benefits and project amenities of the
6 proposed development which features may in some instances
7 overlap. Public benefits are superior features of a proposed
8 plan unit development that benefit the surrounding
9 neighborhood or the public in general to a significantly
10 greater extent than would likely result from development of a
11 site onto the matter of right provisions of this site."

12 The speakers who will follow will present the
13 OP, Office of Planning's argument that the proposed
14 correctional and rehabilitation facility at Oxon Cove does not
15 meet and is incapable of meeting the PUD evaluation standard.
16 It is an inappropriate use and should be denied.

17 Our first speaker, David Colby, will briefly
18 summarize the April 9th, 1999, report.

19 Our next speaker will be Herb Bixhorn, head of
20 the District's State Data Center, will paint a picture of how
21 badly economic development is needed east of the anacostia
22 river.

23 Stuart Patz of RER, economic consultant to the
24 District's east of the river study, will show that there are
25 economic development opportunities for the area that will be
26 negated by the proposed project.

1 Steve Cochrane of the Office of Planning will
2 address comprehensive plan issues and open space plans for the
3 PUD site.

4 Following Steve Cochrane, David Colby will sum
5 up the testimony.

6 In conclusion, the Office of Planning would ask
7 that you deny the Applicant's request, and that you would give
8 greater consideration to the fact that there is a renewed
9 vision for economic development east of the Anacostia River, a
10 comprehensive planning effort currently underway involving
11 community participation to empower residents in determining
12 the type of development that is best suited for their
13 neighborhoods, and finally alternatives for jobs and training
14 opportunities that will promote the continued resurgence of
15 this area.

16 I will now turn it over to David Colby.

17 CHAIRPERSON KRESS: Thank you very much.

18 I would just like to ask if we could have a copy
19 of your statement for the record for each of us.

20 Thank you.

21 MR. COLBY: Madame Chair, my name is David
22 Colby.

23 Madame Chairperson and members of the
24 Commission, Ms. Aiken has already indicated that this project
25 began under a prior administration that favored construction
26 of a prison or correctional facility at this site.

1 In that context and during the time period,
2 while having some doubts and concerns, OP worked with the
3 Applicant, as the Applicant has noted to make the project
4 better and to reduce the potential impacts.

5 In that regard, we initially concurred with the
6 Applicant's analysis on page 4 of our report to suggest the
7 logic of extending the adjacent local public facilities and PT
8 designation and associated land use policies to the currently
9 federal, but proposed to be private prison site.

10 This logic was intended to effectively cure the
11 potential inconsistency issue regarding the comprehensive
12 plan, and as Ms. Aiken has stated, we now believe a formal
13 plan amendment is required.

14 We also initially supported the Applicant's
15 implied position on page 7 of our report regarding, as
16 proffered, PUD amenities and public benefits. Again, our
17 position has changed, given this administration's focus on
18 economic development east of the river.

19 On pages 6 and 7, we indicate that we worked
20 closely with the Applicant to improve the exterior design.

21 And finally, we note on page 8 that no other
22 D.C. agencies have raised any rejections to the revised PUD
23 proposal.

24 Herb Bixhorn will now describe the critical need
25 for economic development east of the river.

26 MR. BIXHORN: Good evening. My name is Herb

1 Bixhorn, and I'm in charge of the D.C. State Data Center
2 within the Office of Planning.

3 I would like to give a brief overview of the
4 tables of demographic and socioeconomic data we are submitting
5 here. These tables will show that Ward 8 is a severely
6 economically depressed area, and the level of socioeconomic
7 distress shown in the population there will emphasize the need
8 to find the best of all possible economic development
9 alternatives.

10 let me start out by saying that the data we're
11 looking at will be for Ward 8 without Bolling. We left the
12 figures for Bolling out because of the very different nature
13 of the transient military population there.

14 The data all come from the 1990 census. This is
15 the latest data available from the U.S. Census Bureau.

16 CHAIRPERSON KRESS: Do we have -- sorry. Are
17 you giving us new material that you're going to be able to
18 give to us or do we need to be taking furious notes?

19 MR. BIXHORN: All of the material I'll be
20 covering right now are in the tables and in the --

21 CHAIRPERSON KRESS: I sin the current Office of
22 Planning report that we have?

23 MR. BIXHORN: Yes.

24 CHAIRPERSON KRESS: Okay.

25 MR. BIXHORN: Demographic profile of Ward 8
26 without Bolling.

1 CHAIRPERSON KRESS: Oh, oh, the new things that
2 have just been handed out. I'm sorry.

3 MR. BIXHORN: I'm not sure when they arrived.

4 CHAIRPERSON KRESS: I hate to take piles of
5 notes if there's a simpler --

6 MR. BIXHORN: No, no, it's all there. The
7 tables have quite a bit of detail, but I won't have time for
8 that. So I'm going to give a brief overview.

9 CHAIRPERSON KRESS: Maybe give us a second to
10 get to -- it's demographic profile of Ward 8 without Bolling.

11 Do you have any extra maps? I didn't seem to
12 get one. This one I didn't seem to get.

13 MR. BIXHORN: Okay.

14 CHAIRPERSON KRESS: Thank you.

15 I appreciate your waiting a few minutes so we
16 can get caught up with the paper. Thank you.

17 Is everyone ready?

18 COMMISSIONERS: I'm ready.

19 CHAIRPERSON KRESS: I'm sorry. Now you can.

20 MR. BIXHORN: Okay, fine. You may notice on
21 those maps aside from Bolling which is not included in our
22 demographic figures, there are two little spots of blue in the
23 northern part of Ward 8 which were also not included in the
24 figures. This was simply because in trying to do a time trend
25 from 1970 through 1990, it would have been very difficult to
26 include those little areas because they cut across ward

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

(202) 234-4433 WASHINGTON, D.C. 20005-3701 www.nealrgross.com

1 boundaries. They define census tracks, and we built all of
2 our data by census tracks, and the Ward 8 boundary goes right
3 through those.

4 By excluding those areas, we're excluding just a
5 fraction of one percent of the population of Ward 8. So it
6 really doesn't make any difference.

7 First, looking at -- the first two tables are a
8 general overview of the population by age and by race. Table
9 1 shows that the population of Ward 8 is relatively young.
10 The median age is 27 years, compared to the balance of the
11 city which is 34 years, and if you look at the age
12 distribution, you can see what is happening. The youth
13 population, that is, pages zero through 17, form approximately
14 33 percent. The table shows 32.6 percent of the population of
15 Ward 8. In other words, about one out of three persons in
16 Ward 8 are used, and the balance of the city is 17.7 percent.
17 I'm going to round off 18 percent.

18 So in Ward 8 we have almost twice the proportion
19 of youth as we do in the balance of the city.

20 Table 2 looks at the race distribution of Ward
21 8. The black population of Ward 8 constitutes 98 percent of
22 the ward total.

23 COMMISSIONER CLARENS: Madame Chairperson, could
24 I interrupt for a minute?

25 Could you speak closer to the microphone?

26 MR. BIXHORN: Okay.

1 COMMISSIONER CLARENS: I'm having trouble
2 hearing.

3 MR. BIXHORN: Sure. How's that?

4 CHAIRPERSON KRESS: Better.

5 MR. BIXHORN: Okay. The black population
6 constitutes 98 percent of the ward total. In other words, it
7 is almost the entire ward population. In the balance of the
8 city, the black population forms less than two-thirds of the
9 total.

10 Table 3 looks at household income. The median
11 household income was \$20,500 in Ward 8. This is more than
12 one-third less the median household income of the balance of
13 the city.

14 If we look at the distribution on the lower end
15 of the spectrum, 38 percent of the ward's households have
16 incomes less than \$15,000, and this is more than one and a
17 half times the corresponding percentage for the rest of the
18 city. So you can see the balance there or actually that it's
19 off balance. A very high proportion of households have
20 incomes less than \$15,000.

21 On the other end of the income spectrum, only
22 two percent of the ward's households have incomes above
23 \$75,000, and in the balance of the city in that same category
24 we have 15 percent of the households or more than six times
25 the Ward 8 percentage.

26 Table 4 looks at per capita income. In Ward 8,

1 the per capita income was \$8,700. The corresponding figure
2 for the balance of this city is almost two and a half times as
3 great.

4 Table 5, poverty. The poverty rate in Ward 8 is
5 30 percent, twice the rate of the balance of the city.

6 Unemployment in Ward 8 stood at 14 percent,
7 twice the rate of the balance of the city.

8 Table 7 looks at the occupational distribution.
9 If we look at the managerial and professional category, 15
10 percent of the population of Ward 8 is in that category. The
11 corresponding percentage for the balance of the city is more
12 than two and half times as great.

13 Table 8, educational attainment. If we look at
14 the percentage of the population age 25 and over that has
15 completed at least four years of college, in Ward 8 it's six
16 percent. In the balance of the city the percentage of college
17 graduates is almost six times as great.

18 Table 9 looks at the very important
19 socioeconomic factor. It shows the distribution of household
20 types, family and non-family, and family households are broken
21 down into various categories. Let's have a look at female
22 headed households with related children. That category
23 constitutes 30 percent of the households in Ward 8, and this
24 is almost three times the corresponding percentage for the
25 balance of the city.

26 Table 10, owner occupancy. Owner occupied units

1 compose 17 percent of all occupied units in Ward 8. The home
2 ownership rate for the balance of the city is two and a half
3 times greater.

4 Table 11 looks at the value of owner occupied
5 housing. The median value of owner occupied housing units in
6 Ward 8 was \$79,800. The corresponding value for the balance
7 of the city was over 60 percent higher.

8 If you look at the distribution, look at the
9 lowest category, homes with a value under \$75,000, they
10 account for 41 percent of owner occupied units in Ward 8, and
11 this is more than three times the corresponding percentage for
12 the balance of the city.

13 On the other hand, if you look at the two upper
14 categories, 125,000 to essentially 175, and then 175 and
15 above, those two categories together, in Ward 8 we have only
16 four percent of the owner occupied housing units that are in
17 that category, four percent. However, in the balance of the
18 city, more than half of the owner occupied housing units are
19 in that value category.

20 Table 12 looks at the types of structures the
21 units are in. Single family detaches housing accounts for
22 less than five percent of the housing units in Ward 8. The
23 corresponding percentage for the balance of the city is three
24 times greater.

25 The predominant form of structure in terms of
26 the number of units are those that contain ten to 49 housing

1 units that predominant Ward 8. Forty percent of Ward 8's
2 housing units are in structures of this type, namely,
3 structures with ten to 49 units, and this percentage is more
4 than twice that for the balance of the city.

5 In Table 13, I took a quick look at a few
6 selected variables, tracing them over time, and I'll give a
7 very brief overview of this. The population of the city has
8 been dropping drastically, but in Ward 8 it has been
9 especially steep.

10 If you look at the percentage drop from 1970 to
11 1990, it's essentially 30 percent, 30 percent decline compared
12 with an 18 percent decline in the balance of the city.

13 Looking at median household income, from 1979 to
14 1989, and that really is the 1980 to the 1990 census because
15 it asks what the incomes were in the preceding year, Ward 8
16 experienced an increase of 63 percent -- this does not take
17 into account inflation -- 63 percent. The balance of the city
18 was 88 percent.

19 Looking at poverty, from 1970 to 1990, poverty
20 increased substantially in Ward 8. From 1970 to '80, it went
21 up from essentially 18 percent to 30 percent and then stayed
22 level essentially from '80 to '90.

23 In the balance of the city, from 1970 to 1990,
24 there was actually a small decline in the poverty rate.

25 Percent of households with females having
26 related children, again, increased substantially from 1970 to

1 '80 and then stayed level. In the balance of the city there
2 was a very small increase.

3 This completes my testimony for 1990 census
4 data. I do want to mention that I do have data that takes us
5 up to 1998, but it's not Census Bureau data. That simply is
6 not done by the Census Bureau at the small area level. We do
7 have data from a private corporation which does indicate that
8 Ward 8 continues to diverge from the rest of the city in
9 socioeconomic status, and if the Commission so wishes, I can
10 enter those tables also as testimony.

11 You do not have these, and I hope I do. Here
12 they are.

13 CHAIRPERSON KRESS: Where are we now? What's
14 happening?

15 MR. BIXHORN: Okay. These are tables bringing
16 us up to 1998 on a few variables that were available from a
17 private corporation. We simply don't have this available from
18 the Census Bureau, and I do not know whether you wanted to
19 accept this in the testimony since it is not official U.S.
20 Census Bureau data.

21 CHAIRPERSON KRESS: I think we can accept it
22 realizing what it is.

23 MR. BIXHORN: Okay. It essentially does show
24 that when it comes to median household income and per capita
25 income and median value of single family owner occupied
26 housing, the Ward 8 continues to diverge from the rest of the

1 city. These variables are not increasing at the same rate
2 that the balance of the city is increasing.

3 CHAIRPERSON KRESS: Okay. I think that's
4 probably all we need to know regarding that.

5 MR. BIXHORN: Okay. This completes my
6 testimony, and now I would like to turn it over to Stuart
7 Patz.

8 CHAIRPERSON KRESS: Thank you.

9 We will come back and ask questions after we
10 have the full presentation.

11 MR. PATZ: Do I need to be sworn in as an expert
12 witnesses or anything?

13 CHAIRPERSON KRESS: Pardon me?

14 MR. PATZ: Do I need to be sworn in as an expert
15 or anything?

16 CHAIRPERSON KRESS: You have not been sworn in?

17 MR. PATZ: Just as everyone in the beginning.

18 CHAIRPERSON KRESS: Yes. That's fine.

19 MR. PATZ: Than I'm okay.

20 CHAIRPERSON KRESS: We have not had you declared
21 as an expert witness or we're not going to.

22 MR. PATZ: Okay. Well --

23 CHAIRPERSON KRESS: Is David here? We didn't
24 find out -- we were going to hand out his resume and have him
25 declared an expert witness prior to this testimony. Am I not
26 correct? I'm losing track.

1 PARTICIPANT: If it's printed, then it's
2 correct. There it is.

3 CHAIRPERSON KRESS: Perhaps I should have taken
4 it in the beginning.

5 Are you comfortable, colleagues?

6 COMMISSIONER FRANKLIN: Yes.

7 MR. PATZ: Well, thank you all.

8 CHAIRPERSON KRESS: It appears that I declare
9 you an expert.

10 MR. PATZ: Well, thank you all. Thank you all.
11 I feel a lot better.

12 I was going to say good afternoon, but it's
13 probably closer to say good evening. I appreciate being here
14 and being part of the team for the Office of Planning.

15 My name is Stuart Patz. I'm President of RAR
16 Economic Consultants. We are the economic consultant and a
17 subcontractor to Sorg (phonetic) Associates on the current
18 study that's being done on east of the river. It's a
19 comprehensive study to look at the overall economic potentials
20 on east of the river.

21 The testimony today will actually contradict
22 some of the testimony that you've heard earlier today
23 regarding the availability, that there's no other potential
24 uses for the subject site, the Oxon Cove site, and the other
25 land within the property called D.C. Village.

