

GOVERNMENT
OF
THE DISTRICT OF COLUMBIA

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ZONING COMMISSION

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PUBLIC HEARING

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 IN THE MATTER OF: :
 :
 JEMAL'S LAZRIV WATER, LLC : Case No.
 : 16-06A
 :
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Monday,
December 18, 2017

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

The Public Hearing of Case No. 16-06A by the District of Columbia Zoning Commission convened at 6:30 p.m. in the Jerrily R. Kress Memorial Hearing Room at 441 4th Street, N.W., Washington, D.C., 20001, 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:

- DONNA HANOUSEK, Zoning Specialist

OFFICE OF PLANNING STAFF PRESENT:

JOEL LAWSON
ELISA VITALE

The transcript constitutes the minutes from
the Public Hearing held on December 17, 2017.

C-O-N-T-E-N-T-S

Preliminary Matters 5

Applicant request for approval, update 7

Report of the Office of Planning, update 41

Report of the ANC, update 43

Report on NCPC 49

Applicant Closing 61

Adjourn 67

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

6:33 p.m.

1
2
3 CHAIRMAN HOOD: Okay, good evening. We're ready
4 to get started. Good evening, ladies and gentlemen. This
5 is a public hearing of the Zoning Commission for the District
6 of Columbia. Today's date is December the 18th, 2017.

7 My name is Anthony Hood. Joining me is Vice Chair
8 Miller and Commissioner Turnbull. For the record, I will be
9 asking Commissioner Shapiro and May to read the record in
10 this case. We're also joined by the Office of Zoning staff,
11 Ms. Donna Hanousek, as well the Office of Planning staff, Mr.
12 Lawson and Ms. Vitale.

13 This proceeding is being recorded by a court
14 reporter, also webcast live. Accordingly, we must ask you
15 to refrain from any disruptive noise or actions in the
16 hearing room, including the display of any signs or objects.

17 Notice of today's hearing was published in the DC
18 Register and copies of that announcement are available to my
19 left on the wall near the door.

20 The hearing will be conducted in accordance with
21 11 DCMR Chapter 4 as follows. Preliminary matters of
22 Applicant's case, report of the Office of Planning, report
23 of other government agencies, report of the ANC,
24 organizations and persons in support, organizations and
25 persons in opposition, rebuttal, and closing by the

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1 Applicant.

2 The following time restriction to be maintained
3 in this meeting, Applicant has up to 60 minutes. I will ask
4 you -- we've asked for 15 minutes. And there are some
5 outstanding issues with the Office of Planning, and ANC, and
6 some of the changes. That's pretty much all I think we need
7 to do. The Commission -- also, organizations, five minutes,
8 individuals, three minutes.

9 All persons wishing to testify before the
10 Commissioners in this evening's hearing are asked to register
11 at the witness kiosk to my left and fill out two witness
12 cards. The staff will be available throughout the hearing
13 to discuss procedural questions. Please turn off all
14 electronic devices that the sound should not disrupt these
15 proceedings.

16 Will all the individuals wishing to testify please
17 rise and take the oath. Ms. Hanousek, would you please
18 administer the oath?

19 MS. HANOUSEK: Yes.

20 (Witnesses sworn.)

21 MS. HANOUSEK: Thank you.

22 CHAIRMAN HOOD: Okay. Now, the Commission will
23 consider any preliminary matters. Does the staff have any
24 preliminary matters?

25 MS. HANOUSEK: No, sir.

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1 CHAIRMAN HOOD: Okay. Mr. Glasgow, we do have --
2 I mean, I'm sorry, sorry, Ms. Blooming --

3 MS. BLOOMFIELD: Bloomfield.

4 CHAIRMAN HOOD: Bloomfield, okay, I knew I was
5 going to get it right. I know it was Blooming -- Bloomfield.
6 Ms. Bloomfield, turn your mic on. And if you can identify
7 yourself, even though I've already mentioned your name.

8 MS. BLOOMFIELD: Jessica Bloomfield from Holland
9 and Knight.

10 CHAIRMAN HOOD: Okay, Ms. Bloomfield, let me ask
11 a question. Do we have any expert witnesses for this
12 evening?

13 MS. BLOOMFIELD: We did submit Kevin Sperry, to
14 my right. His resume is at 11D but he's already been
15 qualified previously by the Commission.

