

GOVERNMENT
OF
THE DISTRICT OF COLUMBIA

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ZONING COMMISSION

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SPECIAL MEETING

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THURSDAY, DECEMBER 7, 2017

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The Special Meeting of the District of Columbia Zoning Commission convened in the Jerrily R. Kress Memorial Hearing Room, Room 220 South, 441 4th Street, N.W., Washington, D.C., 20001, pursuant to notice at 5:30 p.m., Anthony J. Hood, Chairman, presiding.

ZONING COMMISSION MEMBERS PRESENT:

ANTHONY J. HOOD, Chairperson
ROBERT MILLER, Vice Chairperson
MICHAEL G. TURNBULL, FAIA, Commissioner (AOC)
PETER G. MAY, Commissioner (NPS)
PETER SHAPIRO, Commissioner

OFFICE OF ZONING STAFF PRESENT:

SHARON S. SCHELLIN, Secretary

OFFICE OF PLANNING STAFF PRESENT:

JENNIFER STEINGASSER, Deputy Director, Development
Review & Historic Preservation
MATT JESICK

D.C. OFFICE OF THE ATTORNEY GENERAL PRESENT:

HILLARY LOVICK, ESQ.

The transcript constitutes the minutes from the Special Meeting held on December 7, 2017.

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

(5:30 p.m.)

CHAIRMAN HOOD: Okay, this special public meeting will please come to order. Good evening ladies and gentlemen, this is the public meeting, special public meeting, of the Zoning Commission of the District of Columbia.

Today's date is Thursday, December 7th. My name is Anthony Hood. Joining me are Vice Chair Miller, Commissioner Turnbull, Commissioner Shapiro and Commissioner May.

We're also joined by the Office of Zoning Staff, Ms. Sharon Schellin, as well as the Office of Attorney General, Ms. Lovick. Office of Planning, Mr. Jesick.

Copies of today's meeting agenda are available to you and are located in the bin near the door. We do not take any public testimony in our meetings unless the Commissioner requests someone to come forward.

Please be advised this proceeding is being webcast live. Accordingly, we must ask you to refrain from any disruptive noise or action in the hearing room, including display of any signs of objects. Please turn off all electronic devices.

Does the Staff have any preliminary matters?

MS. SCHELLIN: No, sir.

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1 CHAIRMAN HOOD: Okay. What I would like to do,
2 colleagues, is to frame our discussions. We said we would
3 do this as requested. I think we made that decision a while
4 back that we would do this in three phases. Three different
5 votes.

6 Hold on one second please. So, what I would like
7 to do, is the first vote I would like for us to discuss and
8 vote on, Parcel 8, 9, Water Building 2, The Grove, Marina Way
9 and adjacent spaces.

10 And vote two I would like for us to vote, discuss
11 vote on Parcel 6, 7, Water Building 1, the Oculus and
12 adjacent spaces.

13 And vote three I would like to discuss and vote
14 on overall plan elements, Parcel 10, Water Building 3, M
15 Street Landing, the Terrace, the Wharf Marina and adjacent
16 spaces, in that order. Any objections?

17 PARTICIPANT: No, sir.

18 CHAIRMAN HOOD: Anybody have a better plan? Okay.
19 All right. And we'll just take our time.

20 And there are some, Ms. Schellin, did we get any
21 late exhibits? And I think we opened the record for all of
22 them already?

23 MS. SCHELLIN: We did. The Commission reopened
24 the record yesterday to accept the Applicant's submission.

25 Just a response to OP and to correct some exhibits

1 that, I believe they were some plans, maybe the signage
2 plans. Which they had already submitted to the record,
3 however, when the architect sent them to them they thought
4 they were the corrected plans but they were still titled
5 incorrectly, so they just asked to be able to submit the
6 correctly titled plans.

7 And then also yesterday we received a request to
8 reopen the record, or today I believe it was, from GPSA.
9 And the Commission approved that.

10 CHAIRMAN HOOD: Was that granted? That was
11 granted.

12 MS. SCHELLIN: Yes. To update the Commission on
13 their negotiations with the applicant. And then I believe
14 that was the last one.

15 CHAIRMAN HOOD: Okay.

16 MS. SCHELLIN: Okay. And then at five o'clock,
17 the Applicant, filed their response to GPSA. We have not
18 received responses from any of the other parties to those
19 third class or to those two requests that were approved.

20 CHAIRMAN HOOD: So the response that we just got,
21 there are no responses to the response in that case?

22 MS. SCHELLIN: That is correct.

23 CHAIRMAN HOOD: Yes. So, what I would like to do,
24 let me do it this way, Ms. Lovick, you can tell me if I'm
25 going about it wrong. Let me use this little sheet that was

1 laid out for me.

2 We had two specific responses. This is going away
3 from the order of colleagues that we said, because I want to
4 make sure I do not forget to do this in the timing of doing
5 this.

6 The response to the Applicant revised plans to
7 Office of Planning and response to GPSAs submissions. I need
8 to afford all the parties an opportunity to verbally respond
9 to any of these.

10 And I think what I will do is just go down the
11 list I have here. And if you want to respond to either one
12 of those two, or either one of those when I call your name,
13 and hopefully you've had a chance to look at it, you can come
14 up with the time now and respond to it, okay?

15 I'm going to try it that way. Let's go over the
16 response to the Applicant's revised plan. So, OP, any
17 response to GPSAs submissions.

18 Does ANC 6D have a response?

19 (Off microphone comment)

20 CHAIRMAN HOOD: No response.

21 Does Tiber Island Cooperative have a response?
22 Tiber Island, are they here?

23 Okay, so let the record reflect I've called for
24 a response. A verbal response. Tiber Island Cooperative,
25 are they here?

1 And 525 Water Condominium, are they here?

2 And one of, respond to Applicant's revised plan
3 OP, GPSA are you here? Do you have any response? Would you
4 like to respond?