26 As part of our study, I was asked to look at

1 alterative uses for the property, and we did so. We were
2 given the names of a number of industrial companies that are
3 located in the city who were looking for land, and we
4 interviewed those folks, and in each of the cases, these were
5 companies that had been on record looking for lack, actually
6 looking for land in Ward 8, in the D.C. Village property for
7 some time.

8 Our interviews with these companies indicated
9 that there's a number of companies in the District of Columbia
10 that are looking to expand and to relocate. In each instance,
11 these companies were committed to expanding their jobs, paying
12 full market price for land, building at market price major,
13 new industrial companies, in some instances new state-of-the-
14 art companies.

15 The data that we have on just our cursory and
16 initial look was that on a 40 acre site or 45 acre site, that
17 the companies that are currently actively looking for land,
18 actively looking to relocate or expand or relocate and expand
19 would commit to building over 700,000 square feet of space,
20 \$50 million in value of both land and building, and create
21 over 300 jobs.

22 When you take additional land that we've
23 documented market for, if you look at the entire area over on
24 the D.C. Village area, in approximately 100 acres there's
25 ability to and market support for over 1.5 million square feet
26 of floor space, over \$80 million of building and land value,

1 and over 500 jobs that would be created in this area.

2 The comment that there is no market is
3 currently not correct. The market is there. There's been a
4 pent up demand in the city for a number of years.
5 Unfortunately, in the past the city hasn't been able to move
6 ahead. Current administration and current Planning Office are
7 working with these people to move ahead.

8 These folks, if allowed, would create the same
9 amount of development value, create the same amount of jobs,
10 and create the same amount of economic impact as the proposed
11 use in front of you today.

12 CHAIRPERSON KRESS: May I interrupt you again?

13 MR. PATZ: Yes.

14 CHAIRPERSON KRESS: Do you have something you're
15 going to hand out or is there something in front of us we can
16 --

17 MR. PATZ: No, I did not present anything to
18 hand out, but we can do that at the next meeting if need be.

19 CHAIRPERSON KRESS: Again, I'm just wondering
20 how many notes to take. I'm sorry to interrupt you. Please.

21 MR. PATZ: Please take notes.

22 I think one of the very important parts of our
23 research is that all of the companies that are doing business
24 in the city that are looking to expand recognize the need for
25 additional training. Each have committed to do training on
26 site at new locations, and to provide the setting for skilled,

1 new employment.

2 And so we present to you today that not only are
3 there existing companies that would create a pent up demand
4 for land that we can't find in the District of Columbia, but
5 they would establish and create the same amount of jobs, real
6 estate value, and economic impact that you would have for the
7 proposed correctional facilities.

8 These data were supported by our interviews with
9 industrial real estate agents throughout the region who
10 indicate to us that there's a tremendous interest in the city.
11 There's a tremendous demand for people to find sites, and in
12 fact, as we created our initial analysis, we found that even
13 with the 100-plus acres of land in the entire D.C. Village
14 property, that over time we would not have enough land to
15 support the market that exists.

16 This, again, is from existing companies that are
17 committed to expand and existing companies who are committed
18 to invest in the city.

19 I think it's also noteworthy that the overall
20 opinion of the Office of Planning is that they need to create
21 a direction for economic growth in Ward I, is also supported
22 by the development activity that's currently existing.

23 One of the biggest issues that we have in the
24 entire area east of the river, including Ward 8, is the fact
25 that while we are getting new development activity, we are not
26 getting an increase in value. All of the new homes that are

1 being proposed are homes that are priced from 90,000 to
2 \$120,000, and every new project that comes on the market is in
3 the same price range.

4 Without a clear direction that the city and the
5 city's administration is trying to create, we will not be able
6 to create that kind of direction and increase the economic mix
7 that we have in Ward 8.

8 Mr. Bixby (phonetic) has told you about the
9 income issues in Ward 8 now and the fact that Ward 8 does not
10 create the same kind of economic trends that you have in other
11 parts of the city. Mr. Crawford testified today that he
12 hasn't seen the energy in Ward 8 in years.

13 We concur with those issues and say that without
14 a clear direction and economic trends that private sector
15 develop will create, that we will not make this turnaround,
16 and we will not get the income mix that the city is projecting
17 and working towards with their east of the river report.

18 With that I'll conclude my testimony and be
19 available for questions.

20 CHAIRPERSON KRESS: Thank you.

21 MR. COCHRANE: Madame Chair, members of the
22 Commission, my name is Steve Cochrane. I live in Ward 1.

23 Some of you may remember our sophisticated Power
24 Point presentation of two weeks ago. I couldn't possibly try
25 to duplicate that. So if you'll indulge me I'll be turning
26 around our presentation for tonight.

1 COMMISSIONER CLARENS: This is high tech.

2 MR. COCHRANE: We call this tape collage, and it
3 works.

4 CHAIRPERSON KRESS: We needed some humor today.

5 MR. COCHRANE: I'd like to clarify that the
6 office is not necessarily saying that the site should be
7 developed for economic development. The last member of our
8 panel was saying if the transfer were going to go in and if
9 CCA owned land, then there would be uses for it other than the
10 prison.

11 As it is, I'm looking at it from the standpoint
12 of the comprehensive plan and open space, and for now, the
13 site isn't owned by CCA. It is still owned by the federal
14 government.

15 Now, here's the site, this green -- the bulk of
16 this green swath right down here. It's 41 acres. It's as you
17 can see, at the tip of far Southeast Washington.

18 As you can see from this map, it's also in
19 green, as is -- this is Oxon Run here. This is the land
20 reserved for open space on the steep rise of the Anacostia
21 hill front. This is the Anacostia River, which the mayor is
22 now working on redeveloping as a significant recreational use
23 for this city.

24 If I had been able to show you a map generated
25 by the National Capitol Planning Commission, you would have
26 seen even more green space going up and down the Potomac

1 River, which is right here on the site.

2 In other words, this is designated and has long
3 been designated as open space for recreational use. It's in
4 the comprehensive plan that you have adopted. It's in the
5 comprehensive plan that was adopted by the City Council, that
6 had a member that we have seen here today on that council. At
7 this point it is still designated for open space and
8 recreation uses.

9 If you'll look in the document that you have
10 with the black binder, and if anybody in the audience needs
11 one, they're over there with staples. I'm sorry you didn't
12 get the binder.

13 CHAIRPERSON KRESS: It's the one called
14 comprehensive plan issues and open --

15 MR. COCHRANE: Exactly.

16 These are the elements in the comprehensive plan
17 that designate it for open space and recreational usage, and
18 even for a bit of environmental protection.

19 Section 405 says that the city is committed to
20 insuring public access to waterfront areas and protecting and
21 enhancing their aesthetic and recreational qualities.

22 The urban design element, particularly for
23 waterfront design areas, in Section 706 goes through a number
24 of uses that are appropriate to the waterfront, waterfront
25 parks, integration into the rest of the urban fabric,
26 recreational development, enhancing the character of natural

1 waterfront parks, creating and enhancing relationships between
2 District residents and the waterfront, and in some cases
3 promoting residential and commercial development at specific
4 locations.

5 It goes on even more specifically with the
6 policies in 706.2. The city wants to promote water oriented
7 uses at the public edge of water, such as promenades, view
8 points, steps into the water, swimming, boating facilities,
9 public or other related amenities.

10 The policy is to require the waterfront design
11 areas complement and enhance urban development; that
12 waterfront design areas respond to the unique waterfront
13 qualities of their respective site conditions; and finally, to
14 require that the site planning in these areas establish and be
15 sensitive to the close interrelationships between buildings,
16 parks, and open space at these sites.

17 Now, let's look at what we already have
18 designated for this area. Okay. Open space, currently
19 federal open space. This is a plan that shows that this open
20 space was also intended for recreational usage. This was
21 developed, oh, 20 to 30 years ago by the combination of what
22 was then the District government and the National Park
23 Service.

24 You can see that it's a golf course, along with
25 a marina. There are four holes in the District of Columbia.
26 There are the remainder of the holes -- not being a golf

1 player, you'll have to do the subtraction -- in Prince
2 George's County. On the District's property, the Park Service
3 even started to implement this plan. As the Applicants know,
4 part of the site has a cap on it because it is a sanitary
5 landfill, and that cap on part of the site was the first step
6 in the implementation of the golf course plan.

7 We have talked with the Park Service. It's
8 still in their plans to develop the golf course if they had
9 the land.

10 Let's look at what the site actually appears to
11 be. Now, I don't have any good blow-ups of it. Sorry, but it
12 is in your packet. These photographs are helicopter
13 photographs which were submitted in the last hearing by the
14 National Park Service. As you can see, it would appear to be
15 almost as pristine a site as you'd see on the Eastern Shore,
16 with the exception of the Woodrow Wilson Bridge there. Forty-
17 one acres right there, I-295 going through it, but essentially
18 it's a wooded forest land.

19 Now, what does the Applicant say it looks like?
20 The Applicant at least in their last Power Point show -- and
21 I'm sorry that I wasn't here for today's -- shows you a trash
22 heap, the side of a hill, and the sloping side of a hill that
23 has tires in it.

24 Well, let me just point out that this hill is,
25 in fact -- these two sites are, in fact, one. To find serious
26 degradation at the site, they had to walk around the same hill

1 and take it from different angles.

2 These CCA photographs show this trash heap. I'm
3 glad I recently got some new glasses because I was able to
4 identify that trash heap on this site right at the end of this
5 trail, those white dots that you can't even see. That's the
6 serious dumping on the site.

7 We were out on the site, several of us. I think
8 some of my poison ivy will testify to that. This is what the
9 site actually looks like. It's well vegetated. This service
10 road is something that could almost have been consciously
11 landscaped.

12 If you're standing at the end where the prison -
13 - where the clear cutting for the prison site would end, they
14 would be maintaining these, the existing trees admittedly.

15 If you're looking across Oxon Cove to the still
16 protected shoreline that the National Park Service has, this
17 is one of the glen areas with the existing vegetation. You
18 can see just how high the grasses have grown up.

19 Here we are not only trying to put balloons up
20 to see how high the buildings might be, but also examining the
21 tracks of animals, trying to figure out whether they were deer
22 or bear.

23 And finally, this is the waterfront vista that
24 you see down there. It's not exactly the piece of rotten land
25 that the Applicant has presented.

26 Finally, the Applicant says that their facility

1 will be well designed. The model shows that for a prison it
2 is, but what do our plans, our policies say for what a
3 waterfront site should be?

4 It's supposed to relate to the water. It's
5 supposed to enhance the connections. This site, if you'll
6 look on the last page of your booklet, looks remarkably to me
7 like the Lee Correctional Facility in South Carolina, not
8 exactly the waterfront site that we're talking about now. I
9 fail to see the connectivity to the topography, the
10 relationship to the water.

11 A prison is by its very nature a closed site.
12 It can't be open space. It would be counterproductive to do
13 the steps down into the water that the comprehensive plan
14 talks about. It would be very difficult to put bicycle trails
15 on it. It would be difficult to integrate this fairly
16 attractive site with what the Park Service is currently
17 developing at Oxon Run.

18 For all of these reasons, we find the
19 Applicant's proposal to be counter to the comprehensive plan,
20 and by the nature of the use proposed for this PUD difficult
21 to reconcile in our imagination with the comprehensive plan.

22 CHAIRPERSON KRESS: Thank you.

23 MR. COLBY: My name is David Colby, again, and
24 I'll be summarizing, not testifying, although I'm not sure
25 there's -- there's a very fine distinction.

26 COMMISSIONER CLARENS: Not anymore.

1 CHAIRPERSON KRESS: Not anymore.

2 MR. COLBY: And this will be very short.

3 Our case against approval of this PUD and map
4 amendment is really quite simple. It involves a serious
5 reading of the comprehensive plan. It involves a cautious
6 approach to zoning, and it involves an understanding of the
7 risk the proposed PUD poses to nascent economic development
8 forces at work now east of the Anacostia. There is an
9 alternative to this prison.

10 The comprehensive plan policies call for water
11 oriented public uses at the water's edge, not prisons. The
12 comprehensive plan generalized land use map and its precursors
13 have always show this site as open space.

14 The sale of federal land does not readily
15 obviate the existing comprehensive plan designation, and this
16 does not meet the PUD standards in that regard.

17 As to zoning, the M zone would be absolutely the
18 wrong zone if it were not conditioned by a PUD covenant, and
19 it is clearly wrong to designate waterfront property with our
20 most intensive zoning category.

21 But this case is really about economic
22 development. We have, we believe, demonstrated the critical
23 need for strengthened economic development in Ward 8. In
24 response to that need, we have made three key arguments.

25 First, there are alternative and preferred
26 economic development uses for D.C. Village which will generate

1 better jobs, not guard jobs, but jobs which can more readily
2 be translated to other industries and provide better employee
3 mobility.

4 Second, the economic engine currently at work
5 east of the river needs to be nurtured to maintain the overall
6 turnaround, and people need to feel good about Southeast,
7 having a reason to come there to live and work.

8 The perception of prisons won't help near --
9 well, I'll leave that one there.

10 Finally, there are industries poised to come to
11 D.C. Village in response to the east of the river study and
12 developing market effort is underway. That study needs time
13 to bear fruit. A prison could derail this effort.

14 Thus, we believe for these economic reasons the
15 proposed PUD does not meet the standards.

16 Apparently CCA has experienced significant
17 problems in Youngstown. Will we get something akin to this in
18 D.C. Village or will we get true economic development as
19 defined in the about to be released east of the river study,
20 which I'm holding in my hand. This is a draft of a study
21 which will be released shortly.

22 We will be able to provide for the record by the
23 end of next week the marketing brochure that comes from this
24 study as a follow-on and part of this study process to
25 demonstrate how serious the District is about economic
26 development east of the river.

1 And that concludes OP's testimony.

2 CHAIRPERSON KRESS: Thank you.

3 COMMISSIONER HOOD: Madame Chair, I have a
4 question.

5 CHAIRPERSON KRESS: Please, Commissioner Hood.

6 COMMISSIONER HOOD: The Office of Planning --

7 CHAIRPERSON KRESS: Excuse me. It's been a long
8 day. How many years ago is that?

9 (Laughter.)

10 COMMISSIONER HOOD: The Office of Planning
11 recommends denial. Do we have a plan that would take care of
12 the correctional facility problem here in the District as of
13 yet?

14 MR. COLBY: I'm sorry. Do you we have a plan?

15 COMMISSIONER HOOD: Do you have a plan? I mean,
16 you're recommending that we deny this application. Does the
17 Office or is the Office of Planning working on dealing with
18 the correctional facility situation?

19 MR. COLBY: We're not aware of a plan to locate,
20 that the District government is involved in, to locate a
21 prison in the District of Columbia. We are aware that the RFP
22 from the Bureau of Prisons for the proposed facility is to
23 locate such a facility within 300 miles of the District.