16 CHAIRMAN HOOD: Okay. I don't see Jeff Lee, so
17 we're just doing one person?

18 MS. BLOOMFIELD: Jeff Lee is not here tonight,
19 right.

20 CHAIRMAN HOOD: So we don't usually, unless I hear
21 something otherwise, we don't usually undo -- well, it
22 depends on what it is, but in this case, for expert status
23 we don't unusually undo that, so we'll continue his
24 qualifications. Anything else?

25 MS. BLOOMFIELD: No, that's it.

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1 CHAIRMAN HOOD: Okay. So you may begin.

2 MS. BLOOMFIELD: Good evening, Commissioners. My
3 name is Jessica Bloomfield from the law firm of Holland and
4 Knight. We are here tonight requesting approval of a
5 modification of significance to the architectural drawings
6 approved in Zoning Commission Case 16-06 under the Capitol
7 Gateway Overlay District requirements. That was the 1958
8 zoning regulations at the time.

9 The subject property, as you know, is at 1900 Half
10 Street with U Street to the south, T Street to the north,
11 Half and Water Street to the west, and the Anacostia River
12 directly to the east.

13 The approved project is to adaptively reuse the
14 existing office building by cutting out two major river-
15 facing courtyards and providing ground-floor retail with
16 residential units above. The project was approved with 200 --
17 I'm sorry, 426 residential units, approximately 24,000 square
18 feet of retail use, and 300 zoning-compliant parking spaces.

19 You asked that we just hit the highlights tonight,
20 so I will address OP's report. They had three outstanding
21 comments. They were generally supportive of the project.
22 The first comment from them was to provide additional
23 information on the design flexibility to phase the
24 construction of one of the penthouse screen walls.

25 This flexibility is requested because, as

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1 currently shown, the mechanical equipment within that screen
2 wall is to be provided for a future retail tenant. We don't
3 know who that retail tenant will be yet. If that tenant does
4 not need the additional mechanical equipment, then that
5 portion of the screen wall will not need to be built at all
6 or could be built at a later date.

7 So we're asking for flexibility to build that
8 portion of the screen wall at a different time, phase that
9 construction. And Kevin can point out where that is when he
10 goes through the plans.

11 The second comment from Office of Planning was to
12 provide further justification on the penthouse height relief,
13 particularly as it relates to the 20-foot portion where an
14 elevator will go to the roof. And Kevin, again, can walk
15 through some detailed sections of that as we go through the
16 plans.

17 Finally, OP requested that we provide the final
18 approved River Walk design. The drawings that we submitted
19 for the River Walk on October 13th have actually been updated
20 and have been approved by the Office of Planning.

21 So we've included that updated plan in our
22 PowerPoint that we filed to the record today. You should
23 have it in front of you, and we'll go through that as well
24 if you have any questions.

25 Regarding our work with the ANC, we've actually

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1 been to the ANC on three different occasions for this
2 project, in September, November, and in December.

3 The ANC is generally supportive of the project.
4 I won't talk for Commissioner Moffatt, I know he's here
5 tonight. And they had a couple of outstanding conditions,
6 particularly as it related to the amount of ground-floor
7 retail in the building.

8 We believe that the amount that we're providing
9 is the right amount based on the market. We're going to have
10 very active amenity spaces, and it's completely consistent
11 with the Buzzard Point plan which was released in November
12 of this year.

13 So with that, I'm going to turn it over to Paul
14 Millstein, and our design team to go through the project.

15 MR. MILLSTEIN: Good evening, Commissioners, Paul
16 Millstein, Douglas Development. First, let me apologize if
17 you detect a whistle. I lost a tooth today. So it's making
18 it a little bit challenging. We will go through this
19 quickly, the technical stuff.

20 I will say that in all of these areas we spent a
21 lot of time trying to eliminate them. We drilled down with
22 our team in what we could do with the stair pressurization
23 and the various things, because we try to eliminate any
24 changes that we possibly can. We worked hard. I think we've
25 come up with as minimal an effect as possible. We'll take

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1 you through the technical side.