5 (Off microphone comment)

6 CHAIRMAN HOOD: Come forward. Turn your mic on
7 and identify yourself.

8 MR. BLUMENTHAL: Gary Blumenthal, president
9 Gangplank Slipholders Association, 600 Water Street
10 Southwest.

11 I apologize, I just received this like two minutes
12 ago so I haven't had a thorough read of it, but I would just
13 comment --

14 PARTICIPANT: Mr. Chair?

15 MR. BLUMENTHAL: -- one statement here.

16 CHAIRMAN HOOD: Hold on one second.

17 PARTICIPANT: I want to make sure he's responding
18 to the right thing.

19 CHAIRMAN HOOD: Oh, oh. I want a response to the
20 Applicant's revised plans to OP.

21 MR. BLUMENTHAL: I apologize. Okay, I understand.

22 CHAIRMAN HOOD: And you're responding to something
23 else.

24 MR. BLUMENTHAL: No, I'm responding to a future
25 document.

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1 CHAIRMAN HOOD: Okay. Okay.

2 MS. SCHELLIN: Yes, the document that came in this
3 afternoon that you just, that he passed out, you're not
4 allowed to respond to that. That was a response to your
5 document.

6 CHAIRMAN HOOD: Oh, yes, that's what I was saying.
7 It's not a response to the response.

8 MR. BLUMENTHAL: Okay.

9 CHAIRMAN HOOD: It was just those two items that
10 came and I want to make sure that I gave all the parties a
11 chance to respond to those two items that I just mentioned.

12 MR. BLUMENTHAL: Okay, I just wanted to make sure
13 the record was correct. Okay, thank you.

14 CHAIRMAN HOOD: Okay. All right, so I think, Ms.
15 Lovick, is that sufficient? Can we move on?

16 MS. LOVICK: Well, also, if there's any response
17 to the GPSA --

18 MS. SCHELLIN: He called them --

19 MS. LOVICK: Oh, you did? Okay, sorry, I missed
20 that. All right.

21 CHAIRMAN HOOD: It's the GPSA submissions.

22 MS. LOVICK: Okay.

23 CHAIRMAN HOOD: Okay. All right, I thank those
24 who help me make sure I keep this straight. Because
25 definitely Anthony Hood didn't do that. Thank you, Ms.

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1 Lovick.

2 Okay. All right, now let's go to Parcel 8 and 9,
3 Water Building 2, the Grove, Marina Way and adjacent spaces.

4 Any comments on any of that? Let me open it up
5 to discussion, comments.

6 COMMISSIONER MAY: Mr. Chairman, I had the one
7 issue with Parcel 8. And I'm sorry, I missed where they
8 responded to the issue having to do with the mezzanines in
9 the penthouse level.

10 And I know my eyes passed over them, but my eyes
11 passed over a lot of things very quickly and I think I missed
12 that one. If anybody wants to help point me to it that would
13 be great, but otherwise --

14 CHAIRMAN HOOD: Okay. I want to ask either Mr.
15 Glasgow or Mr. Dettman if you can come and point us to that
16 direction quickly. If you can identify yourself.

17 PARTICIPANT: Good evening, Mr. Chairman and
18 members of the Commission. Mr. May, we addressed that in our
19 post-hearing submission submitted on November 22nd.

20 And so in the narrative we addressed that on,
21 starting on Page 33. And then I'll quickly turn to the tab
22 that shows the revised drawing. Which was tab Exhibit R.

23 COMMISSIONER MAY: R.

24 PARTICIPANT: I think our post-hearing was Exhibit
25 82.

1 COMMISSIONER MAY: Right. Mr. Chairman, if you
2 can bear with me while I review this again?

3 CHAIRMAN HOOD: Sure.

4 COMMISSIONER MAY: And if others have questions,
5 please proceed.

6 CHAIRMAN HOOD: Mr. Shapiro, you have a question?
7 I mean, anybody just chime in.

8 COMMISSIONER SHAPIRO: Thank you, Mr. Chairman.
9 Actually, I was just reflecting on a comment from Chair
10 Litsky.

11 And I don't remember where we left this, so while
12 you're sitting here if you could help with that. But this
13 was the request to eliminate the elevator music that's piped
14 outside. And the idea of sort of the constant noise.

15 And where did you all leave that? What is your
16 expectation around that? Recognizing that it's a lively
17 festive place where there will be some noise.

18 MR. HOFFMAN: Yes. My name is Monty Hoffman, I'm
19 the CEO and founder of PN Hoffman. And if I can, I'd like
20 to address that.

21 We are very sensitive to Mr. Litsky's concern with
22 that. It is not our intention to pipe elevator music
23 throughout the Wharf, that is polar opposite.

24 COMMISSIONER SHAPIRO: I think he said Steely Dan
25 specifically, but I can't remember.

1 MR. HOFFMAN: I heard, I wasn't here at the time,
2 but I did hear Steely Dan. But I guess what I'm going with
3 is we are polar opposite of that. We don't want to come off
4 as a lifestyle center or anything like that or a mall, for
5 sure.

6 That said, we do have speakers along the
7 stanchions, the light posts going across the Wharf. On phase
8 one alone we have nine different zones.

9 And we broke it up that way so that when we have
10 something like the Parade of Lights, which was very
11 successful last Saturday, we can actually have speakers
12 throughout so that everybody can hear about whose winning
13 awards or doing those sorts of things.

14 We can also isolate like the District Pier and
15 play music on the District Pier and not music down near the
16 hotels or anything near the 7th Street Park. It gives us a
17 variety.

18 And we really want to keep that flexibility and
19 have the ability to do it at times. And I think most people
20 who have been to the Wharf know that 90 percent of the time
21 they're not on at all.

