

DISTRICT OF COLUMBIA  
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ALCOHOLIC BEVERAGE AND CANNABIS BOARD  
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MEETING

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IN THE MATTER OF: :  
 :  
4865 MacArthur :  
Tenant, LLC, :  
t/a The Fitzgerald :  
of Palisades :  
4865 MacArthur Blvd. NW : Fact Finding  
Retailer CX - ANC 2D : Hearing  
License No. 129529 :  
 :  
(Review Application for :  
a New CX Multipurpose :  
Facility License) :  
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Wednesday  
October 2, 2024

The Alcoholic Beverage and Cannabis  
Board met via WebEx videoconference, Chairperson  
Donovan W. Anderson presiding.

PRESENT:

DONOVAN W. ANDERSON, Chairperson  
SILAS GRANT, JR., Member  
JAMES SHORT, JR., Member

ALSO PRESENT:

JOSE ORELLANA, DC ABCA Staff  
ANDREW KLINE, Licensee Counsel  
CAMERON MIXON, Licensee Counsel  
ALPHONSO WESTLEY, Licensee

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Multipurpose Facility License

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

(1:32 p.m.)

CHAIRPERSON ANDERSON: We're on the record. Good afternoon everyone, and welcome to the afternoon session of the ABCA Board. My name is Donovan Anderson, I'm chairperson of the board.

Joining us this afternoon are two other board members, Mr. James Short and Mr. Silas Grant. The Board has three members in attendance for the conduct of business this afternoon, and that constitutes a quorum.

This afternoon we have four cases, no, five cases we have on our calendar this afternoon. And so before we get underway, I just want to make a few instructions very clear, so the conduct of this hearing it's understood by everyone.

As I stated before, we have five cases on our calendar this afternoon. Once your case is called, I will take a moment for IT specialist to elevate the rights of each party to enable their camera and microphone.

Then only then will you have the ability to enable your equipment. If your case

1 has not been heard, you'll remain mute and your  
2 camera will be disabled.

3 At the conclusion of each case, the  
4 parties will have the option to leave. If a  
5 party chooses to stay, all cameras and  
6 microphones for the concluded case will be  
7 disabled.

8 Should you have any questions or  
9 require technical assistance during the hearing,  
10 please submit them using a question and answer  
11 feature. Excuse me, our first case this  
12 afternoon it's a Fact Finding Hearing.

13 It's the Fitzgerald of Palisades, 4865  
14 MacArthur, license number 129529. I think  
15 they're applying for a CX Multipurpose Facility  
16 License. Mr. Orellana, can you please elevate  
17 the rights of the parties in this case?

18 MR. ORELLANA: Sure thing, Andrew  
19 Kline, your access has been elevated. Cameron  
20 Mixon, your access has been elevated. And  
21 Alphonso Westley, your access has been elevated.

22 That is all, Chairman.

23 CHAIRPERSON ANDERSON: Thank you. Mr.  
24 Kline, I'm looking at a black hole where you're  
25 supposed to be, sir.

1 MR. KLINE: Indeed, huh.

2 CHAIRPERSON ANDERSON: Mr. Kline, we  
3 have been doing these hearings, Mr. Kline, for  
4 like four years now, Mr. Kline, four years, Mr.  
5 Kline, and we still can't get it together.

6 (Simultaneous speaking)

7 CHAIRPERSON ANDERSON: What's the  
8 problem, Mr. Kline?

9 MR. KLINE: Mr. Anderson, the  
10 technology does not always work the way it's  
11 supposed to.

12 CHAIRPERSON ANDERSON: But this is  
13 four years now, Mr. Kline. I mean, you know, we  
14 were one of the few -- we were onboard as soon as  
15 the unfortunate COVID. We were onboard and we've  
16 been doing virtual hearings consistently since, I  
17 think, maybe March of 2000.

18 And so we have been doing this --  
19 Anyway, good afternoon, everyone. I have the  
20 pleasure of messing with Mr. Kline, so, but I  
21 know that he will not take it personal. All  
22 right, so let me have the parties identify  
23 themselves. We can start with you, Mr. Kline.

24 MR. KLINE: Thank you, Mr. Chairman.  
25 Good afternoon, Mr. Chairman, members of the

1 board, Andrew Kline here on behalf of the  
2 applicant, Fitzgerald of Palisades.

3 CHAIRPERSON ANDERSON: I see, Mr.  
4 Mixon. Mr. Mixon, can you please identify  
5 yourself for the record?

6 MR. MIXON: Good afternoon, Mr. Chair  
7 and members of the board. Cameron Mixon with  
8 Veritas Law Firm and counsel to the applicant, C-  
9 A-M-E-R-O-N, M-I-X-O-N.

10 CHAIRPERSON ANDERSON: Mr. Westley,  
11 can you please spell and state your name for the  
12 record and your affiliation, sir.

13 MR. WESTLEY: Afternoon Chair, and  
14 Board. I am Alphonso Westley. I am the General  
15 Manager of the Fitzgerald. You said to spell my  
16 name?

17 CHAIRPERSON ANDERSON: Yes, sir.

18 MR. WESTLEY: Okay, A-L-P-H-O-N-S-O,  
19 W-E-S-T-L-E-Y.

20 CHAIRPERSON ANDERSON: Good afternoon,  
21 sir. Mr. Kline, who's the lead attorney in this  
22 case, sir?

23 MR. KLINE: I am.

24 CHAIRPERSON ANDERSON: Okay. All  
25 right. All right, this is a fact finding

1 hearing. And basically, this establishment  
2 applied for a multipurpose license. And the  
3 purpose of this -- the statute specifically  
4 states, hold on a minute, please, the statute --

5 (Simultaneous speaking)

6 CHAIRPERSON ANDERSON: -- specifically  
7 states that for -- in order to apply for a CX  
8 license, as what was applied by this facility, it  
9 has to be a legitimate theater.

10 The premises in which the principle  
11 business shall be the operation of live  
12 theatrical operatic or dance performance, the  
13 operation of recreational facilities, the viewing  
14 of motion pictures or, such as a lawful adult  
15 entertainment as a board given due regard to the  
16 convenience of the public and the strict  
17 avoidance of sales prohibited by 25, Title 25 of  
18 the DC Official Code shall classify as a  
19 legitimate theater.

20 So Section 25-113(g)(1), A, as a  
21 multipurpose facility's license shall be issued  
22 to legitimate theaters, universities, museums,  
23 conference centers, art galleries, facilities for  
24 the performance of sports, cultural or tourism  
25 related activities and to indoor parks, buildings

1 and facilities that primarily serve as  
2 recreational playgrounds or workspaces.

3 Two, the licensee may permit  
4 construction -- consumption of alcoholic and  
5 beverage on the parts of the licensed premises as  
6 may be approved by the Board.

7 Three, but that basically talks about  
8 the two type of multipurpose license, which is  
9 our Class C, which is spirits, beer and wine, and  
10 B, D, beer and wine.

11 And the Board in its sound discretion,  
12 may require the multipurpose facility license to  
13 file a security plan with the Board.  
14 Multipurpose facility license also required shall  
15 apply with the terms of the -- should comply with  
16 the terms of the security plan.

17 So what was requested? It's an  
18 application of CX, and so the Board would like to  
19 get some information about how is it that this  
20 applicant, if the license is granted, how do they  
21 comply with the statute?

22 And based on the information that's  
23 gathered today, the Board will either direct the  
24 agency to move forward in towards approving the  
25 application for the CX license, or the Board



1 might refer this matter for licensing to meet  
2 with the parties with the applicant and discuss a  
3 different type of license category. Any  
4 questions before we start?