24 COMMISSIONER HOOD: Also, has the Office of
25 Planning received any additional comments from any other
26 agencies?

1 MR. COLBY: No, we said we've received no
2 additional comments.

3 COMMISSIONER HOOD: So that still stands.

4 CHAIRPERSON KRESS: But you did mention in your
5 report that you had spoken with Department of Public Works,
6 and they had no --

7 MR. COLBY: That's correct. They were aware of
8 the change, and they had no further comments. If anything,
9 the impacts would be less than what they had originally
10 considered.

11 CHAIRPERSON KRESS: And we will be hearing
12 hopefully from the National Park Service today.

13 MR. COLBY: I understand you will be.

14 COMMISSIONER HOOD: No further questions at this
15 time.

16 CHAIRPERSON KRESS: Commissioner Franklin?

17 COMMISSIONER FRANKLIN: I have a question or two
18 for Mr. Patz. Mr. Cochrane, I believe, clarified your
19 testimony or attempted to clarify your testimony to indicate
20 that you were not recommending industrial development on the
21 subject site; is that correct?

22 MR. PATZ: Well, I don't think we've gotten to
23 that point yet of what we're recommending, but I think the
24 point that we were presenting today is that there are
25 alternative uses for the site and the rest of D.C. Village,
26 and those uses are primarily industrial.

1 MR. COCHRANE: If I could clarify, at the end of
2 my testimony I said that by its very nature a correctional
3 facility is a closed site. As you know from your approval of
4 other PUDs, it is possible should this come into private hands
5 to develop a PUD that might be compatible with open
6 recreational uses.

7 COMMISSIONER FRANKLIN: Of course, I don't know,
8 but I would assume that if there has been good lawyering
9 involved in the transaction, that CCA would not end up owning
10 a piece of land for which the Zoning Commission did not grant
11 approval to develop. So I doubt very much whether CCA is
12 going to end up owning a piece of land zoned open space.

13 My next question, Mr. Patz, is why do you
14 believe, if you do, that the development of a prison on this
15 site would cast a pall over the ability to develop adjacent
16 sites for industrial use?

17 MR. PATZ: I think it is the image issue that
18 we're dealing with here. I think the issue that we're dealing
19 with is that the city administration is attempting to create a
20 new economic trend and image in the entire east of the river
21 area, including Ward 8, and I think the issue is that the
22 companies that are looking to come here are looking for an
23 industrial park setting, and the city has committed as part of
24 our study that they would be willing to do that with committed
25 industrial uses.

26 So I think what we're doing is we're backing off

1 from developing an industrial park setting, which is so sorely
2 needed in the east of the river area, including Ward 8. I
3 think it's the perception of what would happen. I think it's
4 the fear that the city is going in the correct direction now,
5 and I think that there is a real concern of what a change in
6 that direction would do to the current trends.

7 I think we're seeing -- I think you've heard in
8 the testimony today, which I concur with, that real estate
9 values have increased. Demand for land has increased. Our
10 clients are telling us that they can't find product, meaning
11 property, over there. I think there's a tremendous effort to
12 place money and investment in the entire area east of the
13 river. That is currently happening. I think there is great
14 fear that changing -- changes to this current trend would
15 really derail that effort.

16 COMMISSIONER FRANKLIN: Thank you. I have no
17 further questions.

18 CHAIRPERSON KRESS: I just wanted to make sure I
19 heard you correctly. You are seeing this as development of
20 industrial parks or you are not?

21 MR. PATZ: We have -- right now there are no
22 industrial parks in the east of the river area, and part of
23 the reason is that there's not any available land that's ready
24 -- ready for development. There have been over the years a
25 number of existing D.C. companies that have petitioned to the
26 city for land. The city has not moved ahead in the past.

1 These folks have continued to attempt to move ahead with their
2 plans. They have talked to all of the community development
3 agencies, and the community development agencies were actually
4 the ones that identified the businesses for us.

5 These are folks that have a commitment and a
6 business that needs to expand their existing companies in the
7 city, and so they're looking for land.

8 CHAIRPERSON KRESS: Industrial park, that office
9 building? I'm still --

10 MR. PATZ: Industrial uses, not office
11 buildings, yes.

12 CHAIRPERSON KRESS: Uses.

13 MR. PATZ: Many of them manufacturing, many of
14 them service, but industrial uses, not office.

15 Now, some of them, of course, would have some
16 office related, but they're primarily industrial uses.

17 CHAIRPERSON KRESS: And the Blue Plains waste
18 water treatment plant doesn't seem to be -- we haven't spoken
19 about that much today. That doesn't seem to be much of a
20 negative to these people who --

21 MR. PATZ: I think there was such a demand for
22 land and such a small amount available that people are willing
23 to locate in areas that may not have the most perfect
24 environment.

25 So in terms of the people that we talked to, in
26 terms of suburban real estate brokers, Blue Plains is not an

1 issue for people needing land and wanting land and are willing
2 to pay market rate prices in the District of Columbia.

3 CHAIRPERSON KRESS: Even to the point where they
4 might be interested in eventually if the timing were right and
5 this parcel didn't go industrial right away, that it could be
6 office down the line and retain?

7 MR. PATZ: I think that our plans would be --

8 CHAIRPERSON KRESS: And shorelines with boats
9 and --

10 MR. PATZ: It depends how visionary we become.
11 I think that our plan is suggesting office space and retail
12 space in other locations east of the river.

13 CHAIRPERSON KRESS: Thank you.

14 I'm sorry. Commissioner Clarens.

15 COMMISSIONER CLARENS: Yes, I have a couple of
16 questions. The first one is for Mr. Patz.

17 And what kind of industries were you looking at?
18 And can you be specific about the kinds of industries that
19 you've been talking to?

20 MR. PATZ: Yes, I could. I actually could be
21 specific to names, but I won't. There are -- there are repair
22 industries, people that would repair buses and trucks and
23 motor vehicles. There are environmental industries. There
24 were recycling industries. We had people come in from out of
25 town that have, quote, state-of-the-art recycling businesses
26 that want to come into the city so that they can get contracts

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

(202) 234-4433 WASHINGTON, D.C. 20005-3701 www.nealrgross.com

1 through Congress.

2 So there are a wide range of --

3 COMMISSIONER CLARENS: Transfer stations maybe?
4 Transfer stations?

5 MR. PATZ: There is one. There is one proposed
6 that would have a transfer station, yes.

7 COMMISSIONER CLARENS: Do you think that the
8 residents of Ward 8 are going to be happy with recycling
9 plants and transfer stations being located there and is that
10 going to improve the quality of life of Ward 8?

11 MR. PATZ: We --

12 COMMISSIONER CLARENS: Is this the best the city
13 can do --

14 MR. PATZ: We -- we --

15 COMMISSIONER CLARENS: -- for Ward 8 in terms of
16 bringing jobs to the ward?

17 MR. PATZ: Sir, you've had more than one
18 question. I'll try to do one at a time.

19 The companies that we're talking to are
20 proposing to invest ten to \$20 million in existing -- in new
21 buildings, state-of-the-art facilities. These are companies
22 that are going to add -- each one that we talked to had about
23 80 new jobs that they could add to the city. Each of those
24 were proposing training facilities. Each of those were
25 proposing salaries that were equal to the CCA proposal.

26 Whether those are the ultimate uses that anyone

1 would want, I think the key before us today is that we know
2 that there are some alternative uses for that site.

3 COMMISSIONER CLARENS: Well, wait a minute.
4 Let's go a step at a time. You're talking that there are some
5 companies that need land, that might want to move there. I
6 asked you specifically what kind of industry, and you mention
7 a few, repair of trucks and buses, which is -- which could
8 have adverse environmental impact on the area. Could have.

9 MR. PATZ: Well, that particular company is an
10 existing company in the city today. That is a relocation and
11 expansion, besides the fact that they would put new
12 investments in a site that they own today in the city
13 represents a potential for a higher use in another location in
14 the city. So there's really a double positive impact.

15 COMMISSIONER CLARENS: A double positive.

16 (Laughter.)

17 COMMISSIONER CLARENS: Okay. Now, let me -- let
18 me ask you. Is it -- and in your research, in order to come
19 up with this wonderful plan for the resurgence of Ward 8, did
20 you ask the question that the presence of a correctional
21 facility adjacent to these industrial uses in the D.C. Village
22 site -- would that be any -- have any kind of impact in your
23 decision to move into D.C. Village?

24 MR. PATZ: We did not ask that question.

25 COMMISSIONER CLARENS: In your opinion, would
26 that be a detriment to this industry's moving if D.C. Village

1 was developed as planned as some sort of an industrial park?

2 MR. PATZ: It may not be a detriment, no.

3 COMMISSIONER FRANKLIN: That's a change from the
4 answer that I got.

5 COMMISSIONER CLARENS: What was that?

6 COMMISSIONER FRANKLIN: I said he has changed
7 the answer. I think I asked that question earlier and was
8 told that it was an image problem.

9 MR. PATZ: Well, no, but the question that you
10 asked me here was was it a detriment to those industry, not to
11 the entire economic development east of the river. So they
12 were two different questions.

13 COMMISSIONER CLARENS: So is what is driving
14 then the position of the Office of Planning, and it's very
15 important that we understand where the Office of Planning is
16 coming from; is what is driving the position of the Office of
17 Planning, is it really the perception of adverse impact or, in
18 your own words, the fear that the presence of a correctional
19 facility in Ward 8 will produce?

20 MR. PATZ: I shouldn't answer the --

21 COMMISSIONER CLARENS: Well, however.

22 MR. PATZ: I shouldn't answer for the Office of
23 Planning.

24 MS. AIKEN: The Office of Planning is working
25 with RAR consultants through Sorg & Associates, and we're in
26 the process of doing an extensive planning, comprehensive

1 planning study for the total east of the river. So some of
2 those questions in regarding to the correctional facility over
3 and above economic development opportunities that has been
4 presented to us have not had an opportunity to play itself out
5 with the community.

6 D.C. Village was done as preliminary prospects
7 so that when we go out to look at those areas in the D.C.
8 Village area, that we have some alternatives to bring forth to
9 the community to allow them to participant in the process and
10 to allow them to give us feedback on the type of industries
11 that they would like to see east of the river.

12 COMMISSIONER CLARENS: A couple of landscape
13 issues. The golf course, where's the proposed entrance to
14 this golf course for this site?

15 The site, by the way, is not owned and the
16 District of Columbia has no rights on this site at the present
17 time at all.

18 MR. COCHRANE: That is correct. It's a National
19 Park Service plan.

20 COMMISSIONER CLARENS: All right, and in fact,
21 there is further legislation which is what is allowing that
22 land to be transferred, swapped to the benefit of CCA; is that
23 correct? And in that --

24 MR. COCHRANE: I might disagree with the word
25 "allowing," but it does force the land to be transferred.

26 COMMISSIONER CLARENS: Well, it allows it.

1 And so the golf course, if such a plan was to
2 take place, where would the entrance to this golf course be?

3 MR. COCHRANE: I have no idea.

4 COMMISSIONER CLARENS: Well, then you have a
5 plan. You submitted a plan of a golf course, didn't you?

6 MR. COCHRANE: Yes, I did, sir.

7 COMMISSIONER CLARENS: Yeah, and if you look at
8 the plan of the -- and I think that this is part of the
9 original testimony -- isn't the entrance of the golf course in
10 P.G. County?

11 MR. COCHRANE: I would have to defer to the
12 testimony from the Park Service for that. The scale of my map
13 is not close enough to tell.

14 COMMISSIONER CLARENS: I believe we received
15 testimony in the first part of the application that did say
16 that the entrance was in P.G. County, and if the entrance was
17 in P.G. County, wouldn't this be a P.G. County amenity and not
18 a District of Columbia amenity?

19 MR. COCHRANE: I cannot testify to whether a
20 facility that would be located both within the District of
21 Columbia and Price George's County would be a D.C. amenity or
22 a District of Columbia amenity.

23 COMMISSIONER CLARENS: And to your knowledge and
24 to the knowledge of the Office of Planning, is there any
25 source of funding to develop this golf course and park?

26 MR. COCHRANE: I have asked the National Park

1 Service. They said that there is funding, and that they had
2 been proceeding with development of the golf course. I don't
3 know whether that means additional planning or construction.

4 COMMISSIONER CLARENS: Is there a schedule for
5 implementation of this plan?

6 MR. COCHRANE: I do not know, sir.

7 COMMISSIONER FRANKLIN: I seem to recall from
8 our last hearing some indication that this was not a feasible
9 development.

10 CHAIRPERSON KRESS: I recall that as well. My
11 question still goes to the environmental and to both Mr.
12 Cochrane and Mr. Patz, and that's there's some massive
13 environmental clean-up that needs to be done, and there's a
14 methane problem. This is a dumping. We saw charts, and how
15 it's not as bad as it used to be, but there's still some major
16 environmental clean-up.

17 Did that enter into your discussions and
18 planning as related to this site? And you both looked at it
19 from a little different point of view.

20 MR. COCHRANE: I can speak only to the
21 recreational uses, and having spoke with the Park Service,
22 because the land if left as open space or with trails or even
23 developed as a golf course would not be as intensively
24 developed, the loading would not be as intense; the
25 environmental clean-up costs would not be nearly as great;
26 that it would be possibly simply to lay on the land.

1 Now, I cannot speak to it further than that.

2 CHAIRPERSON KRESS: I'd still worry about
3 methane seeping up for children playing. I mean I would think
4 it would have to be fairly intensely cleaned up.

5 Did you mention that when you were looking at
6 potential industrial developers? I mean, certainly you've got
7 some of the things, bus repair, auto repair. I mean, you're
8 talking about some things that have some high hazard with
9 them, that if you're doing some methane venting and --

10 MR. PATZ: Well, you're absolutely right, but
11 our interviews with the owners of these companies indicated
12 that that's the location that they've been trying to get into,
13 and so we, meaning the entire study team and the Office of
14 Planning, know that there are some major issues that have to
15 be addressed, but we're reporting to you what the company
16 owners have reported to us, and I think as Vanessa said, that
17 we not committed to any companies there. The only issue that
18 we're bringing up today is that there are economic uses that -
19 -

20 CHAIRPERSON KRESS: No, but my question was:
21 did you mention that there were these environmental problems
22 so that they were aware?

23 MR. PATZ: Most of the companies that we talked
24 to already knew that.

25 CHAIRPERSON KRESS: Okay. Thank you.

26 MR. COCHRANE: Madame Chair, the Park Services

1 did have concerns about the pilings that would have to be
2 driven for the prison.

3 CHAIRPERSON KRESS: I would be, too.

4 MR. COCHRANE: Which would possibly encourage
5 the migration of the methane into some of the fairly mature
6 forests that are on the slopes. Those are the kinds of
7 pilings that would not need to be driven should it remain open
8 space.

9 CHAIRPERSON KRESS: I'm sorry. Commissioner
10 Clarens, did you have --

11 COMMISSIONER CLARENS: Yes, I had more questions
12 about the comprehensive plan and the applicability of the
13 comprehensive plan to this particular property. Two elements
14 of the plan have been cited, the environmental protection
15 element of the comprehensive plan and the urban design element
16 of the comprehensive plan.