22 COMMISSIONER SHAPIRO: Okay, thank you. Thank
23 you, Commissioner Chair, that satisfies my question.

24 CHAIRMAN HOOD: Okay, any other comments or
25 questions on this part? Okay. Well, Commissioner May, on

1 this we're waiting on you and --

2 COMMISSIONER MAY: Yes, no no.

3 CHAIRMAN HOOD: Okay.

4 COMMISSIONER MAY: So, I mean, the drawings are
5 not perfectly clear, right? There's a section through it and
6 you have to sort, it's left to some judgment about how much
7 is a third.

8 And it would have been helpful to sort of see plan
9 of a floor area with common ceiling and then plan of the
10 mezzanine. And I didn't see that.

11 PARTICIPANT: We have computations, Commissioner
12 May.

13 COMMISSIONER MAY: Is it, I mean, is that in --

14 PARTICIPANT: It's the first drawing in Exhibit
15 R, which I think would be 82R for the record.

16 COMMISSIONER MAY: Yes. I mean, I looked at that.

17 PARTICIPANT: That's the one with the chart on it
18 that has the numbers.

19 COMMISSIONER MAY: Got it. Okay. So, Penthouse
20 1. Oh, okay, perfect. That's what I was looking for. I
21 think.

22 Yes, All right. I'm satisfied on that one. Thank
23 you. Sorry for having to walk me through it like that, but
24 --

25 PARTICIPANT: It's a thick book.

1 CHAIRMAN HOOD: And I'm going to ask, Mr. Hoffman,
2 if you can come back to the table. I notice that if I were
3 to call, and I know, I just want to find out, it was
4 mentioned that John Boardman had been trying to reach you.
5 Sometimes this is the place where we can help people reach
6 each other. Have you all made contact?

7 MR. HOFFMAN: No. And I do not have any calls
8 into me.

9 CHAIRMAN HOOD: Okay.

10 MR. HOFFMAN: Into my office.

11 CHAIRMAN HOOD: Okay. All right. All right. I
12 think this part, for me, is pretty straightforward.

13 I think we hashed out a lot here. Unless there's
14 somebody else who wants to answer or ask a question. If not,
15 I'll obtain a motion on this portion from someone. Vice
16 Chair.

17 VICE CHAIR MILLER: I want to make sure I'm really
18 in the right part. This is, I would move that the Zoning
19 Commissioner prove that part of Case Number 11-03J Wharf
20 Phase 3, REIT Leasehold, LLC, 2nd Stage PUD and modification
21 of significance to 1st PUD for, and correct me if I'm wrong,
22 Parcel 8, Parcel 9, Water Building 2, the Grove and Marina
23 Way and ask for a second.

24 CHAIRMAN HOOD: I will second that. It's been
25 moved and properly seconded, any further discussion?

1 All in favor, aye?

2 (Chorus of ayes)

3 CHAIRMAN HOOD: Any opposition? Not hearing any,
4 Ms. Schellin, would you record the vote?

5 MS. SCHELLIN: Yes, sir. Staff records the vote,
6 5-0-0, to approve, to take final action on Zoning Commission
7 Case Number 11-03J, with regard to Volume B, Parcel 8, Parcel
8 9, the Water Building 2, the Grove and Marina Way.

9 Commissioner Miller moving, Commissioner Hood
10 seconding. Commissioner's Miller, I'm sorry, Commissioners
11 Turnbull, Shapiro and May in support.

12 CHAIRMAN HOOD: Okay, our next discussion and
13 vote, I would like to do Parcel 6, 7, Water Building 1, the
14 Oculus and the adjacent spaces. In that order. Let's open
15 it up for any discussion or comments.

16 Don't feel compelled to say anything because
17 actually, when you think about some of these, I know we'll
18 probably have some on the next one, but a lot of this stuff
19 we hashed out. So when we get to the vote, a lot of this
20 stuff has been dealt with, except for some admissions.

21 But, Vice Chair, I see you both -- I didn't want
22 to cut nobody off, I just said don't feel compelled, because
23 I'm just calling for discussion or comments.

24 VICE CHAIR MILLER: Did we get a rendering that
25 showed the top of the, how the top of the penthouse structure

1 looks from above?

2 PARTICIPANT: I thought so.

3 PARTICIPANT: Do you mean on the Water Building?

4 VICE CHAIR MILLER: Yes. Yes.

5 PARTICIPANT: Were you looking for a revised
6 drawing then or a better view?

7 VICE CHAIR MILLER: I thought we were looking for,
8 hoping to get a view of it from the top.

9 PARTICIPANT: From top, right.

10 VICE CHAIR MILLER: Since you can see it, the
11 bronze metal panels on the side, were also on the top.

12 PARTICIPANT: Please look at 82V, as in Victor.

13 VICE CHAIR MILLER: Thank you. Okay.

14 PARTICIPANT: It should be the first sheet.

15 VICE CHAIR MILLER: Yes, I see it. Thank you.
16 Thank you, that's what I wanted to see.

17 CHAIRMAN HOOD: Any other questions? Are we
18 satisfied with, and I think someone brought up the issue
19 about signage, are we satisfied, I don't know if it was you,
20 Mr. Turnbull. I think it was this.

21 COMMISSIONER TURNBULL: I don't think so.

22 CHAIRMAN HOOD: Are you satisfied?

23 COMMISSIONER TURNBULL: Yes, I think I'm okay with
24 this.

25 CHAIRMAN HOOD: All right. All right, I don't

1 want to belabor it, somebody can make a motion on this. I
2 don't think the next one is going to be as easy, but --

3 COMMISSIONER SHAPIRO: I'm happy to make a motion,
4 Mr. Chair. If I get this right we are, I would move final
5 approval of Case Number 11-03J, Wharf Phase 3, REIT
6 Leaseholder, LLC, 2nd Stage PUD and modifications of
7 significance to 1st Stage PUD. This is for Parcel 6, Parcel,
8 Water Building 1 and the Oculus. And look for a second.