5 MR. KLINE: No, Mr. Chair.

6 CHAIRPERSON ANDERSON: All right. So,  
7 Mr. Kline, I just provided the statute. So it's  
8 either you or Mr. Westley, maybe you can tell us  
9 about the Fitzgerald and how is it that you  
10 believe that this, they can qualify to apply for  
11 a CX license?

12 4865 MACARTHUR TENANT, LLC, T/A THE FITZGERALD  
13 OF PALISADES, REVIEW APPLICATION FOR A NEW CX  
14 MULTIPURPOSE FACILITY LICENSE

15 MR. KLINE: All right. First of all,  
16 thank you for holding this hearing. It's  
17 certainly appropriate. This is not the typical  
18 CX license you have seen.

19 However, if you look at 25-113(g)(1),  
20 which you just read, we believe that the facility  
21 qualifies in at least three respects. And we're  
22 going to go through and flesh it out in a minute,  
23 but I want to first tell you from a legal  
24 standpoint what, you know, what those are or why  
25 it qualifies.

1           It's clearly not a legitimate theater.

2       Well, what it is, is an assisted living  
3 facility. What it's not is a legitimate theater.

4       It's not a university, it's not a museum, it's  
5 not a conference center and it's not an indoor  
6 park or related to sports or tourism related  
7 activities.

8           However, what it is, is number one, a  
9 facility for the performance of cultural  
10 activities. Number two, an art gallery. And  
11 number three, with respect to the facilities that  
12 we're talking about on the lower level on the  
13 first floor, it is facilities that primarily  
14 serve as recreational playgrounds or workspaces.

15           So in, we think the statute is broad.

16       I concede that this is perhaps what the Board  
17 doesn't usually see, which is why we're before  
18 you on this fact finding.

19           But as we go through it, I think you  
20 will see given what is proposed at the  
21 Fitzgerald, at the Palisades for the benefit of  
22 assisted residents, assisted living residents  
23 qualifies under the statute.

24           So we had submitted and we submitted  
25 some materials. We initially submitted a list of

1 certain activities. I'll go through those with  
2 Mr. Westley, and then we would like to review the  
3 physical layout so that we can show you the  
4 facilities that are there. May I proceed, Mr.  
5 Chair?

6 CHAIRPERSON ANDERSON: Yeah, you can.  
7 But before, just tell me, give background  
8 information. What is the Fitzgerald, tell us  
9 what's the concept. So before you tell us how  
10 you believe that it qualifies --

11 MR. KLINE: Sure.

12 CHAIRPERSON ANDERSON: -- under one of  
13 these three categories, just give us some  
14 background information about the Fitzgerald. I'm  
15 not familiar with it per say.

16 MR. KLINE: Okay. So the Fitzgerald  
17 is intended as an assisted living facility which  
18 means that those that are in their later years or  
19 for other reasons would live into this facility  
20 as residents.

21 And that's on the upper floors. And  
22 we're not talking about licensing the upper  
23 floors. We're not here to license someone to  
24 consume alcohol under our license in their  
25 residences.

1           But on the lower level and on the  
2 first level, as you will see from the plans that  
3 we will show you in a few minutes, there are  
4 facilities for all kinds of activities that we  
5 believe qualify under the statute.

6           And more importantly than that, there  
7 are intended and planned and will be various  
8 activities that will be available, frankly, not  
9 only to residents of the Fitzgerald, but also to  
10 the broader community.

11           Because as part of the Fitzgerald  
12 coming into this community, this is in the  
13 Palisades, you're certainly familiar with that,  
14 and it is a residential neighborhood. So  
15 certainly, there have been a lot of discussions  
16 with the community about this, what this facility  
17 will be and what it won't.

18           And part of those discussions involved  
19 including the community and providing access to  
20 the community to use the facilities and  
21 participate in the various events, cultural  
22 events that will be available and will be  
23 sponsored at the facility. Does that clarify  
24 what it is on the front end, Mr. Chair?

25           CHAIRPERSON ANDERSON: All right,

1 that's fine. You can, I'm going to have some  
2 other questions I'm going to ask you, but you can  
3 --

4 MR. KLINE: Of course.

5 CHAIRPERSON ANDERSON: -- can do your  
6 presentation.

7 MR. KLINE: Yep, Mr. Westley, we --  
8 you prepared a list of various activities that  
9 would take place or be offered in the facility.  
10 One was a Red Carpet Speaker Series, what is  
11 that? Tell the Board what that is.

12 MR. WESTLEY: Sure. So the Red Carpet  
13 Speaker Series is a part of our full body health  
14 philosophy known as the Art of Living Well. And  
15 then the Art of Living Well is led by our  
16 creative wellness team, so it's really our  
17 recreational team.

18 Each experience is, we've designed to  
19 promote one of our nine dimensions of wellness.  
20 So it can be from physical fitness, intellectual  
21 stimulation to social connectivity, our artistic  
22 expression, excuse me.

23 More specifically, the Red Carpet  
24 Speaker Series is one of those components where  
25 we're committed to the intellectual and cultural

1       adversity within the greater community of the  
2       District of Columbia, where we will partner with  
3       local compelling speakers.

4                 For example, two weeks ago, we had  
5       Martha Raddatz actually come out to our  
6       community. And it was open not just to our  
7       members and residents who will be moving in  
8       shortly, but to the greater community.

9                 So all of DC was actually invited, and  
10       we had about 150 guest and, on top of our members  
11       attend that event. And if you don't know Martha  
12       Raddatz, she's the Chief Political Correspondent  
13       for MSNBC.

14                So it was a really compelling  
15       conversation and dialogue, where she talked about  
16       her book, you know, her career. But those are  
17       the things that we're committed to, to be sure  
18       that, one, we're engaging with our members, but  
19       also being sure that we're committed to the  
20       greater community.

21                MR. KLINE: Great. And also on our  
22       list was live music and dancing. Tell the Board  
23       what that would be, when might you do that and  
24       what's intended with respect to that.

25                MR. WESTLEY: Sure. So as you know,

1 older adults, they don't slow down if anything,  
2 they continue to be very active. But once again,  
3 through our Art of Living Well Program and  
4 Philosophy, we want to be sure that we're giving  
5 options and forums for people to be creative and  
6 engaged.

7 So we're actually partnered with the  
8 Kennedy Center. We actually had an event about  
9 two months ago, where the director of ballet came  
10 out to do a behind the scenes panel with our  
11 members and guests that was open to the public as  
12 well.

13 Where we had the opportunity, because  
14 we actually do have some former ballerinas who  
15 are moving in, and they were able to learn new,  
16 you know, steps, new dances. And they actually  
17 had an amazing time where we actually involved  
18 coffee, diverse foods.

19 But that was really one of the  
20 partnerships that we hold close to our heart  
21 because there's a lot of things that the Kennedy  
22 Center will do for individuals with dementia, and  
23 this was one of those specific programs that  
24 focused on that.

25 CHAIRPERSON ANDERSON: I'm sorry to

1 interrupt, where is Mr. Kline? Both Mr. Kline  
2 and Mr. Mixon disappeared from my screen. I'm  
3 confused. Is this facility open?

4 MR. WESTLEY: So the community itself  
5 is not open, but we have what's called an Offsite  
6 Discovery Center where we -- you can actually see  
7 it behind me.

8 It's a rendering, but this is where we  
9 host events, which is less than a mile away from  
10 the actual construction site because we  
11 definitely want to start engaging with the  
12 community now before we actually physically open  
13 next year.

14 CHAIRPERSON ANDERSON: Okay, so these,  
15 so what you've been talking about, these are  
16 events that they're holding in the communities  
17 that you plan to bring in-house once --

18 MR. WESTLEY: Correct.

19 CHAIRPERSON ANDERSON: So when is it  
20 that you anticipate to, that the residence will  
21 be open to, for folks to start moving in?