17 And at the time the plan was enacted into law,
18 was this land -- was this use for this land known or
19 contemplated?

20 MR. COCHRANE: Which use?

21 COMMISSIONER CLARENS: The proposed PUD.

22 MR. COCHRANE: No, it was not. As far as I
23 know, it was not.

24 COMMISSIONER CLARENS: Was the transfer of this
25 land to private use known to the drafters of the comprehensive
26 plan? I don't believe so.

1 MR. COCHRANE: I was not working for the
2 department then. I can't answer that. Are you talking about
3 for the 1998 amendments?

4 COMMISSIONER CLARENS: 1998 amendments?

5 MR. COCHRANE: As far as I know, the map was
6 shown. This is -- because it was in Park Service land and
7 because the transfer of the type of land that's being or water
8 that's being transferred for this land wasn't contemplated --

9 COMMISSIONER CLARENS: So these elements of the
10 comprehensive plan are general policy guidelines for the
11 development of waterfront policy?

12 MR. COCHRANE: Yes, they are.

13 COMMISSIONER CLARENS: And they're not specific
14 to this property?

15 MR. COCHRANE: They are specific in that that is
16 a promontory there, and you count on the Park Service land
17 remaining Park Service land. The District often is able to
18 gain park land by having the federal government actually
19 manage it.

20 COMMISSIONER CLARENS: I have no more questions.

21 CHAIRPERSON KRESS: Commissioner Franklin?

22 COMMISSIONER FRANKLIN: Yes. I just wanted to
23 get some additional clarity on the line of questioning that
24 Commissioner Clarens had begun, and that is the nature of the
25 industries that we're talking about or that is to say the
26 Office of Planning is talking about in Ward 8.

1 You mentioned industries that have their own,
2 you know, negative consequences. Are those the only ones that
3 are contemplated in terms of the plan at the moment?

4 MR. PATZ: No. The ones that we talked to
5 specifically were people that were business persons who were
6 identified to us. Our interviews with the real estate
7 community indicated that there's a wide range of other
8 companies that are looking for land in the District of
9 Columbia.

10 COMMISSIONER FRANKLIN: For example? Just give
11 us a couple of for-instances, not in terms of names, but just
12 the nature of the activity.

13 MR. PATZ: Light manufacturing, warehouse and
14 distribution. I mean they're industrial concerns.

15 We did have a company representative come down
16 from Boston. It's an eco. industry. They propose -- they're
17 looking for land for what they've defined as a state-of-the-
18 art environmental industry for I think it was the -- was it
19 plastics? And they were looking for land.

20 So there's actually a wide range of uses out
21 there. The issue at hand is that in the past we haven't been
22 able to identify that many companies because the real estate
23 industry hasn't looked as positive in the District of Columbia
24 as they are now. So you're sort of seeing an evolving trend,
25 and so there's an awful lot of companies out there that we
26 haven't even identified.

1 COMMISSIONER FRANKLIN: Well, I would urge you
2 to look at the regulations that this Commission adopted some
3 time ago regarding trash transfer stations and the like and
4 recyclers to make sure that no one is led down the primrose
5 path on that particular score because we have some pretty
6 explicit regulations that we adopted on that subject.

7 COMMISSIONER HOOD: I, too, want to echo Mr. or
8 Commissioner Franklin's comments, but I want to rephrase one
9 of his questions. And are you suggesting that the recycling
10 facility will improve the image?

11 And let me go on to a little more detail. Light
12 manufacturing has been on the books for a while, and what
13 winds up happening is the trash transfer stations go into
14 those areas. So I think that is of some concern.

15 MR. PATZ: Well, I think that -- I think you
16 bring up an excellent point. The problem that we have in
17 responding specifically is that we don't have specific
18 proposals in front of us because we don't have control of all
19 the land that we can get specific proposals. So we don't have
20 any designs that we can show you. We don't have any plans
21 that the Office of Planning can actually look at and make
22 recommendations to.

23 And so if it was a pure recycling that was not
24 well controlled, would that improve that image? The answer is
25 no.

26 If it was a well design facility that our

1 interviews indicated they would be and it was a hidden use in
2 a well designed building, would that improve the image? The
3 answer would be yes.

4 So unfortunately until we see some specific
5 designs, until we have something that we can show you
6 specifically, it's hard for us to be very specific.

7 MS. AIKEN: And in addition to that, until the
8 entire east of the river study is completed, that the
9 community has an opportunity to participate in and that we
10 come out with an overall scope in terms of the type of
11 businesses we will be marketing to, we cannot answer those
12 questions at this particular time. That process is underway,
13 and that study will not be completed until December, the
14 entire study for the east of the river.

15 COMMISSIONER HOOD: So the Office of Planning if
16 planning is working with the surrounding community?

17 MS. AIKEN: The Office of Planning is working
18 extensively with the community in an overall community
19 participation process for the redevelopment of east of the
20 river.

21 COMMISSIONER HOOD: Thank you.

22 COMMISSIONER CLARENS: A follow-up on that to
23 the Office of Planning. What I find difficult is to
24 understand the very strong way in which you have opposed this
25 PUD now as opposed to three months ago and without having yet
26 completed, as you have just stated, an overall master plan for

1 the economic redevelopment of east of the river, as you said,
2 and without having looked at the problem that we have in this
3 city and the Office of Planning is supposed to plan what
4 things are going to happen, and we have in a prison
5 population, a substantial prison population in this city, that
6 the city needs to make provisions.

7 We all have known for a long time that Lorton is
8 going to disappear, and the question was posed to you by
9 Commissioner Hood as to were you making plans for the prison
10 population, for correctional facilities, but that doesn't
11 enter into the picture. You said, no, you didn't have one.

12 So here we're left with a situation where, of
13 course, economic development of east of the river area is
14 important, but you have not completed that. You are not in a
15 position to make final recommendations. You don't really know
16 what it is that is going. You are in a process, but you don't
17 come here and say, "Let's hold off on making decisions until
18 we do have a plan." You said, "No, a correctional facility
19 should be denied an application because of the perception of
20 adverse impact, because of the fear that this perception might
21 possibly have on the economic development of east of the
22 river, but you don't come with alternative plans for dealing
23 with.

24 And you say, "Well, let's set the correctional
25 facilities somewhere else. Put them somewhere else." There's
26 always somewhere else that they can go.

1 So I find the presentation of the Office of
2 Planning very lacking and disingenuous and not -- frankly,
3 very difficult to take.

4 CHAIRPERSON KRESS: Are there any other further
5 questions or comments for Office of Planning?

6 (No response.)

7 CHAIRPERSON KRESS: If not, I'll go to the
8 Applicant for cross examination of the Office of Planning.

9 MS. GIORDANO: Yes. We're just elated to hear
10 all of this good news about economic development in Ward 8 and
11 the fact that everybody is trying to buy land over there for
12 development. We think that's a really positive trend.

13 But are you saying that there is actually a
14 shortage of land to accommodate businesses that are ready to
15 go in now; that there is probably a buying frenzy going on
16 right now, according to what we're hearing from the brokers
17 you're talking to? Is that what's happening in Ward 8? Is
18 that document?

19 MR. PATZ: Are you addressing me?

20 MS. GIORDANO: Yes.

21 MR. PATZ: Yes, that's what's happening.

22 MS. GIORDANO: So what has been the land buying
23 activity in Ward 8 recently? Do you have any statistics that
24 would demonstrate that large parcels of land are being bought
25 by companies, corporations, or speculators? Usually that's
26 the first --

1 MR. PATZ: Are you talking about raw land? Are
2 you talk about --

3 MS. GIORDANO: Yes.

4 MR. PATZ: -- existing businesses? Tell me what
5 you're talking about, please.

6 MS. GIORDANO: Raw land. I think that's what
7 you indicated where the biggest demand is.

8 MR. PATZ: Well, right now there is no land
9 that's available for development, industrial land that's
10 available for development. There's no land that's out there
11 that someone could buy and put a major company there.

12 MS. GIORDANO: There's no land available east of
13 the river?

14 MR. PATZ: That's correct.

15 MR. PROST: What about east of the river
16 northeast, on Kenilworth Avenue along the rail lines?

17 MR. PATZ: There's very little. There's only
18 about two or three acres of land available on the corridor
19 there in Northeast Washington.

20 MR. PROST: Has it sold?

21 MR. PATZ: Has it sold?

22 MR. PROST: Yes.

23 MR. PATZ: There's one development that's being
24 developed now by the east of the river, by the Marshall
25 Heights Development Corporation.

26 MR. PROST: By other tenants?

1 MR. PATZ: I'm sorry. What?

2 MR. PROST: -- tenants. Has anything been sold?

3 MR. PATZ: They have leased half of the building
4 to tenants, yes.

5 MR. PROST: And what about Camp Simms?

6 MR. PATZ: Camp Simms is under study by a
7 developer who wants to build a retail center there. That
8 developer has, I think, gotten a \$6 million grant from the
9 city or from the federal government to study the development
10 of a retail center.

11 They are presently proposing about three or
12 400,000 square feet of retail space, and so the land is under
13 control by a potential developer right now.

14 MR. PROST: The surveys that you conducted, did
15 you ask any questions concerning the impact of the
16 correctional facilities?

17 MR. PATZ: No.

18 MR. PROST: So you don't know from the
19 developers or the parties whether it's a detriment or a
20 positive; is that correct?

21 MR. PATZ: That's correct.

22 MS. GIORDANO: But you did ask about the impact
23 of Blue Plains, and there was an indication that that wasn't a
24 problem?

25 MR. PATZ: That's correct.

26 MS. GIORDANO: Wouldn't you surmise that if Blue

1 Plains isn't a problem, a correctional facility probably isn't
2 a problem either?

3 MR. PATZ: I don't think I'm paid to surmise.

4 MS. GIORDANO: Is there anything to prevent any
5 of these interested parties from making an unsolicited
6 proposal for D.C. Village site or any of the other sites that
7 you've indicated are currently not under control?

8 MR. PATZ: Do you want to repeat that, please?
9 I can't hear you.

10 MS. GIORDANO: Is there anything to prevent some
11 of these hotly interested parties from making an unsolicited
12 development proposal to develop D.C. Village or any of these
13 other sites that currently I guess you indicated aren't under
14 control.

15 MR. PATZ: Yes, there is.

16 MS. GIORDANO: What is that?

17 MR. PATZ: That the land is not available right
18 now for development or for purchase.

19 MS. GIORDANO: How is that availability
20 determined? I mean if --

21 MR. PATZ: There are presently uses on much of
22 the land over there, and so the land is not readily available
23 for development.

24 MS. GIORDANO: Are you aware that there have
25 been requests for proposals put forth by the D.C. government
26 for that site, indicating --

1 MR. PATZ: In the past?

2 COMMISSIONER HOOD: -- that the land is

3 available?

4 Yes.

5 MR. PATZ: Yeah, but we're not talking about the

6 past. We're talking about the present.

7 MS. GIORDANO: But it's not available now.

8 MR. PATZ: That's correct.

9 MS. GIORDANO: But what's changed to affect that

10 availability?

11 MR. PATZ: What's changed to affect? That land

12 was never available.

13 MS. GIORDANO: There were --

14 MR. PATZ: That land currently has uses on it

15 now, and that land was not available. If there were

16 proposals, it was proposals to come in and develop that, but

17 that land --

18 MS. GIORDANO: No, but there were requests for -

19 -

20 MR. PATZ: -- is not readily available now.

21 MS. GIORDANO: -- proposals. Requests for

22 proposals were issued.

23 MR. PATZ: Right.

24 MS. GIORDANO: For development of that land.

25 MR. PATZ: I'm not sure if I understand your

26 question.

1 MS. GIORDANO: Requests for proposals have been
2 solicited for that land in the past.

3 MR. PATZ: Could you please be more specific?

4 MS. GIORDANO: The D.C. Village site is what I'm
5 talking about.

6 MR. PATZ: Yeah, but when were the requests for
7 proposals?

8 PARTICIPANTS: '96.

9 MR. PATZ: I'm not sure if --

10 MS. GIORDANO: We can provide you with a copy of
11 those if you would like, but I would think that --

12 CHAIRPERSON KRESS: His answer is --

13 MS. GIORDANO: Okay.

14 CHAIRPERSON KRESS: -- he doesn't know about it.
15 If you have some information --

16 MS. GIORDANO: Okay.

17 CHAIRPERSON KRESS: -- you'll have a chance at
18 the end --

19 MS. GIORDANO: Right.

20 CHAIRPERSON KRESS: -- to wrap up, and you can -
21 -

22 MS. GIORDANO: Okay.

23 CHAIRPERSON KRESS: -- rebut and/or we will
24 leave the record open to have information.

25 MS. GIORDANO: All right.

26 COMMISSIONER CLARENS: And don't give it to him.

1 Give it to the Commission.

2 MS. GIORDANO: Okay. We'd be happy to.

3 (Laughter.)

4 MS. GIORDANO: I think we've mentioned it in
5 some of our materials before, that there have not been any
6 responses to previous requests for proposals for that site.

7 Are you aware -- do you have any idea what the
8 environmental remediation costs are for the Oxon Cove parcel?

9 MR. PATZ: I'm an economist. I'm not an
10 environmentalist.

11 MS. GIORDANO: Okay. Just --

12 MR. PATZ: I cannot give you testimony on
13 something that I'm not an expert in.

14 MS. GIORDANO: Okay, and you have not discussed
15 that issue with any of these interested parties?

16 MR. PATZ: I cannot respond to a question that
17 I'm not an expert in.

18 MS. GIORDANO: You have not -- you indicated
19 that you have talked to interested parties about the Oxon Cove
20 parcel.

21 MR. PATZ: The entire D.C. Village property.

22 MS. GIORDANO: Okay. Including the Oxon Cove
23 parcel or not?

24 MR. PATZ: Not including the Oxon Cove property.

25 MS. GIORDANO: And with regard to the D.C.
26 Village property and, I guess, the impoundment lot also; is

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

(202) 234-4433 WASHINGTON, D.C. 20005-3701 www.nealrgross.com

1 that included in this area?

2 MR. PATZ: Well, if that became available, that
3 would be part of the D.C. Village property, yes.

4 MS. GIORDANO: And have you discussed
5 environmental remediation issues there? Are these parties
6 aware of --

7 MR. PATZ: I think I answered that question.

8 MS. GIORDANO: All right. What was the answer?
9 I'm sorry.

10 MR. PATZ: I said I'm not an expert on
11 environmental remediation.

12 MS. GIORDANO: I think the next question is
13 probably for the Office of Planning Directly. Can you explain
14 more specifically what the reason is for the change in
15 position of the Office of Planning, given the substantial
16 decrease in density of this proposal and presumably impacts
17 and the previous favorable recommendation?

18 MR. COLBY: Well, as we have stated, our working
19 with the prison, correctional facility, started under a
20 different administration.

21 MS. GIORDANO: So the change is a political
22 change. Is that -- there's political basis for the change?
23 Is that what you're saying?