9 VICE CHAIR MILLER: Second.

10 CHAIRMAN HOOD: Okay, it's been moved and properly
11 seconded. Any further discussion? All in favor, aye?

12 (Chorus of ayes)

13 CHAIRMAN HOOD: Any opposition? Not hearing any,
14 Ms. Schellin, would you record the vote?

15 MS. SCHELLIN: Yes. Staff records the vote, 5-0-
16 0, to approve final action, Zoning Commission Case Number 11-
17 03J. This is in regard to Volume A, Parcel 6, Parcel 7,
18 Water Building 1 and the Oculus.

19 Commissioner Shapiro moving, Commission Miller
20 seconding. Commissioners Hood, May and Turnbull in support.

21 CHAIRMAN HOOD: Okay. Now, our last order, well,
22 will be the overall plan elements, Parcel 10, Water Building
23 3, M Street Landing, the Terrace, Wharf Marina and adjacent
24 spaces.

25 Let me try to frame this. We had some responses

1 and some negotiations that were going back and forth. And
2 some options.

3 But let me hear from others on, I don't think --
4 there was a question about how, whether to accept an option
5 or a different Option, B and C, and it was going back and
6 forth. And we got something just as, I think, just as we got
7 ready to come in. Which is, do we have an exhibit on this?
8 Well, it was the last exhibit, Ms. Schellin?

9 COMMISSIONER SHAPIRO: Mr. Chair?

10 MS. SCHELLIN: The Applicant's response to GPSA
11 98.

12 CHAIRMAN HOOD: Okay. Exhibit 98. I don't know,
13 has everybody had a chance to thoroughly read it?

14 I like sound bites, but this was two pages. But
15 has everybody had a chance to look at all of it? I have not,
16 so I'll read you some of it.

17 Commission Shapiro?

18 COMMISSIONER SHAPIRO: Thank you, Mr. Chair. I
19 did have a chance to read it. It may be helpful to hear from
20 the Applicant to be perfectly clear with where they are with
21 this.

22 But my understanding is that they are supporting
23 Option B. What they would call a revised Option B.

24 I believe there are still some outstanding issues
25 from GPSA, which would have been an amended Option B. And

1 I think it's just those, I think that's the only gap at this
2 point.

3 CHAIRMAN HOOD: Okay. So we'll call them up.

4 COMMISSIONER SHAPIRO: If we can hear from the
5 Applicant.

6 CHAIRMAN HOOD: We can hear from the Applicant.
7 Also, I'm going to ask --

8 COMMISSIONER SHAPIRO: Gangplank.

9 CHAIRMAN HOOD: -- Gangplank to come forward as
10 well. If you can come forward.

11 COMMISSIONER SHAPIRO: One thing I want to make
12 sure, because based on what I'm looking at, there are no
13 disagreements with most of Option B. That you have come to
14 terms.

15 CHAIRMAN HOOD: And also, let me ask Mr. Litsky
16 to come to the table as well.

17 Anybody else, representative party, like to come
18 to the table as well? Okay. I want to make sure I give
19 everybody the opportunity.

20 So, Commissioner Shapiro, you want to --

21 COMMISSIONER SHAPIRO: I mean, I would start with
22 the Applicant. And just, if you could, summarize your
23 summary.

24 Very briefly, you agree with all the terms and all
25 the conditions that were laid out in Option B, as presented.

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1 MR. HOFFMAN: Yes, if I may. We actually created
2 Option B, starting 27 days ago, in response to the
3 Commission's concern on affordability of license, post-
4 transition.

5 Now, up until that point, from the beginning,
6 which is a long time, it was all about transition with
7 respect to affordability. And then it was about a lot of
8 amenities. A complex scope of amenities for the Slipholders
9 Association.

10 And so over the last 27 days we worked mightily
11 to respond to the affordability at question. And so we came
12 up with Option B, which you're referring to.

13 That Option B provides affordability for anyone
14 who needs it within the Slipholders Association. And it goes
15 all the way from 30 percent all the way up to 120 percent
16 MFI.

17 So it's very expansive. And in addition to that,
18 it limits any rent increases during transition. That's
19 during our construction, to the CPI.

20 And that's for anybody. If you're fortunate
21 enough not to qualify for any of those categories the rent
22 is, or the Slipholders fee is still limited.

23 Post-transitions also provides a transition to
24 market. And that's a five year program where the delta
25 between, say market and what we're actually charging them

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1 slip fees, as I said, we're holding it to CPI, would go to
2 market 20 percent at a time for over, to five years, the
3 mass.

4 So even if you didn't qualify for the subsidy, you
5 would be under that program.

6 So that was, to me, the most robust response that
7 we could provide to the Commission on concerns there. And
8 in doing so, we had to eliminate WB3. And WB3 had some, the
9 restrooms in the gathering area and showers in it.

10 WB2 provides that, all of those facilities. And
11 it's a brand new facility. And by the way, we're talking
12 about brand new docks and everything. Bulkhead. You know,
13 it's a world class outcome regardless.

14 And also in doing so we provided restrooms on the
15 way inside, but it's at the water's edge. It's effectively
16 where the facilities are today. It's about 50 feet away, but
17 it's on the water's edge.

18 And it's brand new and it's very secured and clean
19 and dignified. So I do take exception to some of the
20 characterizations in this latest Slipholders Association
21 letter to you.

22 But that said, in the end, they are recognizing
23 B would be their preferred outcome. And for that, we're
24 fine. We will go to the B. As you pointed out, there's an
25 A, B and C.

1 So, to go back to B, and we will do B. We will
2 do C if they wanted, but they would prefer B. We can go that
3 way.

4 And I want to also point out, to me, and almost
5 every successful negotiation, not everybody gets everything
6 they want. And I guess they feel that way and I feel that
7 way.