22 MR. WESTLEY: May of 2025.

23 CHAIRPERSON ANDERSON: Okay, I'm  
24 sorry, go ahead.

25 MR. WESTLEY: I'll pass it back to



1 you, Mr. Kline.

2 CHAIRPERSON ANDERSON: What's going on  
3 with Mr. Kline, Mr. Mixon?

4 MR. MIXON: I am not quite sure but I  
5 will chat with him offline but likely, just  
6 technology not cooperating.

7 CHAIRPERSON ANDERSON: Oh.

8 (Pause)

9 MR. KLINE: Can you hear me?

10 CHAIRPERSON ANDERSON: I can hear you  
11 now, Mr. Kline.

12 MR. KLINE: Yeah, I apologize. It's -  
13 - this is not me. This is Verizon with their  
14 internet connection being unstable, I apologize.  
15 Okay.

16 All right, so we talked about the  
17 dancing and live music. Also listed on our list  
18 was happy hours and live performances --

19 CHAIRPERSON ANDERSON: I'm --

20 MR. KLINE: -- Mr. Westley, can you  
21 talk about that?

22 MR. WESTLEY: Sure. So we actually --

23 CHAIRPERSON ANDERSON: -- I'm sorry,  
24 Mr. Westley, I should've asked you that, so the  
25 Art of Living that you talked about, how often

1 would you, how often would that occur?

2 MR. WESTLEY: Our Living --

3 CHAIRPERSON ANDERSON: Let's say, when  
4 you talk about the different activities, just let  
5 us know how frequent you'd have those  
6 experiences, those programs, please.

7 MR. WESTLEY: Sure. So the, our  
8 Living Well Program occurs daily in the  
9 community. And there could be a host of 14  
10 different activities that would occur on any  
11 given day in the community building.

12 And it could be from artistic  
13 expressions, social connectivity, nutritional  
14 health, intellectual health, cultural  
15 spirituality, environmental and it goes into  
16 different dimensions from there.

17 So it could be like a community  
18 cleanup and through recycling program. It could  
19 be a part of our chef's table where residents  
20 would, who are bold and adventurous maybe want to  
21 try different things.

22 It could be what we call Kisco  
23 University, which is our parent company, which is  
24 our lifelong learning program, where we actually  
25 partner with Osher.

1           We've partnered with Johns Hopkins,  
2 actually, where we host educational courses on  
3 our, actually in our building for older adults.  
4 So that's not just once again for our members,  
5 but that's also for older adults who live in the  
6 greater community as well.

7           So every day there is a host of  
8 programs happening in the community. And we're  
9 not just assisted living, we're also independent  
10 living, and we also have memory care in our  
11 community as well.

12           MR. KLINE: All right. We, the list  
13 is there, I'm not going to go over every item on  
14 the list, we've included in a package for the  
15 Board, but ask Mr. Westley some other questions.

16           Mr. Westley, the code when it talks  
17 about multipurpose facilities also mentions  
18 workspaces, will there be workspaces provided in  
19 the facility and if so, how?

20           MR. WESTLEY: Sure. So there're  
21 currently different conference spaces and  
22 multipurpose rooms. One of them being our  
23 gallery, which is a rotating art, curated art  
24 gallery.

25           We partner with a lot of

1 organizations, but one specifically is the  
2 Palisades Community Association, they will have  
3 town hall space.

4 So we actually have been hosting town  
5 halls here at our Discovery Center. They do town  
6 halls once a month where you could, you know,  
7 join virtually or in person, so we wanted there  
8 to be that option.

9 And typically, a lot of community  
10 members have actually come out for that. So it's  
11 kind of hard to host it here at our Discovery  
12 Center, so we can't wait to get into the  
13 building.

14 I'm trying to think of other  
15 organizations right now. Oh, so we actually have  
16 probably one of the longest and most frequented  
17 farmer's markets in the city, actually.

18 So every Sunday, if you're not  
19 familiar, and Saturday, there is a farmer's  
20 market that's facilitated by the Palisades  
21 Community Association on our block.

22 And we offer up that space and we will  
23 continue to offer up that space once we're  
24 operational, but we are open to any community  
25 group, organization. We also partner with the

1 Palisades Community Library.

2 We actually have two libraries in our  
3 facility but we're partnering with them to have  
4 books on loan because, of course, we will have  
5 some members who are not ambulatory or who are  
6 not able to get out as often, and that'll also be  
7 open to the public based on their preferences for  
8 different genres.

9 But we'll definitely continue to be  
10 open to the public to use our facilities. We  
11 have a multipurpose fitness space also in our  
12 community.

13 Of course, physical fitness is  
14 important to us, but we have to had to partner  
15 with the Palisades Villages. And if you're not  
16 familiar with the villages in DC, every  
17 neighborhood has one.

18 And it's typically to allow residents  
19 to age in place and stay in the home of their  
20 choice, whether it's in our community or outside  
21 of our community.

22 So we've opened up our doors already  
23 by going to the Palisades Recreational Center and  
24 hosting aquatic therapy there. But we actually  
25 will have an indoor saltwater pool in our lower

1 level, and we'll bring the aquatic fitness into  
2 the building once we're operational.

3 So there's a lot of opportunities for  
4 us to continue to bridge what we offer to our  
5 residents and members to the greater community.  
6 One thing that we will also be having is the  
7 clinic, and MedStar is our partner.

8 So we'll be offering clinic space so  
9 that residents who live in the Northwest don't  
10 necessarily have to go into Georgetown Hospital  
11 to be seen. They can be seen right here in the  
12 greater community where they live.

13 MR. KLINE: In the statute, something  
14 else that is mentioned are art galleries and you  
15 mentioned that there is an art gallery in the  
16 facility as well. Tell the Board what that is  
17 and how that's going to work and what's intended  
18 with respect to that art gallery.

19 MR. WESTLEY: Sure. So when you enter  
20 into our main lobby, you'll be ushered right into  
21 a lot of different art. It'll be rotating on a  
22 quarterly basis.

23 We actually have some pretty renowned  
24 members who are artists themselves who have art  
25 at the Corcoran, the Phillips Museum, but we do

1 have some stipulations it can't just be anyone's  
2 art.

3 We've also partnered with local art  
4 galleries here in the Palisades as well as in the  
5 Northeast area to highlight really diverse  
6 artists throughout the district, so we will  
7 definitely continue that.

8 We actually do it here now at our  
9 Discovery Center. The last one was one of our  
10 members who I can't remember but I know that she  
11 spent a lot of time in Arizona and New Mexico.

12 So her art is definitely at the  
13 Corcoran, and we want to continue that on a  
14 quarterly basis. So that's something that will  
15 continue to be in our lobby.

16 We also will get art on loan because  
17 we are partnered with the Library of Congress in  
18 Kennedy Center, and through their programs we can  
19 have art and artifacts on loan in our community.

20 That scares me a little bit, but I  
21 think it'll also be a great thing for the  
22 community for those who can't get to, say, the  
23 Library of Congress, we can bring it to the  
24 community.

25 MR. KLINE: You're the general manager

1 of the facility, correct?

2 MR. WESTLEY: Correct.

3 MR. KLINE: There's a lot of  
4 activities that you've mentioned. Is there  
5 dedicated staff to deal with all of these  
6 activities and the various facets of the cultural  
7 and other events that will be available in the  
8 facility?

9 MR. WESTLEY: We do. So we will -- we  
10 actually have already hired our Art of Living  
11 Well director. She will have lead, an assistant  
12 as well as drivers, because some of what we do  
13 will be excursions outside of the actual  
14 community.