24 MR. COLBY: No, I'm saying that the policies of
25 that administration have changed. At least the intensity of
26 those policies has changed.

1 MS. GIORDANO: Okay.

2 MR. COLBY: Maybe you can call that political if
3 you like, but --

4 MS. GIORDANO: Well, it's just confusing because
5 if you look at the comprehensive plan, the Ward 8 plan, there
6 is throughout statements about a high priority on economic
7 development east of the river. Certainly I think most people
8 have the impression that that was a high priority of the
9 previous administration and the administration before that.
10 Is that not the case?

11 MR. COLBY: The former mayor came out in favor of
12 the prison, and that was a clear signal to the Office of
13 Planning that the mayor support it, and I think supported it
14 for the reasons that -- well, it's conjecture on my part. I
15 don't know why he supported it, but he had his reasons for
16 supporting it.

17 The current mayor, as you're aware, at least
18 today feels that it would be the wrong thing to do to have a
19 prison east of the river, and he's made a commitment for
20 economic development or however you get to that east of the
21 river, and he's tried a number of means of achieving that, and
22 he's clearly committed to doing that.

23 It's that clear change in signals that we've
24 taken seriously, and we apologize for doing a 180 degrees on
25 an applicant who we had been working closely with before, but
26 I think I explained how that came about.

1 MS. GIORDANO: I understand that. I just have a
2 hard time with the basis being a renewed or a different or new
3 commitment to economic development east of the river. Have
4 there not been previous studies focused on how to achieve
5 economic development east of the river?

6 MS. AIKEN: There have been previous studies on
7 different parcels of land east of the river, but there has
8 never been a comprehensive planning implementation marketing
9 strategy developed for that area.

10 This administration is basically stating that
11 economic development is a renewed effort that needs to take
12 place east of the river, and with that there needs to be major
13 community participation in this proceed, and so that is what
14 he hopes to achieve and what the Office of Planning hopes to
15 achieve through this community participation process, through
16 this new east of the river study.

17 MS. GIORDANO: Okay. Well, we can speak to that
18 issue later, but one of our consultants was involved in a
19 comprehensive study of east of the river economic development
20 just a few years ago, which did, involve significant community
21 input, and I was just trying to understand what was different
22 about this new study besides the fact that it was under a new
23 administration.

24 MR. PATZ: It's not what's different about the
25 study. I think you're missing the point. What's different is
26 the economic environment. The development and real estate

1 community are telling us that there was no confidence in the
2 past administration, and therefore, no interest in putting a
3 financial commitment in many parts of the city.

4 That has now changed, and we're seeing the
5 change. I think Mr. Crawford, one of your experts, had
6 testified to that this morning, and so we're basically seeing
7 a major shift in people's interest, developers' interest into
8 the city.

9 So it has nothing to do with the fact that
10 there's a new study now. What we have is a new economic
11 environment.

12 MS. GIORDANO: I see.

13 MS. AIKEN: And in addition to that, Mr. Prost's
14 1993 study basically focused on four different sites. We're
15 looking at the entire east of the river and how there may be a
16 connection between each parcel of land that we attempt to want
17 to develop east of the river, and that is what the consultant
18 is doing now.

19 We are not only looking at the D.C. Village
20 area. We're not only looking at the Anacostia gateway as
21 separate pieces. We're trying to tie all of the pieces
22 together, look at everything that brings about economic
23 development, to include infrastructure, to include those type
24 of social services needs, to look at economic development, to
25 look at housing.

26 That type of study has never been done in the

1 District of Columbia.

2 MS. GIORDANO: And are you primarily concerned
3 about the impact of this facility on D.C. Village -- I think
4 that's what I'm hearing -- or the entire Ward 8 or both?

5 MR. PATZ: No, I think that's been answered
6 also. I think it's the entire area east of the river, and
7 again, we're not concentrating just on Ward 8. It's the
8 entire area east of the river.

9 MS. GIORDANO: And if I can understand, the
10 premise is that somehow this proposed facility is going to
11 have a negative impact on public perception, if I can just
12 kind of quote from the points, I guess. It's in the Office of
13 Planning testimony on page 3. It says, "Even
14 though the site is relatively isolated and buffered, it is the
15 public perception of the correctional facility that would
16 likely hamper economic development efforts over a far wider
17 area, while potentially derailing current efforts to attract
18 companies to D.C. Village."

19 Can you cite me any kind of source for how
20 public perception somehow dictates private investment
21 decisions as far as economic development goes?

22 MR. PATZ: I'm not sure. Can you state that
23 again, please?

24 MS. GIORDANO: I'm having trouble making this
25 connection between public perception of the correctional
26 facility and how that's going to have a direct adverse impact

1 on these investors that you're talking about that want to come
2 to Ward 8.

3 MR. PATZ: Well, I think you have to look at the
4 big picture. I think you're focusing on a small area. I
5 think you have to look at the big picture.

6 The big picture is that there is an awful lot of
7 interest in people coming into the entire area east of the
8 river, and again, I want to differentiate just Ward 8 and the
9 entire area east of the river.

10 I think it's very important for us to understand
11 you've got 70 percent of the population of the households east
12 of the river are renters. Of those, a vast majority of them
13 are moderate income renters.

14 What you've had over the year is your higher
15 income families have moved farther east, primarily into Prince
16 George's County. The effort now has increased home ownership.
17 The effort from the existing administration, the policy is
18 increased home ownership and higher income housing.

19 Right now that's not happening. We know from
20 the real estate community and from the research that we're
21 doing that there's an awful lot of interest to provide better
22 housing, higher income housing, new housing in the area. All
23 of the Hope 6 projects over there is to create a much better,
24 diversified economic mix.

25 The issue is whether that will continue if you
26 put a correctional facility there. The current administration

1 has directed us to look for alternative uses that would create
2 the same amount of economic development. Whether these are
3 the uses that we presented today or whether these are uses
4 that we can find over time, that is part of the policy here,
5 and the direction that we're being given as part of our study
6 and being given from our input from the community is that
7 economic development would be better served without the
8 correctional facility, with more private uses.

9 MS. GIORDANO: I understand that you've been
10 directed to find alternative uses, but I'm asking what is the
11 basis for your conclusion that this use is going to have an
12 adverse impact on economic development. Have you read any of
13 the studies that Dr. Fuller --

14 MR. COCHRANE: Ms. Giordano --

15 MS. GIORDANO: -- cited today?

16 MR. COCHRANE: -- you're a lawyer. My colleague
17 here is an economist. I'm neither. I'm only a city planner.
18 Let me try and answer it from what maybe city planners have,
19 which is a bit of common sense, not to say that neither of the
20 other professions do.

21 I used to work in Baltimore. Now, the Inner
22 Harbor at one time was a rat infested sewer. It was an area
23 where nobody wanted to invest. James Rouse came in and said,
24 "Okay. We want to invest there." A few other people came in
25 and said, "We want to invest there. What are you, the city,
26 going to do?"

1 We, the city, put in docks. We put in
2 esplanades. We put in new lighting. We gave things that then
3 were comparable to tax increment financing. We didn't put in
4 a new jail. We didn't put in a new correctional facility.
5 Now --

6 MS. GIORDANO: Did the city foresee that
7 opportunity and plan for it before it happened or --

8 MR. COCHRANE: For what, a correctional
9 facility? Absolutely. The first plan for the Inner Harbor
10 was foreseen in 1951.

11 MS. GIORDANO: And it wasn't -- but Mr. Rouse
12 was the key ingredient to making that happen, right?

13 MR. COCHRANE: He was a key ingredient. All I'm
14 saying is if you're trying to -- if you look at the statistics
15 that Mr. Bixhorn has given about Ward 8, if you've lived here
16 for your life as I have, you know that the perception of Ward
17 8 is nowhere near what the perception of Ward 2, 3 or even 4
18 is, and that you need to give a little bit of incentive if
19 you're going to develop east of the river, and that the first
20 thing for a new administration to do when it's trying to get
21 new business in, to put a correctional facility in, I wouldn't
22 read that as incentive.

23 MS. GIORDANO: Okay. So you would disagree with
24 all of these studies that find an opposite impact of a
25 correctional facility?

26 MR. PATZ: Well, let me state that --

1 CHAIRPERSON KRESS: I think we've had quite a
2 bit of discussion on this issue, and I would really prefer to
3 move on.

4 MS. GIORDANO: Okay.

5 CHAIRPERSON KRESS: I'm not sure there's a lot
6 more --

7 MS. GIORDANO: Okay.

8 CHAIRPERSON KRESS: -- elucidations you have on
9 either side.

10 MS. GIORDANO: All right. I would just ask are
11 there any other questions from our team?

12 MR. FROST: I have a few questions. Ian Frost.

13 Mr. Cochrane, you mentioned that the master plan
14 showing the golf course and so forth is about 20 or 30 years
15 old.

16 MR. COCHRANE: That's correct.

17 MR. FROST: And it hasn't been implemented. Is
18 there some reason why it hasn't been implemented?

19 MR. COCHRANE: I'd have to ask the federal
20 government. It's not our land.

21 MR. FROST: Okay. Are you aware of any
22 feasibility studies that were done for the Park Service
23 addressing the likelihood of building the golf course?

24 MR. COCHRANE: All I know is that in talking to
25 the Park Service, they said that they are still showing that
26 as the use they're intending for the site; that the cap was

1 the first step in doing that, the cap that was put on in '75
2 or '76; and that they still plan to do it.

3 You'll recall that it took about 80 years to do
4 the mall also.

5 MR. FROST: Okay, and you're not aware then of
6 the 1977 study that was done for the Park Service by a
7 research economist, and if I may be allowed to quote from
8 that, he was addressing issues related to the likelihood of
9 building a golf course because of contamination issues and so
10 forth.

11 The final conclusion of the soils researcher was
12 that the establishment of a gold course would be difficult.
13 He stated, in quotations, "I am pessimistic about the chances
14 of establishing a quality golf course upon Oxon Cove landfill
15 due to the complexity of the problems described above."

16 MR. COCHRANE: No, I'm not aware of that report.

17 MR. FROST: And are you aware of a memorandum
18 that was written back by the Chief of Design, the
19 Superintendent of the National Capitol Parks in 1976 that
20 addressed the problems with regrading, with finding topsoil to
21 put on the golf course, the storm sewer problems with storm
22 water runoff and so forth?

23 MR. COCHRANE: I'm not aware of that report that
24 was done the same year that they put the cap on for the golf
25 course, no.

26 MR. FROST: And in terms of the master plan for

1 the golf course, would you say that each of the areas of the
2 golf course is an integral part and that it could only be
3 accomplished as an entire entity?

4 MR. COCHRANE: My understanding is that
5 typically 18 holes are appropriate for golf, and that 14 would
6 not be.

7 (Laughter.)

8 MR. FROST: No, but I mean these other
9 components of the master plan aside from the golf course.

10 MR. COCHRANE: Oh, I don't know that the marina
11 development is necessary.

12 MR. FROST: Does the Park Service own that
13 entire area proposed for the master plan?

14 MR. COCHRANE: I'm not sure. I know that they
15 own a substantial portion of it. I don't know. It's not in
16 our jurisdiction.

17 MR. FROST: It happens that --

18 THE REPORTER: Use the microphone.

19 CHAIRPERSON KRESS: And be careful about
20 testifying. Make sure you're asking questions.

21 MR. FROST: Are you aware of who owns this part
22 of the proposed area? It is the area on the northwest
23 quadrant of the Woodrow Wilson Bridge.

24 MR. COCHRANE: I'm not aware. I'd have to
25 address that to the Park Service or whatever jurisdiction that
26 falls in.

1 MR. FROST: If I may, it's owned by CCA, and
2 that's the parcel that's being proposed as part of the land
3 transfer. I would suggest that or would you think it would be
4 likely that this property would have valuable benefits to be
5 offered as part of a waterfront and recreational area?

6 MR. COCHRANE: I can't speculate on that.

7 MR. FROST: Thank you.

8 MS. GIORDANO: That concludes our -- oh, I'm
9 sorry.

10 DR. FULLER: This is for Mr. Patz.

11 As you were talking about square footage and
12 jobs being generated by this demand, could you give us a sense
13 of what the net change was? I mean you're talking about
14 moving firms that already exist in the Washington are and
15 their expansion in some relocations. How do those numbers
16 break out?

17 MR. PATZ: The numbers that I gave were all net
18 numbers. The numbers that I gave you that the area could
19 support over 1.5 million square feet of floor space that's all
20 new construction; over \$80 million of value, that's all new
21 construction; and over 500 new jobs, that's on that new jobs.

22 DR. FULLER: And that million how much?

23 MR. PATZ: One, point, five million square feet
24 of building area?

25 DR. FULLER: And how does that break down by
26 uses? Are those all warehouse uses or are they manufacturing?

1 MR. PATZ: No, it's a wide range of uses, and as
2 we mentioned to you before, we are not recommending any
3 specific uses on the site. We're suggesting that there are
4 alternative uses, and so we haven't -- and part of that is a
5 two phased approach to development, and some of the uses that
6 are on D.C. Village now would exist for the next five or ten
7 years. So the development would not come on immediately.

8 DR. FULLER: They are all one story buildings?

9 MR. PATZ: Not necessarily.

10 DR. FULLER: But you --

11 MR. PATZ: We don't have a design.

12 DR. FULLER: But you've identified jobs and
13 square footage.

14 MR. PATZ: Yes.

15 DR. FULLER: You must have some sense of what
16 these uses are.

17 MR. PATZ: Well, I think we talked about the
18 uses, and I think we discussed the day that we had interviewed
19 the prospective developers. The square footage comes from the
20 prospective developers and businessmen.

21 MR. PROST: Could you repeat? Earlier you said
22 they were relocations from elsewhere in the district, and you
23 just said that they were all new. Could you clarify that,
24 please?

25 MR. PATZ: What do you want clarified?

26 MR. PROST: Which answer was correct, that they

1 were relocations from elsewhere in the District or they're net
2 new?

3 MR. PATZ: They are expansions from existing
4 businesses in the District of Columbia. That means they
5 relocated and there's net new job growth.