8 And we've really worked hard to do everything we
9 possibly can to have an affordability factor on all this,
10 anybody who needs it going forward. So, anyway, I don't know
11 if I over explained your question.

12 COMMISSIONER SHAPIRO: No, that's helpful, I
13 appreciate it. And, Mr. Blumenthal, for there?

14 MR. BLUMENTHAL: So there's two different
15 components here. And the Wharf has worked very hard and we
16 appreciate all of the effort with this, to negotiate this.

17 We have laid down principles that we discuss
18 through earlier hearings. Affordability was certainly there.
19 But we also talked about accessibility, livability.

20 And what was happening is we were getting
21 affordability, but not what, in the 2012 agreement is called
22 continuity of services. Or we were getting continuity of
23 services or even better, but we weren't getting
24 affordability.

25 And so, this created stress for our community.

1 So, B, it provides affordability, but we have a hard time
2 accepting the fact that all during construction, we have to
3 leave the Marina to go to trailers next to a construction
4 site for showering and laundry and going to the bathroom and
5 whatnot.

6 And we just feel that there must be some better
7 solution to help us get through construction. We've already
8 conceded that we're going to be walking a long ways and
9 paying much higher rates for parking then we've been doing.

10 We have, we think that there is a way to reach an
11 accommodation that gives us the security of being within our
12 Marina, when we're doing these personal services things. And
13 we're willing to work in terms of costs.

14 We have talked about, for example, by not building
15 the temporary trailers that saves money, by not building out
16 WB2 for us that saves money. That something could still be
17 done within the existing Marina and avoid all of this.

18 We're even willing to put some kind of caps.
19 We've surveyed our membership on affordability. We have
20 numbers.

21 Now, give or take, once it's all scrubbed it may
22 not work out that way, but we have a sense of affordability,
23 who needs it in the community, and we think there is a way
24 to cap some of that risk on the Wharfs part. So we think we
25 can work this out.

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1 COMMISSIONER SHAPIRO: I'm trying to make sure I
2 understand, because some of this is about priorities. And
3 all negotiations are give and takes.

4 And what I'm hearing loud and clear is that this
5 issue of affordability has the effect, which I would imagine
6 would be the most important issue, has effectively been
7 resolved.

8 MR. BLUMENTHAL: Yes.

9 COMMISSIONER SHAPIRO: And the issue of continuity
10 service and accessibility and convenience, regardless of
11 what's in the LDA, regardless of the back and forth
12 negotiations, you're not quite there yet. There's been a lot
13 of movement, but they're still not quite there yet.

14 And at the end of the day, if I understand
15 correctly, you will be quite happy with where it will be once
16 it's all built out?

17 MR. BLUMENTHAL: That's correct.

18 COMMISSIONER SHAPIRO: Okay.

19 MR. BLUMENTHAL: And I would say that we say
20 reluctantly support B, it's kind of a Hobson's choice because
21 C was unacceptable to the vast majority of our members, and
22 that left us, if you were, tonight, to only limit yourself
23 to just those two choices, then we're kind of caught in that.

24 COMMISSIONER SHAPIRO: Okay, thank you. Very
25 helpful. And, Mr. Chair, I'm clear with where --

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1 MR. HOFFMAN: May I make a comment? With respect
2 to the continuity, and this may be just a miscommunication,
3 but the services that we're going to provide are better than
4 what the Slipholders Associations has today. Much better.

5 They meet all ADA requirements. And we know we
6 have one young man in a wheelchair that's in the Slipholders
7 Association.

8 We know security is important. This actually is
9 within the confines, will be in the confines of the security.
10 And we're willing to commit that because that's what we
11 intend to do.

12 So you're not going outside of the security of the
13 Marina. These facilities are right on the water's edge, as
14 I said, like they are today.

15 And in fact, we did our own survey in that the
16 proximity is actually closer overall than what is there
17 today. There's a Z dock, which is on the far end, that's a
18 little bit closer to those that are on the Z dock.

19 And I would say that on all accounts, continuity,
20 proximity, security, dignity, all of those are improvements
21 from what we have today. And maybe we didn't communicate
22 that well enough, perhaps, but that is our intention and what
23 we're committing to.

24 COMMISSIONER SHAPIRO: I appreciate that. And I
25 think what I would say is, you may want to distinguish with,

1 from where Gangplank Slipholders Association is or isn't with
2 a negotiation and where we are. Because you don't know,
3 we're still trying to make sense of it at this point.

4 But, Mr. Chair, if I may, from my perspective, as
5 we move toward action, I just want to say that it feels like
6 there's been tremendous movement. And I am comfortable with
7 the proffer that has been made.

8 CHAIRMAN HOOD: That's Option B.

9 COMMISSIONER SHAPIRO: And that would be Option
10 B.

11 CHAIRMAN HOOD: Yes. To me that's --

12 COMMISSIONER SHAPIRO: And I get that it doesn't
13 meet all the requirements, at everything that you have been
14 looking for, Mr. Blumenthal, I get it. But it just feels
15 like there has just been tremendous movement.

16 And a whole lot of, I hope it feels like, it may
17 not always feel this way, but a whole lot of care taking of
18 you and your community around these issues. I think we get
19 it that this is an important, unique, thriving community that
20 needs to continue to thrive.

21 And that it's a negotiation and it feels like,
22 with all the movement that's been made, and back to you, Mr.
23 Chair, that's why I feel like I comfortable with Condition
24 B.

25 CHAIRMAN HOOD: Okay. I also will just add, we

1 did our due diligence. I do recall Chairman Litsky asking
2 us to ask the Applicant to continue the work with Slipholders
3 and we've done that, I think.

4 Chairman, I don't want to put you on the spot to
5 say anything, but I think we've done that. And we've pushed.

6 As was already stated, everybody is not going to
7 get everything out of a negotiation, but it seems like there
8 have been some concessions made and it seems like we've
9 gotten, we've closed the gap to come closer than where we
10 were.