15 But they are charged with partnering  
16 with outside organizations as well as with our  
17 current members to offer things based on  
18 preference as well as some folks with needs.

19 MR. KLINE: Okay. And what are, what  
20 will their responsibilities be for what goes on  
21 within the facility?

22 MR. WESTLEY: Sure. So just to  
23 reference back to the different elements of our  
24 program, it could be where they are partnering  
25 with technology. We actually have a tech



1 concierge because we do know that as you get  
2 older, sometimes you may have issues with  
3 technology.

4 So a part of being a member we'll have  
5 a tech concierge dedicated to our members but  
6 they'll also have, you know, different technology  
7 classes, how do I use my new iPhone, you know,  
8 discovering what it is that they want to know  
9 more about.

10 It could be Word, Excel, you name it.

11 They'll also be pulling things together like our  
12 Promenade Test Kitchen, which is exploring  
13 diverse taste, because we know being here in DC  
14 we are in a melting pot of diversity, so we want  
15 to be sure that we're catering to different  
16 pallets. We talked about there certainly will be  
17 a fitness center.

18 So our Art of Living Well director,  
19 she is a certified lifeguard and she's also a  
20 certified personal trainer and she specializes in  
21 what's called oh, I'm blanking on it, but it's a  
22 specific boxing course for individuals who live  
23 with Parkinson's or have Parkinsonian symptoms.

24 They'll form or help form a resident  
25 advisory council, which is actually part of the

1 DC Health Regulation, where our residents will be  
2 informing us of what it is that they want to see  
3 because they craft the community.

4 There's not really one thing that we  
5 do at Kisco Senior Living or specifically at the  
6 Fitzgerald, that we tell residents that's  
7 happening, they tell us what they want to see.

8 They'll also pull together things like  
9 our community garden team. We do have a plot at  
10 the Palisades Community Garden. Right now, we  
11 have an active walking club that walks the C&O  
12 Canal.

13 I mean, truly, they pull together  
14 things and craft things together that residents  
15 are asking us for. So every day, like I said,  
16 there's a host between 12 to 14 different  
17 programs that occur that are all driven by our  
18 resident committees and clubs.

19 MR. KLINE: And you've mentioned that  
20 many of these are recreational activities,  
21 including boxing, swimming, hiking and others,  
22 correct?

23 MR. WESTLEY: Yes.

24 MR. KLINE: Okay. Mr. Chair, I'm  
25 going to ask that, I seem to be having

1 difficulties with connectivity, so I'm going to  
2 ask that Mr. Mixon be given privileges to share,  
3 because we want to walk the Board through the  
4 floor plan, the lower, of the lower level and the  
5 first level of the building, which is the  
6 facility that we seek to get licensed.

7 CHAIRPERSON ANDERSON: Mr. Orellana,  
8 please allow Mr. Mixon to share screen. And one  
9 of the things you could talk about -- one of the  
10 questions we were going to ask was, how large is  
11 this art space or maybe you can also probably --

12 MR. KLINE: You'll see it.

13 CHAIRPERSON ANDERSON: -- elaborate on  
14 that. Okay, go ahead, so.

15 MR. MIXON: I have access. I'll --  
16 we'll be putting it up just now.

17 CHAIRPERSON ANDERSON: Go ahead, sir.

18 MR. KLINE: All right. If you could  
19 enlarge the top one.

20 CHAIRPERSON ANDERSON: Larger, please.

21 MR. KLINE: Yeah. Okay. It's also  
22 been transmitted to legal, so we --

23 CHAIRPERSON ANDERSON: I haven't, I  
24 have -- I don't have that information, mister. I  
25 have, all I have, at least all that was provided

1 to us was the information regarding --

2 MR. KLINE: The list.

3 CHAIRPERSON ANDERSON: -- Kisco  
4 signature. That's what I -- I have a, oh, wait a  
5 minute, it's a 30 page document, okay.

6 MR. KLINE: It's towards the end, Mr.  
7 Chair.

8 CHAIRPERSON ANDERSON: Okay.

9 MR. KLINE: I think it's the last two  
10 pages.

11 MR. MIXON: Page 16.

12 CHAIRPERSON ANDERSON: Page 16, okay.  
13 Okay, go ahead.

14 MR. KLINE: Mr. Westley, this is the  
15 lower level, correct?

16 MR. WESTLEY: Yes.

17 MR. KLINE: All right, walk us through  
18 what -- what do we see here? What is this  
19 facility?

20 MR. WESTLEY: Sure. So if you're  
21 looking where it says south, that is just to  
22 denote that this is the south part of our  
23 building facing MacArthur.

24 And the, when you come down those two  
25 elevators, you are immediately in one specific

1 gallery, but not the main gallery. But in that  
2 area, we will have art throughout, which will  
3 also be a part of a quarterly rotation.

4 As you go to the left, we do have a  
5 salon service inside of our building for our  
6 residents and the greater community. Around the  
7 corner from that, you'll see a theater, and that  
8 is truly a movie theater, and we will have a part  
9 of our arts and cultural club, our residents will  
10 be informing what films will be shown.

11 But it's also a multipurpose space and  
12 can be used for different meetings, sessions, as  
13 well as classroom sessions when we start to have  
14 a ultra learning on site.

15 Down below, you see the fitness  
16 center, which is adjacent to the yoga studio,  
17 which is also a multipurpose space, that yoga  
18 studio. But you'll see free weights, you'll see  
19 machines and we will have yoga, Tai Chi, Zumba in  
20 that space.

21 At the lower, you'll see the saltwater  
22 pool with the spa. It's ADA, so we will  
23 definitely, once again, be open to the greater  
24 public, more specifically we'll be partnering  
25 with Palisades Villages and offering recreational

1 therapy for older adults who live in throughout  
2 DC.

3 We also have an interior pet spa,  
4 because we do realize that a lot of our members  
5 will be bringing their pets, and a lot of our  
6 guests will also bring pets.

7 We are definitely pet friendly, so  
8 it's actually indoor pet relief area, and it's  
9 also kind of a playground for dogs. At the upper  
10 right corner, I talked about MedStar being our  
11 partner.

12 So that's where some physicians will  
13 be housed throughout the week to see not just our  
14 members, but like I said it's open to the public.

15 They'll also have physical therapy, occupational  
16 and speech therapy available in that space as  
17 well.

18 MR. KLINE : All right. Mr. Mixon, if  
19 you could move to the other layout diagram? Show  
20 them.

21 MR. WESTLEY: So what you see here  
22 where it says south, again, that is our main  
23 entrance to the community building. If you see  
24 north, that is the secondary entrance, which is  
25 the north side, but that is a parking garage that

1 you're looking at.

2 But back to the south side where it  
3 says gallery, once you enter the main entrance,  
4 that is the main curated art gallery, like I  
5 said, that will be on a rotation per quarter.

6 Adjacent to that is our library that  
7 will have books, excuse me, that are being  
8 brought in by our members who are going to be  
9 moving in. But once again, the Palisades --

10 CHAIRPERSON ANDERSON: Hold on, Mr.  
11 Westley. Ah, Mr. Mixon, can you use your cursor  
12 to identify the area that he's talking about,  
13 because I don't know, please.

14 MR. MIXON: I think we're looking  
15 about here at present.

16 MR. WESTLEY: Yep, that's the library  
17 there. So there will be books in there that'd  
18 be, you know, we will bring in from members who  
19 are moving in, but we will also have books from  
20 the Palisades Library, which is not too far from  
21 us.

22 Below that is Zelda's Lounge. Zelda's  
23 is one of four dining venues in the actual  
24 building. The goal for Zelda's is to have a  
25 separate menu from the other restaurants, but

1 that would be the full service lounge if we  
2 receive our alcohol license.