6 MR. PROST: Not to the District though.
7 Relocated from one portion of the District to the other; is
8 that correct?

9 MR. PATZ: The numbers that I gave you are net
10 new job growth in the District of Columbia.

11 MR. PROST: Okay. I'm a little confused on
12 that.

13 MR. PATZ: Yeah.

14 MR. PROST: Also, you're surveying people who
15 are interested in relocating immediately or have the interest
16 now?

17 MR. PATZ: Well, it's hard to say it's immediate
18 since they've been asking to relocate for the last six years.

19 MR. PROST: Oh, so they've been making -- they
20 haven't made a decision over the last six years. So --

21 MR. PATZ: They have not been able to find land
22 in the District of Columbia for them to relocate.

23 MR. PROST: All right. So these are, again, not
24 firm proposals at this time.

25 MR. PATZ: If we had the land for them, they
26 would be firm proposals.

1 MR. PROST: When would you have the land
2 available?
3 CHAIRPERSON KRESS: I don't think we need to go
4 there --
5 MR. PROST: Okay.
6 CHAIRPERSON KRESS: -- any further. I think
7 we've also covered that fairly well.
8 MR. FROST: Mr. Patz, I have a couple of
9 questions, if I may. You mentioned that you believe there's
10 some alternative uses for this site?
11 MR. PATZ: For this site and the rest of D.C.
12 Village, yes.
13 MR. FROST: But when you talk to the potential
14 industries, you didn't mention this specific site?
15 MR. PATZ: We talked about the entire D.C.
16 Village property.
17 MR. FROST: Okay, and I think to clarify, you
18 did not mention to them that the site is a former landfill and
19 any of the geotechnical or settlement issues or environmental
20 issues associated --
21 MR. PATZ: We were not at that point.
22 MR. FROST: Okay.
23 MS. GIORDANO: Just one final question. The
24 recycling and I think you mentioned warehouse distribution was
25 another use. Would you consider those to be PTE, labor
26 intensive uses?

1 MR. PATZ: Certainly distribution of warehouse
2 is not labor intensive uses. The numbers that I gave you,
3 that I have given you on job creations are the exact numbers
4 that we got from the industries that we talked to.

5 MS. GIORDANO: That concludes our cross
6 examination.

7 CHAIRPERSON KRESS: Thank you.

8 Cross examination by the parties.

9 MR. KINLOW: Would this be a proper juncture to
10 bring forth our expert witness on economic development?

11 CHAIRPERSON KRESS: You want your expert witness
12 to help cross examine? Is that what you're proposing?

13 MR. KINLOW: Well, we had --

14 CHAIRPERSON KRESS: You're still going to have
15 your time, as you know, to testify. This is your time to
16 cross examine, and you're feeling perhaps you need your expert
17 to help cross examine?

18 MR. KINLOW: Yes, yes, and just to try to
19 clarify when he might have an opportunity to cross examine
20 some of the other experts while they are here.

21 CHAIRPERSON KRESS: Well, the only people to
22 cross examine right now are the Office of Planning. We have
23 completed cross examination of the Applicant. So we're only
24 talking about cross examining Office of Planning right now.

25 MR. KINLOW: Okay. I'm sorry. Maybe I'm -- I
26 didn't understand something. When CCA empaneled a panel of

1 experts on economic development and real estate and I
2 submitted a request to have an expert to evaluate their
3 particular responses, and I thought that at some point that
4 person would be able to ask questions of them.

5 Now, I know earlier you said perhaps not in the
6 panel, but at a later point for five minutes, and --

7 CHAIRPERSON KRESS: No, what I said is your
8 presentation to testify on your issues economically, that's
9 during your testimony. That's different than asking
10 questions. I believe perhaps your expert is saying something,
11 but I would certainly allow at this point if you want to have
12 your expert help cross examine Office of Planning; I would
13 certainly be willing to do that to allow you to stop and
14 declare him an expert and allow you to then use him for cross
15 examination of Office of Planning, if that's what you care to
16 do.

17 MR. KINLOW: Yes, yes. At this point I'd like
18 to.

19 CHAIRPERSON KRESS: Could he come forward.

20 MR. KINLOW: Yes, I'd like to introduce --

21 CHAIRPERSON KRESS: Does anybody have a problem?

22 MR. KINLOW: -- Dr. Mark Weiss. I do have a
23 copy of his CV.

24 CHAIRPERSON KRESS: Dr. Mark Weiss. I'm sorry.
25 There's been so many people. Do we have his resume or are you
26 bringing it to us now?

1 Is there only one copy? Perhaps your expert
2 could just give us a very brief -- and, again, remember this
3 is to ask questions. Actual testimony will happen later.
4 Since we only have one copy, can you give us a few sentences
5 about yourself?

6 DR. WEISS: Yes. I am Dr. Mark Weiss. I'm
7 currently a Senior Fellow for community studies at the Center
8 for National Policy, a Washington, D.C. based think tank.

9 I served for a year and a half as the senior
10 advisor to the Director of the D.C. Department of Housing and
11 Community Development, and in that capacity actually
12 coordinated and wrote the strategic economic development plan
13 for Washington, D.C.

14 My background is I for many years was a
15 professor of urban planning and real estate development at
16 Columbia University; author of a real estate development
17 textbook; and an economic development specialist nationwide;
18 served as the Deputy Director of the State Economic
19 Development Agency in California and have been a consultant on
20 many state, local, and regional economic development plans, as
21 well as an expert witness.

22 I also serve --

23 CHAIRPERSON KRESS: I think -- I think you --

24 DR. WEISS: Let me just say -- I want to say one
25 more thing because this is important, is that I am -- I came
26 to Washington because I was also a federal official, Senior

1 Advisor to the Secretary of Housing and Urban Development,
2 Henry Cisneros. Then he and I are currently writing a book
3 about economic development in cities and regions.

4 The thing I want to say is that unlike maybe
5 other expert witnesses here today, I am doing this entirely
6 pro bono. I'm not being paid by anyone to take any position
7 on any issue. I offered to do this on behalf of the community
8 because -- and it's been a big sacrifice since I normally
9 charge \$400 an hour, and I've been here since two o'clock --
10 but I offered to do it for free because I was paid a lot of
11 money by the Control Board and the D.C. government to do the
12 economic plan for the city, and it is my very strong belief
13 that this prison proposal completely violates --

14 CHAIRPERSON KRESS: Wait a minute. No, you're
15 testifying.

16 DR. WEISS: Okay, all right.

17 -- the spirit of that plan. Okay.

18 Thank you.

19 COMMISSIONER CLARENS: Yeah, on what capacity
20 are we -- are we recognizing you as an expert? Mr. Weiss?

21 DR. WEISS: In what capacity?

22 COMMISSIONER CLARENS: Yeah.

23 DR. WEISS: I'm an international expert on
24 economic development, as well as an expert on economic
25 development in Washington, D.C., and it's on that basis that
26 I'm testifying.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

(202) 234-4433 WASHINGTON, D.C. 20005-3701 www.nealrgross.com

1 CHAIRPERSON KRESS: Is that -- colleagues?

2 COMMISSIONER CLARENS: That's fine, but your
3 background is mostly in urban design?

4 DR. WEISS: No, I never said that. It must be
5 the microphone is faulty. I said I was a professor of urban
6 planning and real estate development and Director of the Real
7 Estate Development Research Center at Columbia University and
8 a very frequent expert witness on economic development and
9 real estate development matters, as well as a consultant.

10 COMMISSIONER CLARENS: Okay.

11 CHAIRPERSON KRESS: You are hereby declare a
12 witness for this Commission and for this proceeding.

13 DR. WEISS: Thank you very much.

14 CHAIRPERSON KRESS: And now if you would like,
15 would you proceed? I assume, Mr. Kinlow, that you have
16 delegated him to ask the appropriate questions of the Office
17 of Planning.

18 While you're conferring, do any of the other
19 parties have any questions for the Office of Planning?

20 MR. O.V. JOHNSON: Yeah, I do.

21 CHAIRPERSON KRESS: Why don't you go ahead and
22 begin?

23 MR. O.V. JOHNSON: To the Office of Planning, I
24 guess the real one question I want to know, first of all, do
25 you still have on file the Ward 8 plan that was developed
26 between 1984 to 1986 that was submitted to the council and

1 accepted? I think later we had to put the zoning with it. Do
2 you have that on file currently?

3 MS. AIKEN: We still do have that on file.

4 MR. O.V. JOHNSON: Thank you. I'll come down to
5 get a copy of it.

6 To Mr. Patz.

7 MR. PATZ: Patz.

8 MR. O.V. JOHNSON: Do you have any developers
9 that were interested in light industry, such as assembly
10 plants for high tech. equipment, such as computers?

11 MR. PATZ: Not at this time.

12 MR. O.V. JOHNSON: Telecommunications?

13 MR. PATZ: Not at this time.

14 MR. O.V. JOHNSON: Okay. Thank you.

15 CHAIRPERSON KRESS: Further cross examination by
16 parties?

17 DR. WEISS: Okay. Let me see if I can get this.
18 I guess this is for Mr. Patz or Vanessa or whoever wants to
19 answer it.

20 Is it true that the basic strategy evolving for
21 east of the river is, number one, retaining and attracting
22 middle income families through expanded home ownership?

23 MR. PATZ: Yes.

24 DR. WEISS: Okay, and number two, promotion of
25 expanded retail facilities, both local serving and regional.

26 MR. PATZ: Yes.

1 DR. WEISS: And number three, a certain amount
2 of back office space related to the Washington economy that
3 could move from the central area.

4 MR. PATZ: Yes.

5 DR. WEISS: Yes. That is the basic strategy for
6 economic revitalization east of the river, widely agreed to by
7 all the many people that have participated in this process
8 over the last year and a half; is that correct?

9 MR. PATZ: Yes.

10 DR. WEISS: Okay. Now, is it your view based on
11 the extensive feedback you've received from neighborhood
12 residents, from local small business owners, from public
13 officials, from community activists, and from potential
14 investors in businesses that would be looking at that area, as
15 well as potential homeowners who would move to that area, that
16 a prison located in Ward 8 would be highly detrimental to the
17 success of this entire strategy?

18 MS. AIKEN: I can say that working with both the
19 community, and I can say some of the community because not all
20 of the community, but working with the community
21 participation, and we worked with a wide range of citizens
22 throughout this process, local officials, local small
23 businesses, community development corporations, the answer to
24 your question is yes.

25 DR. WEISS: Thank you.

26 I just want to clear up one other matter. In

1 terms of the specific potential alternative uses for D.C.
2 Village, is it not true that there is very little industrial
3 land available east of the river; and, secondly, that
4 industrial development is not a significant part of this
5 economic strategy that's evolving there?

6 MR. PATZ: Yes to both questions.

7 DR. WEISS: Thank you.

8 Is it true that you simply raised the issue of
9 alternative uses for that specific site to show that there
10 were other ways to generate jobs besides building a prison?

11 MR. PATZ: That's correct.

12 DR. WEISS: Okay.

13 MS. GIORDANO: Madame Chair, I think we're just
14 kind of leading the witness here. The purpose of cross
15 examination is to elicit information, and I think Dr. Weiss
16 already has all of the information, and he's just trying to --

17 CHAIRPERSON KRESS: I do agree that it is
18 leading the witness and, in fact, testifying by basically
19 putting together the premise and asking for agreement.

20 If the --

21 DR. WEISS: Well -- well --

22 CHAIRPERSON KRESS: -- point is more testimony -

23 -

24 DR. WEISS: Okay. Well, let me --

25 CHAIRPERSON KRESS: You will have --

26 DR. WEISS: Let me ask one question.

1 CHAIRPERSON KRESS: All right.

2 DR. WEISS: Isn't it essentially your argument,
3 based on the research that you've done and the community
4 processes you've done, that the real issue is not what
5 industrial jobs would go in D.C. Village, but that the
6 location of the prison would scare away many more jobs and
7 business opportunities and home owners than whatever benefit
8 it would bring?

9 MR. PATZ: I think the -- I think we answered
10 that question yes. I think the issue that is before us and
11 the issue that we look at as economists are that the real
12 estate and development community is looking for direction and
13 leadership from the city, and the ability to develop
14 industrial and other businesses, private businesses in the
15 area east of the river represents a major step towards that
16 leadership that the real estate community is looking for.

17 DR. WEISS: Let me just ask one final question.
18 Are you aware of any major city that has used location of a
19 large prison within the city boundaries as a strategy to
20 attract and retain businesses and homeowners?

21 MR. PATZ: Absolutely not.

22 DR. WEISS: Thank you.

23 CHAIRPERSON KRESS: Thank you.

24 MR. O.V. JOHNSON: I would like to ask the
25 Office of Planning one last question. Does President
26 Clinton's designated enterprise empowerment zone affects the

1 Office of Planning economic strategy that was -- this was
2 designated in 1998. Does that affect your Office of Planning
3 strategy at all?

4 MS. AIKEN: Those areas that have been
5 designated as enterprise zones, empowerment zones, surely they
6 would affect our strategy. As businesses desire to move into
7 those locations we would have to talk to them about the
8 specific incentives that are available to them.

9 MR. O.V. JOHNSON: Will there be any incentive
10 under the designated empowerment zone as put forth in 1998, in
11 September 1998 under President Clinton's proposal?

12 MS. AIKEN: I'm not sure what your question is.

13 MR. O.V. JOHNSON: Under the designated
14 empowerment zone, does that provide incentives for economic
15 development for small business and the like?

16 MS. AIKEN: Of course. Those incentives are
17 available.

18 MR. O.V. JOHNSON: Thank you.

19 CHAIRPERSON KRESS: Have you completed --

20 MR. O.V. JOHNSON: That concludes mine.

21 CHAIRPERSON KRESS: -- your cross examination?
22 Are you complete?

23 MR. O.V. JOHNSON: Yes.

24 CHAIRPERSON KRESS: I'm going to tell you that
25 the panel here is getting rather tired. We have one more
26 government agency to testify, which is the National Park

1 Service, if David Murphy is still here, and if he is, I would
2 like to -- there he is. I would like to suggest that we hear
3 testimony from David Murphy and then have cross examination,
4 have our questions and then cross examination by the
5 Applicants and by the parties, and then adjourn for the
6 evening and resume next time beginning with the testimony of
7 the ANC and then moving to persons and parties in support and
8 then persons and parties in opposition.

9 Speak now or forever hold your peace. That's
10 what we're planning for the rest of the evening.

11 PARTICIPANT: (Inaudible.)

12 CHAIRPERSON KRESS: Do you need five minutes?
13 All right.

14 (Whereupon, the foregoing matter went off the
15 record at 8:09 p.m. and went back on the record
16 at 8:16 p.m.)

17 CHAIRPERSON KRESS: Mr. Murphy, I might just
18 suggest that the same people are here that were here last
19 fall, and so you might want to focus on any of your
20 presentation that has changed since we at least did get your
21 presentation once before.

22 MR. MURPHY: Yes, ma'am.

23 CHAIRPERSON KRESS: And now that you've heard
24 the concerns and the questions, you might focus on where you
25 have answers to some of those, if you don't mind.

26 MR. MURPHY: Yes, ma'am. I'd be happy to.

1 Good evening, Madame Chairman. I was going to
2 say good afternoon, but these keep going.

3 CHAIRPERSON KRESS: Yeah.

4 MR. MURPHY: Members of the Commission, my name
5 is David Murphy, and I'm representing the National Park
6 Service relative to Case 98-16C, in that the proposed
7 correctional facility would be adjacent to and in view of
8 national park land, historic properties, and within the view
9 shed of a gateway to the nation's capitol.

10 I will at your request modify and attempt to
11 address some of the comments and questions that I sensed were
12 coming up earlier this evening.

13 I think to start of a little background on the
14 proposed plan for Oxon Cove Park, the map that was presented
15 to you by earlier testimony. That was dated in 1968, and it
16 was developed by Lawrence Halperin and Associates for the Park
17 Service.