2 As far as the retail is concerned, again, we were
3 here in July of '16. We had spent a lot of time on this
4 project planning it, and we've had now a benefit of an
5 additional year-plus to look at it.

6 We realize that we were very underamenitized for
7 our building. I'm struggling here a little bit. But anyway,
8 you know what I meant. From what we've learned on our other
9 projects, we felt that the project could really struggle from
10 the lack of amenities, and we needed that space to make the
11 building a more successful residential project. Because
12 first and foremost, this is a residential project.

13 I would also reiterate it is a conversion of an
14 existing building which was not built as a residential
15 building. And that provides a lot of structural and
16 technical challenges for clearances, and beams, and columns,
17 and drop-headers, and all these other things.

18 We now come to you a year and a couple of months
19 fully designed with structural, everybody's input, ready to
20 move forward. And I hope that you feel that you're
21 comfortable with it so we can get rolling. Thank you.

22 MR. SPERRY: Thank you, Paul. Good evening,
23 everybody. My name is Kevin Sperry with Antunovich
24 Associates. I will be bringing you through -- I'll take you
25 through the presentation. I'll try and be brief and kind of

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1 hit the highlights of what has changed since 18 months ago.

2 So as you can all see on the screen -- are you
3 okay with the lights, or can the lights stay on?

4 CHAIRMAN HOOD: Okay. I think lights are fine if
5 we had it closer to us, unless somebody else sees
6 differently. Okay, we're good.

7 MR. SPERRY: Thank you. So on the first page, of
8 course, we have the project rendering which has changed very
9 minimally since the first go around. We're very happy with
10 the way that the aesthetic of the building is reading. And
11 we'll hit some of the finer details as we go through.

12 So as we go through the plans, we're starting at
13 the bottom and going up. As one of the changes, there was
14 a slight reduction in parking spaces on the first three
15 floors -- I'm sorry, on the two subterranean floors and the
16 ground floor that used to be parking. Very, very minor
17 changes on P2 and P1.

18 In this floor here, the only real change was that
19 we used to have a little bit more parking right in the middle
20 here. We tried to make a connection a little bit safer of
21 an environment for pedestrians.

22 And we, in more due diligence, as you can see,
23 kind of in a running theme in this presentation, we did a lot
24 of due diligence on the building and found some columns that
25 we had previously thought might be able to be removed. We

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1 found out that they could not.

2 So the columns are right in the middle of that
3 drive lane, and we had to keep them. So we kind of killed
4 two birds with one stone, and we lost about eight spaces on
5 this level, so not a big deal.

6 Page -- I'm sorry, P1 level, this is kind of
7 getting up now towards the ground floor of the building.
8 It's actually -- on some areas this is the ground floor of
9 the building. Because as you'll see on the lower left hand
10 corner here, you have retail space.

11 That's only about one foot lower than the sidewalk
12 at that place, because the grades kind of slope off from the
13 main entry to the building. So in this corner, that's
14 virtually at grade. Same with in the back, we're actually
15 raising some of this slab here in the back. So that's almost
16 at grade too.

17 In this level, we lost a couple of more spaces,
18 because we wanted to differentiate between retail and
19 residential parking. So to do that, we had to put a few, you
20 know, different circulation patterns and things like that.

21 We also, similarly to below, we kind of tried to
22 make this connection between the residential lobby in the
23 back and the elevators here. So we got rid of all the
24 traffic going through there, reduced a few more spaces. And
25 here, you know, there was probably about 10 or 15 spaces that

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1 we lost.

2 Now, we had the ground floor plan. This is the
3 ground floor plan as it pertains to the front door at the
4 residential entry which is on the bottom of your plan here.

5 So what you'll notice is that between 18 months
6 ago and now, as we discussed in the opening, we have lost
7 about 7,500 square feet of retail space. We've replaced it
8 with amenity space.

9 And as Paul said, Douglas Development decided that
10 it was very, very important that the amenity space was
11 active, and visible to the street. It created a nice
12 environment onto the street and, importantly, it created a
13 nice environment for the inhabitants of the building.