11 I guess I probably could have asked Mr. Blumenthal
12 all that, how he feels about my comments. But I'm going by
13 what I see in the record and the comments that I've seen, and
14 also what I have seen from the Slipholders thus far. As far
15 as trying to make this work.

16 Yes, there's going to be some time for
17 inconvenience, but when it's all said and done I think we're
18 going to be better off, I believe, then where we are. And
19 hopefully the affordability issue looks like it's been
20 tackled, taken care of.

21 And I'm just sitting here thinking, to hold up for
22 further negotiations, where will we end up?

23 I mean, will we get any further or are we at the
24 point where we need to at least get, start moving and get
25 this over with so everybody can get back to their normal

1 course of life and probably make some improvements in that
2 area.

3 But let me open up to hear from others. Anybody
4 else? Commissioner Turnbull.

5 COMMISSIONER TURNBULL: Yes, thanks, Mr. Chair.
6 Mr. Blumenthal, in your response to Commissioner Shapiro's
7 question on the affordability, you sort of gave a shrug, you
8 sort of said, yes, we're okay with affordability but you kind
9 of like gave a shrug.

10 Are you totally satisfied or are you not?

11 MR. BLUMENTHAL: Within Option B we're totally
12 satisfied.

13 COMMISSIONER TURNBULL: Within Option B. It's not
14 where you really want it to be, but it's within Option B
15 you're satisfied?

16 MR. BLUMENTHAL: Well, again, it's the sacrificing
17 of what we consider to be a good situation for our community.
18 So, I mean, Mr. Hoffman's creating security that will be
19 important.

20 Just this past weekend, during the Parade of
21 Lights, we had two cars broken into at the parking lot, which
22 is supposed to be a secured area.

23 COMMISSIONER TURNBULL: Right.

24 MR. BLUMENTHAL: And we're going to have to leave
25 the Marina to go to this trailer facility. And so it's just

1 a matter of our community feeling safe.

2 COMMISSIONER TURNBULL: Okay. I guess, and this
3 is, I mean, I think part of this concern was, several weeks
4 ago at a hearing I brought up some issues, and because we had
5 some very impassioned Slipholders talk about where they were
6 going to be and how they weren't going to be able to afford
7 to be able to live here.

8 And I guess this is going to be a magnificent
9 development. I don't think there's any Zoning Commissioner
10 that hasn't accepted the architecture and liked the
11 buildings.

12 We've all made great comments about the buildings,
13 and I think we see this as a great place to be in the city.
14 This is going to be a compliment to the architecture that we
15 have.

16 And I think we, everyone likes this development.
17 I don't think that there's a Zoning Commissioner that doesn't
18 like the development.

19 When we get back to a zoning issue we always look
20 at the impact on the residents. And guess what, the only
21 residents are these people. They really are the only
22 residents on this.

23 And I think the Chair brought up that the Mayors
24 comment was, the people who live there now ought to be able
25 to share in the greatness that comes and live there in the

1 future. That's part of the diversity of this great city.

2 And I think, as the Mayor has said, that it has
3 to be inclusive. And we don't want to leave anybody behind.

4 And I think my concern several weeks ago was, are
5 these Slipholders really going to be there? Is the person
6 who's making only \$50,000 a year going to be there?

7 And you haven't signed an agreement yet. And I'm
8 just concerned that everything gets crossed and that
9 everybody is satisfied. That we want this to be a
10 successful, this has got to be a successful development no
11 matter what.

12 But it needs to be successful for those who don't
13 have the big bucks, that don't have a big slip and don't
14 have, it's the little person with his boat that wants to be
15 able to still stay there. And I think that's going to be the
16 uniqueness of this site, is to have those people still here.

17 And I still have not got the assurances yet that
18 this is going to get signed and they're going to be happy and
19 all the, that is going to happen.

20 MR. GLASGOW: Mr. Turnbull, Commissioner Turnbull,
21 we've proffered Option B as submitted November 30th, 2017.
22 That's part of the record. That's part of our proffer.

23 COMMISSIONER TURNBULL: Okay, but it hasn't been
24 signed.

25 MR. GLASGOW: No, it hasn't --

1 COMMISSIONER TURNBULL: He's willing to accept it
2 as is? All your numbers are going to be accepted as is, with
3 the two conditions?

4 MR. GLASGOW: No, we --

5 COMMISSIONER TURNBULL: Option B.

6 MR. GLASGOW: Yes. Option B has been, it's
7 proffered. It's in the record.

8 COMMISSIONER TURNBULL: Okay.

9 MR. GLASGOW: We've proffered that.

10 COMMISSIONER TURNBULL: And Slipholders are in
11 favor of all of that then, totally?

12 MR. BLUMENTHAL: Well, we stated reluctantly,
13 because of our concern. So if you approve B, then our
14 approval is pro forma, it doesn't matter.

15 COMMISSIONER TURNBULL: You say reluctantly, what
16 is still missing from this?

17 MR. BLUMENTHAL: A condition during the transition
18 period in which our Slipholders feel as though there's a
19 continuity of services that we can still shower within the
20 Marina, go to the bathroom. Those are all within essentially
21 the fenced area where our boats are right now and will, well,
22 and will be I suppose when it's completely, regardless.

23 But during the proposed construction period, under
24 Option B, that isn't the case. We leave the Marina to go out
25 to next to the construction site, to do these personal

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1 services.

2 MR. HOFFMAN: If I may add, because as I
3 mentioned, our intention is that you do not have to leave the
4 Marina, that it will be in a secured area. And we can
5 proffer that.

6 I don't know the legal, a way to do that. But
7 there will be continuity and services. These will be better
8 than the conditions that the Slipholders currently have, and
9 it will be in a secured area on the water's edge. Which is,
10 frankly, where the facilities are today.