18 At the time, there was a consolidation of park
19 lands, Oxon Hill farm, and other areas, and the idea was to
20 develop a state-of-the-art golf course and other facilities.

21 Coincidentally, Lawrence Halperin did designs
22 for Anacostia and a number of areas, and in fact, did a great
23 deal of planning on the Potomac River so that he's left quite
24 a signature since he stayed around to do the FDR memorial.

25 The golf course was 18 holes, and it was to be
26 coincidental with the Oxon Hill Children's Farm and the

1 nursery operations at the site, as well as the potential for a
2 marina. Now, this is 1968. This is almost pre-functional
3 NEPA. This predates many of the planning processes we
4 consider normal and procedural. This may be somewhat pie in
5 the sky.

6 Park Service presented this to National Capitol
7 Planning Commission. They approved it. They then
8 reconsidered it when there was a proposal by the District
9 request to landfill this area, using incinerator ash and other
10 materials. The Planning Commission, with some concern,
11 agreed. We agreed, and that proceeded.

12 And the concept was to allow a landfill to
13 develop the underlying base for the golf course. That
14 proceeded. This predates landfill design. It is not
15 necessarily the engineering state of the art of a landfill.

16 The area was then -- we stopped the landfilling
17 or the landfill with sanitary material and proceeded to
18 undertake capping it. The capping was according to a design
19 to resolve not only the known, but prospective or projected
20 methane contamination.

21 Now, methane has a relatively short life.
22 Twenty to 30 years is the general projection as the charts you
23 were shown earlier indicate, and we have over the years found
24 methane here and in the other landfills that we have had in
25 the Anacostia. So that these are not unusual areas. It's
26 just that one has to design around them.

1 I'd like to get to a number of comments, and
2 this sort of segues into almost a common thread on every bit
3 of testimony that the Applicant has made tonight and
4 throughout the environmental assessment. The presumption is
5 that this is a contaminated or litter strewn or hazardous
6 site, and by other areas in the draft environmental assessment
7 the Applicant has provided, it's indicated that there's no
8 material that's been determined to be hazardous under federal
9 code.

10 There are some areas that have petrochemicals,
11 some barium that's normally found in materials that comes out
12 of sanitary sewage sludge. There's methane, and I won't
13 reiterate and restate what the Applicant has presented, but I
14 will take strong exception to the sense that this site is
15 dangerous.

16 It's dangerous if you put a cap over it,
17 concentrate it, and light a match. Of course it's dangerous.
18 Is it dangerous to have a golf course? No. Is it problematic
19 to have a golf course? Yes, because methane has a tendency to
20 stunt the growth of some trees and some landscaping.

21 Thus, 15 years ago, almost 25 years ago, come to
22 think of it, a consultant expressed strong reservations about
23 the methane. We were having trees dying in Kenilworth at the
24 same time. Well, now we've got trees growing in Kenilworth,
25 in the Kenilworth dump. So something must have changed in the
26 25 years. Probably we're further along on the methane scale.

1 So I don't think it's fair to us and to the
2 District and to you all to cast this as a hazardous site that
3 has to be cleaned up, and it's going to take a great deal of
4 expense. If it's designed right and it has the appropriate
5 use, it really won't take much expense.

6 It will be more expensive to get decent grass
7 and sod if we go ahead with a golf course. That costs money
8 as well.

9 At the same time, things have changed within the
10 District of Columbia with the Park Service running golf
11 courses. I think it's easily said that the Haines Point golf
12 course has undergone massive change and improvement. Langston
13 golf course equally has a massive amount of investment and
14 improvement. Rock Creek golf course is undergoing more
15 improvement. However, that has as little more judicious area
16 because it has to be blended into the forest.

17 Well, I've just named three of the three golf
18 courses in the city. The Park Service runs them.

19 The Park Service has on the books and is
20 intending to build a golf course. Will it build it this year?
21 No. Will we build it soon? Sooner than we would, say, five
22 years ago.

23 We now have an ability to build a golf course
24 with talent and a desire to build a golf course. We may not
25 have had the right players a number of years go, and basically
26 Park Service assigns golf courses to concessionaires.

1 Concessionaires come and go. Some are better than others.

2 We have now evidence of a concessionaire formula
3 in the Park Service that is clearly demonstrating an ability
4 to produce quality and improved facility.

5 So with confidence, not with a great deal of
6 knowledge, but with confidence I can assure you that a golf
7 course is clearly within the realm of possibilities and
8 probabilities, and we are undergoing the initial planning to
9 reconsider or additionally consider the 1968 plan with a
10 number of overlaying issues that have come up.

11 One is the Oxon Cove area was identified; the
12 CCA identified as their ownership a marina. Well, in the
13 review of that site as part of the mandated exchange, we found
14 that it's essentially -- if it's not 98 percent wetland, it's
15 100 percent wetland. Well, in 1968 there's a lot of things
16 you could do with a wetland. In 1999 there's a whole lot
17 fewer things you can do with a wetland, and that hasn't come
18 into any of the discussion.

19 The presumption is that all of this can be
20 developed according to a 30 year old plan or current. Well,
21 nothing can be done without due consideration, and I think
22 that we have lacked that in some of the discussion here about
23 due consideration of what feasible development is.

24 Will be build a small boat marina in Oxon Cove?
25 Would we ultimately come up with a large boat marina at the
26 CCA site? I think those are areas that are beyond the scope

1 of this, but I can tell you that even in 1968 they knew they
2 couldn't get a highway interchange from I-295 into that
3 marina. That makes a real question about accessibility and
4 ultimate usability of the site.

5 Maybe it could best be used as a wetland.

6 How did you get into the golf course? Well,
7 this plan shows -- and I had a little time in the intermission
8 to study this, and I recall now that there was an access from
9 the District and from Maryland. Maryland, you had to wind
10 your way through the Oxon Hill Children's Farm, with a real
11 desire to maintain that as a historic setting, and so there
12 was an alternative road paralleling Oxon Run, crossing Oxon
13 Run, and in, and then it all ties into the club house and the
14 golf course.

15 Now, I won't waste your time on design, but it
16 does point out that this was a carefully thought out plan. It
17 was feasible in 1968. It is not feasible now under current
18 environmental guidelines.

19 Is a golf course feasible? Of course. It just
20 needs to be redesigned and worked out. Can it be done on a
21 methane generating landfill? Of course. They're done all
22 over the place. New Jersey has got hundreds of them. Do we
23 have one? We're working on ball fields and Kenilworth.
24 That's as close as we're getting.

25 Actually, come to think of it some of Langston
26 has some landfill in it. So the answer is yes. So these are

1 not insurmountables.

2 I think that previous people have pointed out
3 that it's pretty hard from 1,500 feet where that elevator or
4 that helicopter probably was to find the litter strewn
5 condition of this site.

6 Now, somebody chided me in the audience and
7 said, "Well, why don't we invite the Commission to go on a
8 tour."

9 I said, "Fine. If a walking tour would resolve
10 this, if it's even an important issue, it seems to be an
11 important issue in the assessment because the area is
12 described as the sorry, abused, trash dump. I don't think I'm
13 stretching there at all.

14 I've not seen it. I've been over the site. I
15 don't know what they're talking about.

16 Yes, we have a few dumps. I've got dumps in
17 Rock Creek that makes these look like toys. Now, you know,
18 but we have to clean them up. We'll clean these up.

19 So I'm kind of speared a little bit by some of
20 the discussion because, no, we're not running a trash dump,
21 and I take very seriously our sense of stewardship, and I
22 would like the record to be very clear as to the condition,
23 not the various, you know, intonations of what possibly could
24 go on.

25 Now, these photos you have all seen. We kept
26 these for safe keeping. You have reduced versions. I do have

1 two others that I would like to submit, and I have them in
2 small versions so that you might be able to look at them here,
3 and they're enlarged on these large panels.

4 These are views of the site from Oxon Hill
5 Children's Farm. They are from fairly low, and the blue
6 stripes that I've added here are where we understand the level
7 of the fill is, and that's something people don't seem to
8 understand. So I'll give you a little rundown.

9 This is water, a little bit of mud flat. It was
10 low tide. This is one of the transit bald eagles running
11 through the site.

12 This right here is the level of fill. This
13 forest here, the light yellow, is the shoreline. These trees
14 in the back are about a half a mile back so that when you look
15 at this you'd say, "Oh, well, there's a great deal of edge or
16 a great deal of forest, and it'll hide anything we put behind
17 there."

18 I think Mr. Frost's computer simulations, which
19 I have not had a chance to study, but I had them -- I saw them
20 in that kind of sepia tone. I'll take that.

21 This is our interpretation. This is our
22 understanding. We do not share the optimistic presentation
23 that a building on this level at 25 feet with unspecified
24 heights of light structures, from what I've heard tonight, two
25 different candle power, 1.5 and five.

26 Well, five candle power, five foot candles, as

1 somebody explained, that's the kind of thing you light up a
2 sign on a side of a building to make sure everybody sees it.
3 Now, is it blazing white? No, but it's bright.

4 So I presume because I've not heard in the
5 testimony and I can't see it in the submission so far, but I
6 presume that this entire area, this entire perimeter road is
7 going to be highly lit, and the buildings have to be lit
8 because you don't want people lurking around them. So this is
9 going to be a heavily lit site.

10 I won't mince around about candle power, foot
11 candles. It's going to be a very bright site with a very
12 narrow current vegetative stream.

13 That gets into -- and this is a similar site.
14 This is a similar shot, a little lower, the eagle sitting
15 there on his stump, but, again, that vegetation is going to --
16 in this particular area is the narrowest on the plan. I don't
17 have the plan in front of me, but I do have the model, and the
18 Applicant has apparently not submitted this model or has not
19 presented it to you. So I don't know if I can.

20 Can I do that? This is the latest version.
21 It's here. It's part of the record.

22 What the Applicant is proposing is to develop
23 his edge as close to what I'll call the escarpment, the edge
24 of the fill where we go from level to a slope. Basically in
25 one area it's no less than ten feet. It would be ten foot of
26 table, and then it will go down, but, in fact, that point

1 which is in this southeastern corner, there's also a retaining
2 wall.

3 Now, the testimony, but I did not see this in
4 writing, but the testimony indicated that the perimeter road
5 would need 50 feet of clear area outside the perimeter road.
6 The drawings, and I would like the applicant to put up the
7 Power Point illustration, the cross-section, the drawings
8 don't show a 50 foot setback outside the perimeter road. The
9 drawings don't show the height of the lights. The drawings
10 don't show the placement of the lights.

11 So we're having a great deal of difficult
12 saying, "Okay. In the evening where is this place going to
13 be?"

14 Well, I pretty well know where it's going to be.
15 It'll be a white band with lights, and in this area, there
16 will be a retaining wall. So you'll see through it.

17 Say, well, so what? That's back in a hole.

18 No, it's not. The Applicant presented this
19 photograph. This is a duplicate. Well, no, this is my
20 photograph. They went out and took the same site, and this is
21 one of the Power Point interpretations. This is from the view
22 from the bridge going across Oxon Run.

23 This area is where the prison will be. This is
24 the same site. So what our view is, at the very area on the
25 gateway to the city where you've got a critical need for
26 vegetation and screening, this is where the Applicant has done

1 the least amount.

2 Now, this is not new to the Applicant because I
3 saw this model, and my comment was singularly: we have a
4 problem along the Oxon Cove shoreline. There's not enough --
5 our solution, and we'd ask you to consider this as part of the
6 condition, would be to add or provide for at least 50 to 60
7 feet of flat forested, buffered at the escarpment. That would
8 make this area dense, and it would assure, if this PUD is
9 approved, that this would adequately screen that site.

10 I won't belabor the argument, and I don't really
11 want to put much time into the supposition that a prison will
12 visually improve this site. A prison will improve this site.
13 That's what the environmental assessment says. Aesthetically
14 that the prison, the lights, the perimeter road, the structure
15 is an improvement.

16 Well, I guess it is an improvement if you don't
17 look at what's there or you presume that it's a trash dump
18 with mounds of heaping trash, but that's not what this is.

19 So in addition to the 60 foot level, we're very
20 concerned about the lighting. We'd like to see a detailed
21 lighting plan that specifically identifies the height and
22 placement of light poles, as well as the type, number, and
23 intensity of the fixtures, the luminaries, the light fixtures
24 coupled with a lighting plan demonstrating the planned levels
25 of lighting throughout the plan unit development.

26 The lighting at a prison is as much of a

1 structure as the buildings. You can't have a prison without
2 that secure lighting. It's going to be one of the major
3 design issues on this site.

4 Again --

5 CHAIRPERSON KRESS: Mr. Murphy, did you meet
6 with them about --

7 MR. MURPHY: Yes, I did.

8 CHAIRPERSON KRESS: -- the buffering and the --

9 MR. MURPHY: Yes, ma'am, and I did note -- I
10 pointed out on this model that what this does not show is the
11 extent of the reforestation. It does not clearly indicate the
12 sight lines, and I specifically asked for that sight line,
13 which they did.

14 Now, I may not agree with it.

15 CHAIRPERSON KRESS: So you're saying they have
16 not done what you suggested?

17 MR. MURPHY: I say they need more work, more
18 work, because the submission does not include the height of
19 the lights, where the lights are going to be.

20 CHAIRPERSON KRESS: I understand the lighting
21 issue.

22 MR. MURPHY: Right, but also this buffer.

23 CHAIRPERSON KRESS: The lighting issue aside, as
24 far as the --

25 MR. MURPHY: We provided a standard planting
26 contract that we have actually worked out with Metro, WMATA,

1 Metropolitan Area Transit Authority, to develop reforestation
2 along Suitland Parkway, and it calls for 1,700 stems per acre,
3 which is little whips. They're just little guys, and then ten
4 percent of those though will be two inch of the same species
5 or of a similar species, and these are all native species.

6 What that creates is, well, I'd say if you live
7 on a quarter acre lot, if you have seven full grown trees,
8 you're looking at pretty dense forest. Those would be the 90
9 foot oaks.

10 CHAIRPERSON KRESS: So they did agree to do that
11 or they have --

12 MR. MURPHY: They did agree to do that on the
13 reforestation areas. Their extent of reforest -- and this is
14 areas that they are going to clear as part of their mass
15 grading so that they will leave a buffer strip, and they will
16 reforest along the edge.

17 What our argument --

18 CHAIRPERSON KRESS: So aside from the lighting,
19 as it relates to the landscaping, you said they need more
20 work.

21 MR. MURPHY: They need to add --

22 CHAIRPERSON KRESS: Specifically where do they
23 need more work?

24 MR. MURPHY: In the southeast corner, which is
25 this vista here, right in here, that southeast corner is their
26 weakest point, and in fact, in order to obtain the grades,

1 they've got a retaining wall here.

2 So you'll have water, vegetation, a retaining
3 wall, a building. It's a pretty hard way to stretch that
4 vegetation up to provide that screen, and that's right in the
5 gateway portal. So, yes, that prison, yes, the concertina
6 wire, yes, the lighting, yes, the building would likely to be
7 visible on top of that retaining wall.