14 So a large area of this building in the front,
15 which was once retail space, is now first class amenity
16 space. And then in the rear here, kind of tucked in between
17 the units in the back and the amenity space in the front, we
18 used to have more vehicular parking right in this middle area
19 here. That accounted for a majority of the parking loss.

20 We took that out, again, because of primarily
21 safety. We really wanted to have people to be able to walk
22 in here, walk all the way through to the back, and make that
23 connection without having to look for oncoming traffic.

24 So that kind of explains the parking reduction.
25 I do want to note, it's obvious that we are still very far

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1 above the parking requirement. So we think it's a pretty
2 good scenario at this point.

3 Now, as we go up the building, this is the second
4 floor plan. And this floor actually accounts for a majority
5 of the modification to the FAR. So in two areas, we modified
6 this floor plan. And I'll kind of explain what happened.

7 Here in the front on the left side and the right
8 side of the sort of central area, there used to be large
9 openings in the floor for retail, so that retail could have
10 double height space.

11 We, again, structurally we found out that that was
12 really difficult just because of the existing slabs and
13 columns. And we wanted to, you know, create a little bit
14 more -- well, first thing, I'll get into this later -- we
15 wanted to add larger units. So the number of two and three
16 bedroom units actually went up by about 40.

17 So to do that, you kind of needed a little bit
18 more area. And that was a request from the neighborhood.
19 And so we kind of filled in those two openings on the first
20 floor. That amounted to a decent amount of added area.

21 The second area is right back in here, as you can
22 see, my pointer. That was a little bump-out that we added
23 to the second-floor amenity space, because on this level in
24 particular, the building has a very low ceiling height.

25 So a majority of the amenity space is on -- or

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1 some of the amenity space is on this second level with a very
2 low ceiling. So by bumping out and actually building a new
3 roof structure, we were able to give at least some part of
4 the amenity space a decently high ceiling which we thought
5 was kind of important. So that added a little bit more to
6 the FAR area of the building.

7 So those were the two modifications to this level.
8 And that pretty much accounted for most of the FAR increase.

9 Here we have a typical residential plan. We're
10 calling it Floors 3 through 6. And here what you'll see is
11 there was a slight change to the building design where we
12 removed a few of the balconies on the north and south walls.
13 We kept all of the balconies that were facing the water.
14 Because we thought that those were very, very important to
15 those units and to kind of the feeling of the building.

16 We removed balconies where really they were being
17 incredibly detrimental to the unit layout. And I have a
18 couple of examples of that on the following pages.

19 But, you know, when you add the balcony, it sort
20 of pushes you back from the existing slab of the building.
21 So there's a little bit less natural light that comes into
22 the usable space of the unit. And it just -- it creates
23 areas where it was quite awkward for the unit layout.

24 And again, because of the existing nature of this
25 building, it's very sort of difficult to locate some openings

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1 in the slab where you need to. So we're kind of held hostage
2 to just the column grid and the 20-foot column grid of this
3 existing building.

4 So two unit layouts that kind of explain the
5 difference before and after with the balcony reduction, so
6 on the left side was before. That includes the balcony. And
7 you can see, as you walk into the unit, in this case it's
8 actually the access to the balcony that's most hampering.

9 When you get into the living space here, you kind
10 of have to have a clear area so that you can access the
11 balcony. And that sort of pushes your living area up more,
12 it really squeezes it in. And it's just not a very usable
13 or efficient living space layout.

14 So once we take away that balcony, that just
15 really opens up that living space much, much better. You
16 have more room to put your furniture, you know, more areas
17 that you can sit, and the light can come in. It's less --
18 there's less shadows, and more natural light, and things like
19 that, not to mention that the bedroom becomes a very, you
20 know, sort of feasible rectangular shape as opposed to the
21 L-shape that it was before.

22 In this situation, excuse me, it's even more kind
23 of striking, the difference where on the left side you have
24 the existing layout with the balcony. Now, because of that
25 sort of L-shape living space at the window, we had to push

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1 our kitchen back up to what was basically the vestibule. So
2 you walk into the unit, and you have the kitchen in the
3 vestibule, because it couldn't fit next to the window here.