11 The difference will be, these will be much nicer
12 than what they have today and it will be in a secured area.
13 And we're willing to proffer that.

14 COMMISSIONER MAY: So just to be clear, because
15 I'm getting a little more confused --

16 MR. HOFFMAN: Okay.

17 COMMISSIONER MAY: -- the more people talk. When
18 you say secured area, basically it is part of the same fenced
19 enclosure that protects the entrance --

20 MR. HOFFMAN: So, it will be in a fenced in area,
21 yes.

22 COMMISSIONER MAY: Okay.

23 MR. HOFFMAN: The fenced in area on the water's
24 edge.

25 COMMISSIONER MAY: Right. But when, if I'm a

1 Slipholders --

2 MR. HOFFMAN: Yes.

3 COMMISSIONER MAY: -- I'll be able to walk out and
4 walk up the dock and not leave the fenced area and get to the
5 restroom/shower facility --

6 MR. HOFFMAN: You will be, yes.

7 COMMISSIONER MAY: -- which will be improved over
8 the current condition?

9 MR. HOFFMAN: That is correct.

10 COMMISSIONER MAY: Okay.

11 MR. HOFFMAN: And if I may add, we had a similar,
12 in fact, this is a better condition than what the Capital
13 Yacht Club had in our transition there. When we provided
14 restroom facilities and amenities on the land side.

15 COMMISSIONER MAY: Okay.

16 MR. HOFFMAN: This will be better because this
17 will be inside the secured area.

18 COMMISSIONER MAY: Okay. So, I mean, I think we
19 heard concern about the "secured area" because of break ins
20 in cars. I mean, the cars were not inside a fenced area,
21 right?

22 MR. HOFFMAN: They were not.

23 COMMISSIONER MAY: Right. That's just behind the
24 gate or whatever, right?

25 MR. HOFFMAN: Well --

1 COMMISSIONER MAY: And anybody can walk through
2 there?

3 MR. HOFFMAN: Keep in mind, there was 75,000
4 people here that day --

5 COMMISSIONER MAY: I understand that, it's the
6 physical circumstance. I'm not aware of a fenced parking lot
7 that's down there.

8 MR. HOFFMAN: There is not.

9 COMMISSIONER MAY: Right.

10 MR. HOFFMAN: That's correct.

11 COMMISSIONER MAY: So secured versus patrolled.
12 I mean, maybe there was a lapse in whatever security there
13 is, but it's different from being inside the fence.

14 MR. HOFFMAN: Correct.

15 COMMISSIONER MAY: Right.

16 MR. HOFFMAN: And as I said, we will face the
17 facility to the water's edge.

18 COMMISSIONER MAY: Right.

19 MR. HOFFMAN: So, there is very little really,
20 frankly, that needs fenced.

21 COMMISSIONER MAY: Okay. So, Mr. Blumenthal, I
22 mean, it sounds like they're going to provide a good
23 temporary restroom and shower facility that's inside the
24 fence. Part of the same fenced enclosure that protects the
25 entrance to the docks where the slips are. Are you hearing

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1 something different than I am?

2 MR. BLUMENTHAL: Well, I heard something different
3 before tonight, so this is a new commitment. Previously, the
4 way it was presented is, we would leave our gated area.

5 There is a common walkway area where right now the
6 Entertainment Cruises ship lines are all loaded and anybody
7 --

8 COMMISSIONER MAY: Right.

9 MR. BLUMENTHAL: -- and then we go across that --

10 COMMISSIONER MAY: So, Mr. Hoffman, that's
11 incorrect what he just stated, that's not what you were
12 offering?

13 MR. HOFFMAN: That is not what I'm offering.

14 COMMISSIONER MAY: Okay.

15 MR. HOFFMAN: I'm offering what I stated.

16 COMMISSIONER MAY: So, I mean, I think there was
17 some statements about communications issue. Maybe that's
18 what it's attributable to, but regardless, what we have right
19 now before us is something that's all within that enclosed
20 area.

21 So, I mean, that sounds like we're very close to
22 what you were asking for. I mean, maybe not what you started
23 asking for, but they've come to a place where it should be
24 satisfactory.

25 Is there anything that's missing from your

1 perspective at this moment?

2 MR. BLUMENTHAL: I would say that we've come a
3 long ways this evening.

4 COMMISSIONER MAY: Okay. However, we describe it,
5 so long as we're getting there I guess.

6 CHAIRMAN HOOD: Okay. I actually wondered if we
7 were there about 15 minutes ago, but obviously we just needed
8 to clarify that.

9 Vice Chair, anybody else?

10 COMMISSIONER TURNBULL: I just --

11 CHAIRMAN HOOD: Okay. And we're going to make
12 sure this has been memorialized.

13 COMMISSIONER TURNBULL: Mr. Hoffman, thank you for
14 explaining that and clarifying that. While I'm at it, can
15 I pressure you, is there any way you can increase the more
16 affordable, the Boards number up from nine?

17 MR. HOFFMAN: Actually, sir, this is much better
18 than that. This is anyone who qualifies.

19 COMMISSIONER TURNBULL: Anyone, okay.

20 MR. HOFFMAN: Yes.

21 COMMISSIONER TURNBULL: I just wanted to make
22 sure. All right, thank you.

23 VICE CHAIR MILLER: Well, now that that's all
24 worked out I can say thank you to my colleagues and to Mr.
25 Hoffman and his team and the Slipholders for all the work

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1 that you've put in the last, since the last hearing when we
2 asked you to, and the ANC, in trying to work this out. And
3 we appreciate all the effort that's been made.

4 This obviously is something that probably should
5 have been done many years before you even got the disposition
6 or as part of the disposition. But I'm glad that it's gotten
7 to this point today and I think I'm ready to go forward, Mr.
8 Chairman.

9 CHAIRMAN HOOD: Okay, thank you. I know that was
10 the major issue. Are there any other issues on this, that
11 we have?