3 So bear in mind it will be served and  
4 sold from that location. If you go through the  
5 great room, you'll see the Street Car Cafe. That  
6 is our fast casual dining venue right there.

7 So different menu from Zelda's, it'll  
8 be kind of salad, soups, kind of like your Panera  
9 Bread concept where our resident's guest can  
10 purchase from there.

11 Across the hall is the Boulevard,  
12 which is the third venue. We'll have a different  
13 menu as well. And if you look at all these  
14 venues actually lead out to Al Fresco Dining to  
15 our main courtyard.

16 And then the Promenade, which is below  
17 the Boulevard is our fourth restaurant in the  
18 community building, which will also have a  
19 different offering as well.

20 And then below that is our private  
21 dining room that'll be a multipurpose space for  
22 our members to reserve for different cultural  
23 holiday events.

24 We'll use it for Osher Learning when  
25 we start having classroom-style sessions at the



1 community. And then right below that, the big  
2 gray box, is actually a retail space.

3 So a part of this development we  
4 committed to the community to having a grocer  
5 option, kind of like streets market because it's  
6 not that large, about 5,500 square feet. So  
7 that'll also be open to the public but it'll be a  
8 tenant in that space. And that is the lower left  
9 -- yes, that's the first floor.

10 MR. KLINE: Great. All right. Thank  
11 you, Mr. Wesley. Mr. Chair, I'm going to make  
12 Mr. Wesley available to answer any questions the  
13 Board has in the materials that we submitted or  
14 the diagrams that we just went over.

15 Job descriptions for the various  
16 people that are involved in coordinating the  
17 activities that have been described, a few  
18 brochures, which provide more information on the  
19 facility I didn't find the need to go over them,  
20 go, with you here because I think we've covered  
21 what the facility is.

22 But if you look at those materials,  
23 you'll see additional representations of what the  
24 Fitzgerald is. And there is also the list of  
25 activities that we talked about. And Mr. Wesley,

1 is available and I'm available to answer any  
2 questions or address any concerns that the Board  
3 might have.

4 CHAIRPERSON ANDERSON: All right,  
5 thanks. I guess just for clarification, I know  
6 that you stated that the community can  
7 participate in some of the events at the  
8 residence. So just talk about that a little bit  
9 more. What is the, are the facilities that you -  
10 - Mixon, close the screen, please.

11 Are these -- the facilities, is it  
12 intended solely to serve the residents or I --  
13 just give a little bit more information about  
14 these services, and is it just the residents or  
15 how much community involvement do you, does the  
16 community have --

17 MR. WESTLEY: Sure.

18 CHAIRPERSON ANDERSON: -- in some of  
19 the services that will be provided?

20 MR. WESTLEY: Sure. So we are  
21 completely open to the community with the  
22 exception, of course, if you need care services,  
23 that is not open to the public because that's  
24 licensed through DC Health.

25 We're only allowed to care for

1 residents or members that actually reside at the  
2 Fitzgerald. But from a programming standpoint,  
3 that's all open to the public.

4 CHAIRPERSON ANDERSON: So the public  
5 can go to the art museum? I mean, what about --

6 MR. WESTLEY: Mm-hmm.

7 CHAIRPERSON ANDERSON: -- if a license  
8 is granted for the restaurants, are, is that open  
9 for the public, or is that just --

10 MR. WESTLEY: It is.

11 CHAIRPERSON ANDERSON: -- for  
12 residents?

13 MR. WESTLEY: It is open to the  
14 public, but you have to, of course, be invited.  
15 You can't come and make a reservation through  
16 OpenTable, you really do have to be invited by a  
17 member.

18 So if you think of it, kind of like  
19 Cosmos -- I mean, I'm a part of the University  
20 Club, it's, I can bring anyone I want but you  
21 need to know someone who actually is a member.

22 But in terms of everything else  
23 programming wise with the exception of the  
24 restaurant, because once again, DC Health is not  
25 going to allow us to have wait times for our

1 residents, everything's open besides the  
2 restaurants, you have to know someone to actually  
3 dine in our community.

4 CHAIRPERSON ANDERSON: So you're  
5 talking about DC Health. So what portion of the  
6 facility -- so are -- what -- explain to me about  
7 your relationship with DC Health.

8 MR. WESTLEY: Sure. So the assisted  
9 living component of the community is licensed by  
10 DC Health. So the care component, us doing  
11 physical -- so activities of daily living,  
12 bathing, grooming, transferring, those types of  
13 services are only available to our members  
14 because we're licensed, we will be licensed,  
15 excuse me, to care for them.

16 And a part of that would be the dining  
17 experience. DC Health wouldn't allow us to open  
18 up our reservation system to the greater public,  
19 because they're not going to allow our residents  
20 to have wait times to dine in their own  
21 community.

22 But anyone can dine in our restaurants  
23 as long as they're invited in. But anyone can  
24 participate in our programming, meaning they can  
25 participate in the art shows, any of our

1       excursions, any of the programs that we're  
2       hosting through Osher Learning, all that's open  
3       to the public.

4                   CHAIRPERSON ANDERSON:       Okay.       So  
5       explain these facilities, so a portion of your  
6       sentence -- and I'm sorry if you have, I'm trying  
7       to read, I'm trying to ask, listen, and ask  
8       questions so I apologize if I, if you had  
9       answered some of the questions before.

10                   So the Fitzgerald, tell me  
11       specifically it's, you said it's senior, it's  
12       assisted living and, tell me a little bit more  
13       about what it is.

14                   MR. WESTLEY:    So we are, if you want  
15       to think of it this way, we're a retirement  
16       community. So we offer independent living, which  
17       is Fair Housing, assisted living and memory care,  
18       which is licensed.

19                   So the majority of our facility is  
20       actually Fair Housing because it's independent  
21       living. The care component, the assisted living  
22       side, that's licensed through DC Health.

23                   So that's the only component that  
24       we're not able to share with the greater public  
25       unless they're a member because DC Health won't

1 allow us to physically care for individuals in  
2 the greater public unless they're a member.

3 Just like someone who lives at any  
4 other senior living community in the district,  
5 they wouldn't be able to care for members, or  
6 excuse me, guests unless they became residents.  
7 We say members instead of residents, but it's  
8 interchangeable.

9 CHAIRPERSON ANDERSON: Okay. So  
10 what's the population of the facility? I mean,  
11 total, what's the total population?

12 MR. WESTLEY: Sure. So we're 55 plus  
13 community, because we're retirement. We're not  
14 licensed through DC Health yet, but we will have  
15 138 residences. Typically for that size, the  
16 capacity would be about 165 residents in the  
17 actual facility.

18 CHAIRPERSON ANDERSON: That's total?  
19 I mean, that it's total between the independent  
20 living, the assisted, right?

21 MR. WESTLEY: Correct.

22 CHAIRPERSON ANDERSON: So how, I mean,  
23 what's the proposal, how is that broken down?

24 MR. WESTLEY: Sure. So there's about  
25 53 independent living residents, 47 assisted

1 living and 37 memory care, which is also  
2 considered assisted living.

3 CHAIRPERSON ANDERSON: There's a 53  
4 what, I'm sorry?

5 MR. WESTLEY: Independent living  
6 residents.

7 CHAIRPERSON ANDERSON: Okay. What the  
8 other number, please?

9 MR. WESTLEY: And 47 assisted living  
10 on residence and then 37 on memory care. When I  
11 say residence, I mean actual apartments.

12 CHAIRPERSON ANDERSON: Okay. So tell  
13 me about what's assisted living? What's  
14 independent living, assisted living and memory  
15 care? What's the difference between the three?

16 MR. WESTLEY: Independent living is  
17 Fair Housing, like you and I we live in our home  
18 currently, that's independent living. Assisted  
19 living and memory care, basically, are  
20 individuals who we are care planning for.