4 So that was just not as desirable as what it is
5 now which you can see on the right side where the kitchen was
6 now able to fit closer to the window. Because we got rid of
7 that balcony. And you have a very nice and regular, large,
8 rectangular living/dining/kitchen area and in a more
9 efficient layout.

10 So as we get to the roof, I will go through this
11 sheet fairly quickly, and then I have a summary of the
12 heights after this. But essentially, we are currently
13 reusing four elevators on sort of the northern bank of the
14 building.

15 A lot of these changes came about by wanting to
16 reuse as much of the building as we could. It's an existing
17 building, the elevators are actually -- we found out they're
18 in better condition than we thought. They have probably
19 upwards of 20 years left in their livable life span. And we
20 did not realize that before. So this was a slight change.

21 So part of this is the elevators themselves. The
22 cabs are the cabs, and we can do a refreshing of the interior
23 of the cabs. But we don't want to change the structural
24 openings in the slab, again, based on the structure.

25 Once you start to modify any openings in slab, it

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1 becomes incredibly costly and very difficult to coordinate
2 because of the existing building.

3 You come out of the elevator and you have a nice
4 rooftop lounge here. We did slightly -- I have one minute
5 left -- we slightly modified our mechanical system.
6 Actually, no, we totally overhauled it. It used to be
7 existing cooling towers, and now we have VRF units. So
8 essentially, those had to kind of be redistributed across the
9 roof because of the different change in systems.

10 This area here to the north of the lounge is what
11 Jessica was referring to. That whole rectangle is for the
12 retail use which might or might not happen in the future.
13 So that whole area won't get built on day one. It'll get
14 built in the future when the retail comes through.

15 And so here we have a little color-coded diagram
16 of the roof heights, the penthouse heights. And it does get
17 a little confusing. We're trying to keep it as simple as we
18 can.

19 This purple area here is where the existing
20 elevator is popping up. And that's the one elevator that's
21 being modified to access the penthouse level. Before,
22 actually none of the elevators accessed the penthouse level.
23 They went to the highest, you know, liveable level of the
24 building. But they didn't access the penthouse.

25 So to retrofit that elevator, because it's already

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1 in place, you need to add, you know, there's safety issues,
2 there's clearance issues. So we have to pop that up about
3 six feet from where it was originally designed.

4 The yellow area is the existing slab of the
5 penthouse. That's the existing penthouse structure. And we
6 do want to reuse as much of that as we can. And there's also
7 an existing stair located in here right in that part right
8 there.

9 And that is a little bit higher than it was
10 before, three and a half feet higher, because before we had
11 been ripping down the entire penthouse structure. Now we're
12 trying to retain as much of it as we can. So it just is
13 where it is today.

14 The orange down below that is new structure. So
15 that area is new. That's livable penthouse space. And then
16 all the way out here is exterior mechanical space without a
17 roof. So that's just screened.

18 We're trying to minimize the number of heights,
19 so we matched that screen with the new penthouse structure
20 here. And so on the left side, that's the same as it always
21 was. And then to the area to the right, that's actually less
22 by three and a half feet than it was previously. That's a
23 benefit of the new VRF system.

24 This light orange area here is all new. It's a
25 new screen wall. We didn't have any screen wall before where

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1 we probably should have. But now we tied it in with the
2 existing stairs so, again, back to penthouse regulations,
3 it's one continuous penthouse.

4 And the two red volumes are the existing stairs
5 which are actually new pop-ups to the roof. And those are
6 actually a foot and a half shorter than they were last time
7 we came to review the plans. So there's a couple of things
8 going up, a couple of things going down. But we're trying
9 to simplify it across the board as much as we can.

10 Here is the new site plan diagram which was
11 approved. And this is the view from the front corner at the
12 retail and the front entrance.

13 MS. BLOOMFIELD: That concludes our direct
14 presentation. And we're happy to answer any questions.

15 CHAIRMAN HOOD: Okay, thanks. Well, let's see if
16 we have any questions or comments up here. Did they answer
17 all our questions for us?