12 I too will associate myself with all the work
13 that's been done. While we may not get everything we want,
14 I think you all, like I stated earlier, 15, 20 minutes ago
15 that we've closed the gap, and we need to continue to make
16 sure that we memorialize that properly, so we can continue
17 to have something to fall back on. Exactly what Mr. Hoffman
18 just mentioned.

19 So I thank you for all the work that everyone has
20 done. Especially the ANC. The Slipholders and all the
21 parties, everyone, and the Applicant.

22 So, Commissioners, with that, someone like to make
23 a motion?

24 COMMISSIONER SHAPIRO: I'll make the motion, Mr.
25 Chair.

1 CHAIRMAN HOOD: Yes.

2 COMMISSIONER SHAPIRO: I move that we, I move
3 final approval on Case Number 11-03J, Wharf Phase 3, REIT
4 Leaseholder, LLC, 2nd Stage PUD and modifications of
5 significance to 1st PUD, master plan, Parcel 10, Water
6 Building 3, M Street Landing and Wharf Marina. Look for a
7 second?

8 MR. GLASGOW: Mr. Chair, can I ask one question?
9 Because of the Option B, now there is now Water Building 3.

10 COMMISSIONER SHAPIRO: Okay. So let me --

11 CHAIRMAN HOOD: Can you restate the motion and
12 take Water Building 3 out?

13 COMMISSIONER SHAPIRO: I'm going to restate the
14 motion. But in restating the motion and taking Water
15 Building 3 out, do I need to make reference to, let me look
16 to our legal counsel, do I need to make reference to any of
17 the other conditions?

18 MS. LOVICK: Yes, just approving Option B
19 specifically.

20 COMMISSIONER SHAPIRO: Okay.

21 VICE CHAIR MILLER: With the additional proffer
22 that the fabrication of the proffer that it will include the
23 reasonable continuity of services.

24 COMMISSIONER SHAPIRO: Including this --

25 VICE CHAIR MILLER: Utilities and amenities,

1 including availability of showers and bathrooms within the
2 confines of the secured marina, during construction for the
3 existing --

4 COMMISSIONER SHAPIRO: So, Mr. Chair --

5 VICE CHAIR MILLER: -- from the Slipholders
6 letter.

7 COMMISSIONER SHAPIRO: And I would consider that
8 a friendly amendment to my motion.

9 VICE CHAIR MILLER: Taking the Applicant off.

10 CHAIRMAN HOOD: Who's making the motion, you or --

11 COMMISSIONER SHAPIRO: I'm making the motion, that
12 was a friendly amendment to my motion.

13 CHAIRMAN HOOD: Oh, so you're accepting his
14 friendly amendment?

15 COMMISSIONER SHAPIRO: Yes.

16 CHAIRMAN HOOD: Did you make a friendly amendment
17 also?

18 VICE CHAIR MILLER: Friendly amendment.

19 CHAIRMAN HOOD: Okay.

20 COMMISSIONER SHAPIRO: Friendly-ish.

21 CHAIRMAN HOOD: So add that to your, normally you
22 make the motion then you --

23 COMMISSIONER SHAPIRO: Yes, but --

24 CHAIRMAN HOOD: We'll take a class.

25 (Laughter)

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1 CHAIRMAN HOOD: All right, go ahead.

2 COMMISSIONER SHAPIRO: I can do it again.

3 CHAIRMAN HOOD: Go ahead.

4 COMMISSIONER SHAPIRO: So the motion is final
5 approval, Case Number 11-03J, Wharf Phase 3, 2nd Stage PUD
6 and modifications of significance to 1st Stage PUD, master
7 plan, Parcel 10, M Street Landing, Wharf Marina, Condition
8 B, Option B. With the amendment to it, as described by Mr.
9 Hoffman that says that, or actually as written in Gangplanks
10 Slipholders Association's --

11 CHAIRMAN HOOD: Submission.

12 COMMISSIONER SHAPIRO: -- submission, thank you,
13 that clarifies that the services, there will be continuity
14 services, specifically that the services will be provided in
15 the same fenced in area where the Slipholders are.

16 VICE CHAIR MILLER: Second.

17 CHAIRMAN HOOD: All right, it's been moved and
18 properly second. Also, it encompasses the friendly amendment
19 from Vice Chair.

20 VICE CHAIR MILLER: Yes.

21 CHAIRMAN HOOD: Okay. Any further discussion?
22 All in favor, aye?

23 (Chorus of ayes)

24 CHAIRMAN HOOD: Any opposition? Not hearing any,
25 Ms. Schellin, would you record the vote?

1 MS. SCHELLIN: Staff records the vote, 5-0-0, to
2 approve final action, Zoning Commission Case Number 11-03J,
3 Commissioner Shapiro, as amended. That's the Volume C
4 overall plan elements, master plan Parcel 10, M Street
5 landing, the Terrace and Wharf Marina, approving Option B,
6 as discussed this evening.

7 Commissioner Shapiro moving, Commission Miller
8 seconding. Commissioners Hood, Turnbull and May in support.

9 CHAIRMAN HOOD: Okay, do we have anything else to
10 do in this Special Public Meeting?

11 MS. SCHELLIN: No.

12 CHAIRMAN HOOD: Again, I want to thank everyone
13 for their participation tonight and this Special Public
14 Meeting is adjourned.

15 We're going to take about five minutes and then
16 we'll get right into our, oh no, it's 6:30, we'll go into our
17 regular meeting, regular hearing for the night. Thank you.

18 (Whereupon, the above-entitled matter went off the
19 record at 6:23 p.m.)
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25

C E R T I F I C A T E

This is to certify that the foregoing transcript

In the matter of: Special Meeting

Before: DCZC

Date: 12-07-17

Place: Washington, DC

was duly recorded and accurately transcribed under
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