21 Meaning there is an activity of daily  
22 living that we may be assisting them with on a  
23 daily basis, whether that's bathing, grooming,  
24 transferring, maybe we're helping you way find  
25 throughout the day because you may have some, a

1 cognitive deficit.

2 Or once again, back to when I talked  
3 about my Art of Living Well director being  
4 certified it -- Rock Steady is actually the  
5 boxing program for individuals who may be living  
6 with Parkinsonian symptoms. Those individuals  
7 are the ones that we would be actually caring  
8 for, we actually care plan for.

9 CHAIRPERSON ANDERSON: Okay. All  
10 right, I'm like -- yeah. I think you've  
11 basically responded to most of my -- I think in  
12 the presentation, I think you have provided, you  
13 have answered most of my questions. I probably  
14 will have more questions as I think about it.  
15 But any questions by any board members? Go  
16 ahead, Mr. Short.

17 MEMBER SHORT: Good afternoon.

18 CHAIRPERSON ANDERSON: Mr. Wesley?

19 MEMBER SHORT: Hear me? Good  
20 afternoon, Mr. Alphonso Westley.

21 CHAIRPERSON ANDERSON: What? Mr.  
22 Wesley, yes.

23 MR. WESTLEY: Good afternoon.

24 MEMBER SHORT: Okay. Mr. Wesley, what  
25 is the current certificate of occupancy, which



1 the, your facility operates now? What's on the  
2 certificate of occupancy?

3 MR. WESTLEY: Can you just clarify,  
4 when you say what's on it, what do you mean?

5 MEMBER SHORT: What classification,  
6 forgive me, what classification do you have?

7 MR. WESTLEY: Oh, got it. So we are  
8 still under construction. We are seeking our CFO  
9 once we hit substantial completion, which will be  
10 in November.

11 MEMBER SHORT: So right now you're not  
12 operating at all?

13 MR. WESTLEY: The community is under  
14 construction for now.

15 MEMBER SHORT: How many -- so you --  
16 what's the total number of residents? I know you  
17 gave some numbers to the chairman, but what's the  
18 total number of clients, residents, --

19 MR. WESTLEY: What?

20 MEMBER SHORT: -- persons you care  
21 for?

22 MR. WESTLEY: 165.

23 MEMBER SHORT: And so you said  
24 something about construction being finished by  
25 May of 2025?

1 MR. WESTLEY: So that's when we will  
2 physically begin moving individuals then. We  
3 should be at substantial completion, probably Q4.

4 So we're looking around November, December being  
5 at substantial completion. And then our  
6 developer, TramiPro, will be seeking CFO from the  
7 city at that point.

8 MEMBER SHORT: So currently, again,  
9 forgive me, the classification, you don't have a  
10 certificate of occupancy to be operating or how  
11 are you operating?

12 MR. WESTLEY: We're not within --

13 CHAIRPERSON ANDERSON: They're not  
14 operating, Mr. Short. They're not open. What he  
15 had testified earlier is that, the activities  
16 that they're having was at ultimate, alternative  
17 site, which was a mile away --

18 MR. WESTLEY: Sure.

19 CHAIRPERSON ANDERSON: -- but the  
20 facility is still under construction, so there's  
21 nothing going on in the physical confines of the  
22 building.

23 MEMBER SHORT: Thank you very much,  
24 Mr. Chairman. I'll start asking you the  
25 questions next, Mr. Chair, but you have all the

1 answers, thank you. But again, you mentioned  
2 that -- where are you currently operating? What  
3 address? Where are you currently operating?

4 MR. KLINE: Mr. Short, they're not. I  
5 mean, the, this is the 405.1, which under the  
6 regulations allows the application to be filed  
7 pending the issuance, the completion of the  
8 project and issuance of the certificate of  
9 occupancy.

10 They're doing some activities at a  
11 remote site to market the facility and make  
12 people aware of what it's going to be, but  
13 they're not currently in operation.

14 MEMBER SHORT: Okay. Well, that's  
15 fair. I guess, what I'm just trying to figure  
16 out, if you're not going to be operating until  
17 May of 2025, today you are asking us to do what  
18 until that time or you, are you, what, are you  
19 asking us to do something today without you being  
20 open or having a certificate of occupancy?

21 MR. KLINE: We're only asking that you  
22 allow us to proceed with the license application  
23 for a multipurpose facility under DC code Section  
24 25-113(g) (1).

25 So we filed the application, the

1 question arose as to whether this facility was  
2 appropriate for the issuance of a multipurpose  
3 license, and that's what brings us here today for  
4 you and the other board members to satisfy  
5 yourselves that this facility is appropriate for  
6 this particular class of license.

7 MEMBER SHORT: Thank you, Mr. Kline.  
8 Again, Mr. Kline, you mentioned 25-113(g) (1) (A)  
9 or (1), forgive me.

10 MR. KLINE: Yes.

11 MEMBER SHORT: Now, and you did  
12 mention also in your opening that you were  
13 talking about indoor parks, buildings,  
14 facilities, --

15 MR. KLINE: There's --

16 MEMBER SHORT: -- service corporation.

17 MR. WESTLEY: -- there's a whole lot  
18 in that section. I mean, it's, there's really  
19 just a lot. And I can --

20 MEMBER SHORT: I'm --

21 MR. KLINE: I --

22 MEMBER SHORT: I'm reading it right  
23 now, so I understand.

24 MR. KLINE: Yeah, right. You know  
25 what our position is that we are a facility for

1 the performance of cultural related activities  
2 and that there are activities that serve as a  
3 recreational playground or workspaces, and  
4 there's an art gallery.

5 So we're saying the totality of all of  
6 that fits under 25-113(g)(1). Look, the other,  
7 let's, I mean, let's put it on the table, the  
8 other license is we apply for a tavern license.  
9 And that just seemed like what, we're not a  
10 tavern.

11 We couldn't apply for a restaurant  
12 license because as the Board knows, the  
13 definition of restaurant is one that is  
14 completely open to the public with no artificial  
15 barriers to entry, so it can't be a restaurant.  
16 So in looking at it was a choice between a tavern  
17 or a multipurpose.

18 And when we drilled down and we looked  
19 at it, we said, well, yeah, we think it qualifies  
20 as a multi-purpose. And that's why we're here  
21 today. If not, we'll move forward with the  
22 tavern, but I just don't think it's appropriate,  
23 but I leave that to the Board.

24 MEMBER SHORT: Okay, thank you. Thank  
25 you, Mr. Kline. Again, we see you often, so we

1 know that you know what you're talking about and  
2 you bring great clients here, so there's no  
3 problem.

4 MR. KLINE: Thank you. Thank you, Mr.  
5 Short, I appreciate that.

6 MEMBER SHORT: Okay. Now, Mr. Wesley,  
7 you also mentioned something about a club on 16th  
8 Street, the University Club?

9 MR. WESTLEY: Mm-hmm.

10 MEMBER SHORT: And you were saying you  
11 were going to be like that. Tell me how you're  
12 going to be like the University Club.

13 MR. WESTLEY: So just in regards to  
14 the restaurant component. So I'm a member of the  
15 U Club, so --

16 MEMBER SHORT: Okay.

17 MR. WESTLEY: -- you can't just make a  
18 reservation through OpenTable. And that's what I  
19 was trying to make a comparison to that, yes, the  
20 public can dine there but typically, they're  
21 invited in by a member.

22 So it's not that our restaurants  
23 aren't open to the public, it's just that we  
24 can't have wait times because our members, based  
25 on DC Health requirement, they have to -- there's

1 a dining requirement, right, so they can't wait.  
2 So if it's breakfast, lunch, or dinner, they  
3 shouldn't be waiting behind the public to dine.  
4 It's kind of a requirement.