8 I think that's a pretty major concern, in fact,
9 highly significant to us.

10 CHAIRPERSON KRESS: All right.

11 MR. MURPHY: So if we can, I'll close very
12 quickly, Madame Chairman.

13 Specific delineation of areas of forest
14 preservation with special emphasis given to the preservation
15 of existing forest cover as a means of avoiding clearing,
16 followed by reforestation. There's a lot of acreage, about
17 five acres that they propose to clear, blade off with a dozer
18 and grade it out, and then reforest it.

19 You said, "Wait a minute. Can they avoid that
20 by doing some judicious thought on their grading?" We think
21 they can.

22 This should be followed, the delineation of both
23 the buffer and the reforestation should be followed by a
24 detailed and specific delineation of both the reforestation
25 areas, and then there's two or three areas, and one, the Power
26 Point discussion showed it in the northwestern corner. There

1 is a potential gap. I would hate to see a bunch of little
2 reforestation put in there, and they say, "Oh, yeah, that will
3 solve the problem."

4 Well, that's seven, eight years. That needs to
5 be heavily landscaped, and in fact, any place that there is a
6 gap or a visibility, this should be heavily landscaped with
7 substantial plantings to effect that screen.

8 So based on the concerns that I've indicated
9 about the tone and the argument of the draft environmental
10 assessment, which was submitted as part of the record and
11 we've used to try to decipher exactly what the proposal is,
12 we've looked at the other documents, contract specifications,
13 and so on, we do not see enough detail at this point to
14 suggest that it's ready for a planned unit development
15 approval.

16 We are deeply concerned about the development as
17 it stands, but we would be -- we look forward to their next
18 submission.

19 CHAIRPERSON KRESS: All right. Thank you.

20 Questions, Commissioners?

21 (No response.)

22 CHAIRPERSON KRESS: Cross examination by the
23 Applicant?

24 MS. GIORDANO: Just a moment. Mr. Murphy, did
25 you want us to put -- did you want something up on the screen
26 or no?

1 MR. MURPHY: I think it would be valuable, if
2 you'd bear with me. The Power Point --

3 CHAIRPERSON KRESS: Well, not unless you need it
4 in the questions. He's finished testifying. So as long as
5 you don't need it for the question period, I think the model
6 is fine.

7 MR. MURPHY: I think we covered it.

8 CHAIRPERSON KRESS: I think we covered it, yeah.
9 So you have no more questions? The Applicant has no more
10 questions?

11 MR. FROST: Just a couple of questions. Mr.
12 Murphy, when you said that our plans do not show the locations
13 of the lights and the height of the light poles, I think we
14 sent to you several weeks ago the cross-sections that showed
15 the height of the pole to 30 feet, and I've got those cross-
16 sections.

17 Did you see that information?

18 MR. MURPHY: Is that the only document that
19 shows the actual height and locations of the poles, and has
20 that been submitted to the Board of Zoning?

21 MR. FROST: That was submitted as part of our
22 March 4th package to the Board of Zoning.

23 MR. MURPHY: I see. So it's established that
24 there are 30 foot poles?

25 MR. FROST: Approximately. There may be a --

26 MR. MURPHY: Approximately.

1 MR. FROST: -- concrete pedestal that might add,
2 you know, a half a foot.

3 MR. MURPHY: I see.

4 MR. FROST: Something.

5 MR. MURPHY: Numbers of lights, luminaries,
6 intensity, ground lighting plan?

7 MR. FROST: Yeah, I believe that I'm asking the
8 questions, but --

9 MR. MURPHY: I would say my answer is I have not
10 seen that. I do not recall seeing that.

11 MR. FROST: We have indicated the intensity of
12 the lights. We have not told you in a narrative how many
13 light poles would be placed on the facility.

14 CHAIRPERSON KRESS: That doesn't sound like a
15 question either.

16 MR. MURPHY: I won't answer it.

17 COMMISSIONER CLARENS: Well, I have a question.
18 Where in our package is the information on the location and
19 the height of the light?

20 MR. FROST: If you look at the four cross-
21 sections, they show the 30 foot height of the light.

22 COMMISSIONER CLARENS: The cross-section in this
23 second -- in this supplemental package that we got, these
24 little plans here?

25 MR. FROST: Yes, and then in addition, all of
26 the computer simulated photographs show the 100 foot spacing

1 of the light poles around the facility.

2 CHAIRPERSON KRESS: Have you shared all of that
3 information with Mr. Murphy?

4 MR. FROST: I'm sorry?

5 CHAIRPERSON KRESS: Has Mr. Murphy had the
6 advantage of all of the information that was shared with us
7 today?

8 MR. FROST: He has seen the cross-sections. He
9 hasn't seen the computer simulated renderings.

10 COMMISSIONER CLARENS: And where in this site
11 plan are the light poles indicated?

12 MR. FROST: In the cross-sections.

13 COMMISSIONER CLARENS: In the cross-sections? I
14 can see they're in the section, but the location? You said
15 they were at 30 foot intervals?

16 I can see them in sections. My question is:
17 where do I see them in the plan? What proximity? Are they
18 100 feet apart along the perimeter?

19 MR. FROST: Yeah, I don't believe you see it in
20 the plan view of the site plan. They are approximately 100
21 foot in spacing, and they were included in the computer
22 renderings, but they do not show on the plan view.

23 CHAIRPERSON KRESS: Did you have any other last
24 questions before --

25 MR. FROST: A couple of questions if I may. If
26 you did go forward with the proposed -- to construct the golf

1 course, would you build this golf course and everything else
2 in accordance with the RCRA requirements, as would be a
3 required of a closed and regulated landfill?

4 MR. MURPHY: I would think that given that the
5 facility predates RCRA, predates regulated landfills, and the
6 recognition of the condition of the site, that we would
7 probably broach that issue in an orderly manner with that
8 being a very high topic.

9 Would we be able to dig it all out and rebuild
10 it to build a golf course? I think that's a bit -- that would
11 be a strong stretch of imagination.

12 MR. FROST: So you're saying you?

13 MR. MURPHY: Don't anticipate that, no.

14 MR. FROST: Don't anticipate, and would there be
15 any risk assessments or studies done of exposure issues?

16 MR. MURPHY: Of course.

17 MR. FROST: But they haven't been done by the
18 Park Service for the 20 some odd years or perhaps 30 years
19 since the landfill was closed?

20 MR. MURPHY: Well, given that RCRA is four years
21 old, no.

22 MR. FROST: No. I believe 1986 was the
23 original.

24 MR. MURPHY: I'm sure.

25 MR. FROST: And you mentioned that -- where did
26 you come up with the statement that we said the site was

1 dangerous?

2 MR. MURPHY: I said the tone of the document
3 suggests that it was dangerous, hazardous, contaminated.

4 MR. FROST: Oh.

5 MR. MURPHY: Strewn with trash. I think those
6 are --

7 MR. FROST: And in the documents that we
8 submitted to the Zoning Commission and to you, did we include
9 groundwater analysis and soils analysis?

10 MR. MURPHY: Yes, and the -- I do recall the
11 groundwater. I don't know about the soil analysis, but the
12 environmental assessment clearly states that neither indicated
13 a clear and present issue of concern, at least in the tone of
14 the environmental assessment as presented.

15 MR. FROST: Are you aware of the fact that, in
16 fact, the metals concentrations in a number of the wells
17 exceeded the risk based standards and the maximum contaminant
18 level standards that EPA has established for groundwater?

19 MR. MURPHY: Yes. Groundwater for drinking, and
20 one of the things is that we probably would not be boring a
21 well in that golf course for people to drink in.

22 MR. FROST: But are those standards not being
23 used by EPA to determine clean-up issues and whether the site
24 has contamination or not?

25 MR. MURPHY: It's a level of consideration, yes,
26 but it's not a level of mandated action. Would you agree?

1 MR. FROST: I have to say that those are
2 reportable limits to the EPA. The EPA could well determine
3 that the site is now subject to their jurisdiction, but I
4 can't speak for them.

5 MR. MURPHY: No.

6 MR. FROST: But I believe that you've said that
7 the record indicates that there has been groundwater
8 contamination. Are you also aware of the fact that both
9 benzene and TCE were found in the groundwater samples that
10 were analyzed on the site?

11 MR. MURPHY: I don't remember. I don't recall
12 specifically, and it sounds like you have a better handle on
13 it.

14 MR. FROST: And you mentioned that the Park
15 Service has been a, you know, good steward and is trying to
16 preserve the waterfront and the natural resources of the
17 country as part of your charter, I presume.

18 MR. MURPHY: I'd like to think so.

19 MR. FROST: Yeah, and are you aware of how much
20 landfilling was done on the site in the adjacent areas around
21 there?

22 MR. MURPHY: I have a general understanding,
23 yes.

24 MR. FROST: Do you know those numbers off the
25 top of your head?

26 MR. MURPHY: No, I do not.

1 MR. FROST: So if I was to say that according to
2 your records 1.5 million tons of raw refuse was put into the
3 site and approximately 250,000 tons of incinerator ash, would
4 that seem to be accurate?

5 MR. MURPHY: (Pause.)

6 MR. FROST: Into the 42 acre site and the
7 adjacent sites as well?

8 MR. MURPHY: The extent of the filling was far
9 more than the area that is incorporated within the 42 acres,
10 which was not fully filled, and the grand total quantity of
11 fill was not something that has come to the fore, to my
12 knowledge.

13 MR. FROST: Thank you.

14 No more questions.

15 MS. GIORDANO: I just wanted to say that we
16 thought that the site plan with the detailed lighting plan had
17 been submitted. We did see it in the Zoning Commission file,
18 but if it didn't get into the packet, we're happy to submit
19 some additional copies and to Mr. Murphy as well.

20 CHAIRPERSON KRESS: That would be very helpful.

21 You're not done yet, Mr. Murphy.

22 MR. MURPHY: Yes, ma'am.

23 CHAIRPERSON KRESS: We still have some cross
24 examination.

25 MR. MURPHY: We ran out of seats here. So I'll
26 just stand.

1 CHAIRPERSON KRESS: Yeah, you can sit down if
2 you'd like if you can find a spot.

3 With that I'd like to ask the other parties --
4 there you go -- if they have any other cross-examination of
5 Mr. Murphy.

6 MS. FREEMAN: Mr. Murphy, you indicated that the
7 retaining wall and building don't necessarily represent a
8 change in the height. Are you saying that that particular
9 combination of the structure at that point of the site is
10 maintaining the same sight lines, like from 295 and other
11 areas around the site?

12 MR. MURPHY: As we understand the design, the
13 prison is to be very -- built on a very flat plain. In order
14 to bring the varying grades of the landfill to that plane,
15 there will need to be what amounts to a fill and retaining
16 structure in the southeastern corner, and the design that we
17 have been evaluating and model show a retaining wall.

18 The cumulative effect of a retaining wall, a 50
19 foot or some unspecified clear zone outside of that perimeter
20 road and the fact that we're now looking at a retaining wall
21 very close to the water's edge, probably 40 or 50 feet, the
22 odds are that that would be a very difficult area to screen
23 since the prison side of the retaining wall cannot support
24 significant plantings simply because it's within the clear
25 zone for the perimeter road, as we understand the design.

26 So it precludes any screening.

1 DR. WEISS: Mr. Murphy, I just want to get a
2 couple of things clear. At any point ever did the National
3 Park Service intend for this site to be a federal prison?

4 MR. MURPHY: No.

5 (Laughter.)

6 DR. WEISS: Now that there's a proposal on the
7 table to turn it into a prison, is this something that Park
8 Service personnel are supportive of?

9 MR. MURPHY: Well, as we indicated in the
10 earlier hearing, we are subject to legislation that directs an
11 exchange. The use of this site for a prison, we have -- we
12 have not viewed the use. It's more the structure in the
13 imprint, and so that the review is if anything were built here
14 of this scale, scope, and bulk, with this amount of land
15 disturbance, what would be the appropriate level of proper
16 conditions or restrictions on design.

17 DR. WEISS: So you don't have a position on the
18 use as it's been mandated by Congress, correct?

19 MR. MURPHY: As we understand it, we are to --
20 since the legislation says notwithstanding any other law, we
21 have a very narrow criteria for transfer, and once it becomes
22 private land, our point of view is on adjoining development.

23 DR. WEISS: The main question I have is really I
24 wanted to clarify this. Are you saying that with some
25 modifications of a 1968 plan, the Park Service is stating that
26 this property could be developed for more active recreational

1 use?

2 MR. MURPHY: Subsequent to judicious applicable
3 environmental regulation of 1999, that, yes, we do believe
4 that this area is developable as other areas that are atop
5 landfills are developed and used.

6 Would we build buildings on it? No.

7 DR. WEISS: So this site could remain as open
8 space and become more of an asset to draw tourists east of the
9 river for an enjoyable activity under one scenario that you're
10 proposing?

11 MR. MURPHY: I would say the National Park
12 Service has a long history of successful development of
13 recreation facilities along shorelines, and I see no reason
14 that this could not be one. It probably it an area of real
15 need for partnership with the District of Columbia, but I
16 think that that is certainly within eyesight.

17 DR. WEISS: Thank you very much.

18 COMMISSIONER CLARENS: Mr. Murphy, I have a
19 question for you. The picture that is right behind you on
20 top, that's a picture taken from the 295 sort of bridge. It's
21 not a bridge, but a causeway or something like that that
22 extends to 95; is that correct?

23 MR. MURPHY: That's correct.

24 COMMISSIONER CLARENS: Now, if you move the
25 camera from where that picture was taken to the -- well, let
26 me think -- to the left, I imagine, about maybe 30 degrees --

1 that's right -- what do you see?

2 MR. MURPHY: You see dense vegetation on the
3 side of the road because that is the screening. This is about
4 a 300 foot gap, and this is where you see the great expanse of
5 Oxon Cove. This is that glimpse as you drive into the city.

6 COMMISSIONER CLARENS: And at which point then
7 does Blue Plains become visible?

8 MR. MURPHY: I would say that once you were --
9 once you're no longer able to see this or to see the expanse
10 to Alexandria, your eye is then drawn not to the slope that's
11 below the District DPW warehouse structure. I guess it's an
12 office now. Your eye is drawn across to Blue Plains.

13 At least that's my perception as I drive up that
14 road.

15 CHAIRPERSON KRESS: Any further questions? Any
16 further questions, colleagues? Any further questions?

17 (No response.)

18 CHAIRPERSON KRESS: Hearing none, we will have a
19 continuance until May 24th in this room at 7:00 p.m. We'll
20 all be right back right here one week from today at 7:00 p.m.

21 Thank you all for coming

22 (Whereupon, at 8:59 p.m., the hearing was
23 adjourned, to reconvene at 7:00 p.m., Monday, May 24, 1999.)

24

25

26

1

2

3

4

5

6

7

8

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

(202) 234-4433

WASHINGTON, D.C. 20005-3701

www.nealrgross.com