5 MEMBER SHORT: I understand.

6 MR. WESTLEY: Yeah.

7 MEMBER SHORT: I'm kind of familiar  
8 with that place --

9 MR. WESTLEY: All right.

10 MEMBER SHORT: -- on 16th Street, just  
11 a little bit. I am -- and I'll just say this to  
12 you, it's, as best we can, I want to help you in  
13 this because I know Palisades quite well. I live  
14 in a neighborhood called Hillcrest, and we are  
15 kind of like brother and sister neighborhoods.

16 MR. WESTLEY: Yeah.

17 MEMBER SHORT: I don't go to the 4th  
18 of July parade as much as I used to.

19 MR. WESTLEY: It's too hot.

20 MEMBER SHORT: Again, but I'm, and I'm  
21 very familiar with Sibley Hospital --

22 MR. WESTLEY: Yeah.

23 MEMBER SHORT: -- and very familiar  
24 with some of the great residents you have there.  
25 I think one of our last former police chiefs

1 used to live there, or still lives there now.  
2 It's just a great place. And I used to work at  
3 Engine Company No. 29 there on MacArthur  
4 Boulevard --

5 MR. WESTLEY: Okay. Yeah.

6 MEMBER SHORT: So I know the  
7 neighborhood very, very well and --

8 MR. WESTLEY: Yeah.

9 MEMBER SHORT: -- and it's deserving  
10 of a place. But again, as Mr. Kline was saying,  
11 if we can't fit you into a, into the  
12 classification that you want, it won't hold up a  
13 tavern license or some other kind of license.

14 But again, as you know about the U  
15 Club, there are a lot of culture things going on  
16 all the time in our great library on the first  
17 floor and our gym --

18 MR. WESTLEY: Okay.

19 MEMBER SHORT: -- on the second floor  
20 and our swimming pool in the basement and all of  
21 the rooms upstairs that we rent out. So again,  
22 that's one -- I'm trying to get to, if you use  
23 that concept and you use that in your testimony,  
24 if it doesn't really fill into that category,  
25 which is it? That is an MX as you probably know.



1           But anyway, I've heard the testimony  
2 and I'll listen for more and I might have some  
3 more questions later if it's okay with Mr.  
4 Chairman. And I might, before you leave, ask  
5 more questions.

6           But at anyway, I guess the very last  
7 thing I want to ask is, how will the rooms where,  
8 the client's residence, where would that be in  
9 conjunction with the art section, retail section?

10          What's the proximity? I'm looking at the --

11           MR. WESTLEY: Mm-hmm.

12           MEMBER SHORT: -- at the diagram you  
13 sent us with --

14           MR. WESTLEY: It's all right.

15           MEMBER SHORT: -- and that's the  
16 reason why I wanted to know about the square  
17 footage or whatever else, because that's, I was  
18 going to get into that with the CFO, but since we  
19 don't have a lot of that right now --

20           MR. WESTLEY: Sure.

21           MEMBER SHORT: -- just where would --  
22 and when the residents are there and they're  
23 bedding it down for the evening, I would imagine  
24 like most nursing homes around 6:00, 7 o'clock,  
25 they all in bed, I would imagine. So let's say

1 there's an event at 8:30, 9 o'clock in another  
2 part of the -- how, what is the separation?

3 MR. WESTLEY: Sure. So the actual  
4 apartment homes are on the upper level. So we  
5 are mid-rise building, six floors. Once you get  
6 to the -- we showed you the lower level and the  
7 first floor. So the apartment homes are between  
8 the second floor and the sixth floor. So they're  
9 --

10 MEMBER SHORT: Okay. Great.

11 MR. WESTLEY: -- completely removed  
12 from the mixed use space.

13 MEMBER SHORT: So that I don't become  
14 a hog with my questioning, I was just -- that's  
15 the reason why I was trying to get the diagram  
16 you showed that showed the first floor, is that  
17 correct?

18 MR. WESTLEY: Yes.

19 (Simultaneous speaking)

20 MR. KLINE: The first floor in the  
21 lower level, Ms., Mr. Short.

22 MR. WESTLEY: Yeah.

23 MEMBER SHORT: Excuse me.

24 MR. WESTLEY: The first floor in the  
25 lower level is what we showed you.

1 MEMBER SHORT: Okay. So in this --

2 MR. KLINE: And the residences are  
3 upstairs and, you know, the activities are  
4 primarily, not exclusively, but primarily for the  
5 residences, so --

6 MEMBER SHORT: I understand.

7 MR. WESTLEY: -- we're not going to  
8 have a rager going on until odd hours of the  
9 night. It wouldn't be appropriate, so.

10 MEMBER SHORT: Okay. Great. And  
11 we're on the same page with that. But, you know,  
12 I'm a public safety person. As I mentioned, I  
13 used to work at Engine 29 there on MacArthur  
14 Boulevard, and then later I became assistant fire  
15 marshal for the city.

16 And so I would ask this -- the reason  
17 why I was asking about the separation is, should  
18 there be a fire alarm that goes off, will that  
19 conflict with the number of exits you have or how  
20 would everybody get out in a different  
21 directions, or, and I guess it would depend on  
22 where the --

23 MR. WESTLEY: Sure.

24 MEMBER SHORT: -- where the emergency  
25 was?

1 MR. WESTLEY: So we were --

2 MR. KLINE: Yeah, that's all been  
3 reviewed by DOD, and we've been building --

4 MEMBER SHORT: I understand. Mr.  
5 Kline, I'm just asking a friendly question. This  
6 is not a hostile question. I just simply wanted  
7 to know.

8 MR. KLINE: Oh no, I didn't take it  
9 hostilely --

10 MEMBER SHORT: Okay.

11 New Speaker: -- I'm just trying to  
12 explain what we may not know, why we may not know  
13 the details of that, because that's not, you  
14 know, that's not operations, that's building and  
15 that those are other people. That's all, we're  
16 not offended.

17 MEMBER SHORT: I understand. Okay.  
18 Well, he was getting ready to answer before you  
19 jumped in.

20 MR. KLINE: Mr. Westley, go ahead. If  
21 you can answer him, sure.

22 MR. WESTLEY: Yeah, I was just going  
23 to add that there's egress from every area that  
24 we mentioned. So especially on the first floor,  
25 if there were a fire alarm to sound, every venue

1 has an egress to the courtyard, which leads to  
2 the MacArthur Boulevard side, or it leads to the  
3 48th Place side where we have our arrival  
4 courtyard.

5 MEMBER SHORT: Great.

6 MR. WESTLEY: Yeah.

7 MEMBER SHORT: Now, what types, if you  
8 were to get a license, whether it's tavern or CX  
9 or whatever, what kind of beverages would you,  
10 alcohol would you want to serve --

11 MR. KLINE: Yeah, --

12 MEMBER SHORT: -- with your license?

13 MR. KLINE: -- we'd serve alcohol.

14 MR. WESTLEY: So primarily, wine and  
15 beer, because that's typically what our residents  
16 go for is wine. But we want to be open enough to  
17 do a couple of what we call signature cocktails.

18 So we would want to be able to serve  
19 spirits as well, because that is a part of what  
20 we do at what we call a Kisco Signature  
21 Community.

22 And there's five Kisco Signature  
23 Communities throughout the US, we are the newest  
24 one. I'm actually here in Boston in Brookline,  
25 Massachusetts opening our fourth community, and

1 this goes online in 60 days, so.

2 MEMBER SHORT: Okay, well, I'll just  
3 say this, you won't be much competition for the  
4 people down here on Dana, okay with -- so I told  
5 you I know the neighborhood quite well --

6 MR. WESTLEY: You do.

7 MEMBER SHORT: -- I used to dine a lot  
8 out through the years.

9 MR. WESTLEY: Yeah.

10 MEMBER SHORT: But at anyway, wish you  
11 very, very good luck --

12 MR. WESTLEY: Thank you.

13 MEMBER SHORT: -- and God's speeded on  
14 your project.

15 MR. WESTLEY: Thank you.

16 MEMBER SHORT: Policy says, deserves  
17 it. And Mr. Kline, thank you for allowing me to  
18 ask questions, and thank you --

19 MR. KLINE: Of course.

20 MEMBER SHORT: -- Mr. Chairman, for  
21 allowing me to ask questions. And again, I wish  
22 you well, Mr. Wesley. That's all I have for  
23 right now, --

24 MR. WESTLEY: Thank you.

25 MEMBER SHORT: -- Mr. Chair.

1 MR. KLINE: Thank you, Mr. Short.

2 CHAIRPERSON ANDERSON: Any questions,  
3 Mr. Grant? Mr. Westley, you said Kisco  
4 Community? What is that? I'm sorry.

5 MR. WESTLEY: So, Kisco Senior Living  
6 is our parent community. Our physical buildings  
7 are named after the actual something in the  
8 community or our architectural --

9 CHAIRPERSON ANDERSON: Okay.

10 MR. WESTLEY: -- design, so we're the  
11 Fitzgerald because we are paying homage to the  
12 1920 design, which is the biggest architectural  
13 design in DC, so that's why we're the Fitzgerald.  
14 And here in Boston, we call it the Newbury  
15 because we are building on the old Newbury  
16 College campus, so.

17 CHAIRPERSON ANDERSON: Okay, thank  
18 you. I don't have any other questions at the  
19 time. I mean, I don't know if it's a different  
20 concept different concept, so I don't know.

21 MR. KLINE: Yeah, I mean, I will just  
22 put it out there --

23 CHAIRPERSON ANDERSON: But yeah, go  
24 ahead. Mr. Kline.

25 MR. KLINE: -- 113(g)(1) is pretty

1 broad. And I think we've articulated today at  
2 least three different ways that this facility  
3 falls within the definition of 113(g) (1).

4 And it need not fall within all of  
5 them. Certainly, if you're a museum, you're not  
6 a theater or a sporting facility, you only need  
7 to meet one.

8 But this facility in some ways, I'm  
9 not going to say it's an art gallery, and that's  
10 all it is because it's not, but it touches three  
11 concepts that are in the statute.

12 It seems pretty clear that it is a  
13 facility for the performance of cultural  
14 activities. We talked about speakers, we talked  
15 about music, we talked about a lot of different  
16 activities.

17 And it serves as a recreational  
18 playground. We have a pool. We talked about  
19 boxing, we talked about hiking activities and  
20 other recreational activities. And there, I,  
21 might even be four because we've also got  
22 workspaces, many of the rooms are flex rooms.

23 We talked about the theater being  
24 available as a, as not only showing movies, but  
25 available for community meetings and other types



1 of meetings all of which would constitute  
2 workspaces, and also potentially cultural  
3 activities, so I agree with you.

4 I mean, I -- look, we struggled with  
5 how to bring this, but the more we looked at it,  
6 the more we were convinced that yeah, the statute  
7 is broad.

8 And we're not trying to sneak  
9 something in here, this would seem to be,  
10 particularly given its connection to the  
11 community and the ability of community groups to  
12 come in and use the spaces and participate in the  
13 various activities, it seems to meet the spirit  
14 of, and even the latter not just the spirit of  
15 113(g) (1).

16 And that's why we ask that you allow  
17 us to proceed with the multipurpose facility  
18 license. We don't really want to go to the  
19 community and say, oh, we're applying for a  
20 tavern license because this isn't right.

21 CHAIRPERSON ANDERSON: Well, actually  
22 I guess I understand Mr. Kline is that, there are  
23 certain license classes that communities kind of  
24 have their -- communities are more unnoticed  
25 depending on the license, based on the license.

1           When I said unnoticed, depending on  
2 the, if you apply for a CR license that don't --  
3 I think generally most people will not -- you  
4 won't have any issues.

5           But if you apply for, generally you,  
6 if you apply for a CR license, but if you're  
7 applying for a license other than a CR, then the  
8 community is normally unnoticed in trying to  
9 figure out what it is that you're trying to do.

10          MR. KLINE: Yeah, I'm not going to  
11 work with them. It's not like, you know, we've,  
12 the -- and I wasn't involved, but I know that the  
13 developer was -- there was a lot of participation  
14 with the, from the community with respect to this  
15 facility.

16          And look, it's Palisades, I mean,  
17 you're not sneaking anything through. So they're  
18 very well aware what it is, what it's intended to  
19 be. And we continue, and we plan to continue  
20 that dialogue no matter which license we proceed  
21 with.

22          But rest assured of that, I mean,  
23 there's no question about that, that's required  
24 in that community as it is in many communities,  
25 and this company takes that very seriously.

1 CHAIRPERSON ANDERSON: Okay. Any other,  
2 before bringing this matter to closure, any other  
3 comments by any board members or anyone else?

4 MEMBER SHORT: Well, I'd like to just  
5 ask, since Mr. Kline's mentioned the civic  
6 associations and the ANCs, has there been any  
7 contact with them about this project?

8 MR. KLINE: Oh, yeah. I mean, for  
9 years. I mean, it's, yes, they're involved.

10 MR. WESTLEY: Yeah, they're very  
11 involved, yeah

12 MEMBER SHORT: Well, that didn't come  
13 up and I just like, always like to ask that  
14 question, you know, I do.

15 MR. KLINE: Yeah.

16 MR. WESTLEY: So, Matt Fruhman, I  
17 mean, we meet, like, monthly. I'm meet with the  
18 GCA president monthly as well. Like I said, we  
19 host the town halls for Palisades' neighborhood  
20 at our Discovery Center, which you can see in my  
21 rendering behind me. So we can, plan to continue  
22 to be very close to both the ANC and the GCA.

23 MEMBER SHORT: Thank you. I think  
24 that'd be very helpful for you.

25 MR. WESTLEY: Yeah.

1 MR. KLINE: Yeah.

2 MR. WESTLEY: Agreed.

3 CHAIRPERSON ANDERSON: Thank you. Mr.  
4 Westley, thank you for being here. Mr. Mixon,  
5 Mr. Kline, the Board will take this matter under  
6 advisement, and we will advise you whether or not  
7 we believe this is a, it meets the definition of  
8 CX or we'll have, as you stated, you had also  
9 applied for a CT license.

10 And so therefore we'll advise you  
11 which, whether or not we believe this is, this  
12 fits the criteria for CX or whether or not it's,  
13 you should apply for a CT or some other license  
14 type. So thank you very much for your  
15 presentation today --

16 MR. WESTLEY: Thank you.

17 CHAIRPERSON ANDERSON: -- and have a  
18 great day. Thank you.

19 MR. KLINE: Thank you, Mr. Chairman.  
20 Thank you members of the board.

21 CHAIRPERSON ANDERSON: All right,  
22 thank you.

23 (Whereupon, the above-entitled matter  
24 went off the record at 2:36:00 p.m. and resumed  
25 at 2:36:08 p.m.)

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C E R T I F I C A T E

This is to certify that the foregoing transcript

In the matter of: The Fitzgerald of Palisades

Before: DC ABCA

Date: 10-02-24

Place: teleconference

was duly recorded and accurately transcribed under my direction; further, that said transcript is a true and accurate complete record of the proceedings.



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Court Reporter

**NEAL R. GROSS**

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