18 COMMISSIONER TURNBULL: Yes, I see a lot of eyes
19 looking in my direction.

20 CHAIRMAN HOOD: Yes, it's moving along to my right
21 tonight.

22 COMMISSIONER TURNBULL: Well, thank you for your
23 presentation. Let me go back to the penthouse right away.
24 There's two penthouses which you say are now lower, but
25 they've gone significantly wider, and you've added onto them.

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1 Could you explain what's going on?

2 MR. SPERRY: So we added onto them sort of into
3 the courtyards. And the reason for that is the building
4 right now is sort of cut. Because we have cut into the
5 building for these two courtyards. So that's cut at the edge
6 of the columns.

7 Now, the opening in the slab for the stair was
8 always there. And you would imagine that there used to be
9 a slab in this courtyard area, like for instance, right in
10 here.

11 (Off mic comments.)

12 MR. SPERRY: So this used to all be existing slab
13 right in here. The stair has two columns at the corners.
14 Now, those columns were designed to have an opening to one
15 side and a slab to the other side. So it's kind of, like,
16 offset seal within that concrete column.

17 If you are to cut the exterior of that stair in
18 line with the rest of that face, that will really create
19 structural problems on those columns. It'll basically throw
20 them out of balance, because it wasn't designed that way.

21 So what we needed to do was keep four feet of
22 structure around each of those columns. That's on this
23 corner of the stair and this corner of the stair. So there's
24 essentially the column that comes down, then there's a four-
25 foot platform around it so that that column can stay going

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1 straight. If you didn't have that platform, it would kind
2 of, you know, bend out of balance. So that's essentially --

3 COMMISSIONER TURNBULL: And frankly, you didn't
4 know that when you first --

5 MR. SPERRY: That's correct. Yes, there was a lot
6 of structural reconnaissance that was done in the last 18
7 months. And that's one of the major things that we found
8 out.

9 So that's what requires the sort of bump-out at
10 the two corners of the stair. And then that's essentially
11 why we wanted to fit in this stair pressurization shaft in
12 the area which we don't need to have that slab kind of right
13 in the middle of those two bump-outs.

14 COMMISSIONER TURNBULL: What about the width?
15 You've got a lot of space around the stair now that --

16 MR. SPERRY: Essentially, the width on the two
17 sides of the stair is not needed. But because it is needed
18 at the corners, we wanted to just clean up that volume. It's
19 only that wide on the top level.

20 COMMISSIONER TURNBULL: Why is it -- oh, okay.

21 MR. SPERRY: You can see, if I go down here --

22 COMMISSIONER TURNBULL: But I don't see your --
23 where are the columns? Could you go back there to that plan
24 you were showing?

25 MR. SPERRY: Sure.

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1 (Off mic comments.)

2 MR. SPERRY: There you go. On that level right
3 there, you could see the columns right in the corner of that
4 red stair.

5 COMMISSIONER TURNBULL: Okay. And what's all that
6 gray space around it then? That's going to be --

7 MR. SPERRY: So right in the middle is the stair
8 pressurization shaft. And above and below it is those
9 platforms. They're just slabs that we can't break through.

10 COMMISSIONER TURNBULL: Okay. All right. Okay.
11 You said you only lost a few balconies. But it looks like
12 you lost about half your balconies.

13 MR. SPERRY: Yes, it could have been half. We
14 wanted to keep the balconies where, like I said, where we
15 thought they were the most useful.

16 COMMISSIONER TURNBULL: Yes.

17 MR. SPERRY: A lot of the balconies were facing
18 into the interior of the courtyards. And, you know, it's not
19 --

20 COMMISSIONER TURNBULL: And you still have them
21 on the front of the building?

22 MR. SPERRY: So the ones on the west side of the
23 building on the front we retained. All of the -- and I
24 should have mentioned that before.

25 COMMISSIONER TURNBULL: Not on the back, but all

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1 the ones on the sides --

2 MR. SPERRY: Yes. On the north facade, and the
3 south facade, and the courtyard facades we removed.

4 COMMISSIONER TURNBULL: You're really stabbing the
5 Vice Chair, you know, you're really hurting him. But I'm
6 sure he'll talk about that himself.

7 MR. SPERRY: Yes. And, you know, we did try, we
8 did try and keep them. But when you look at the quality of
9 the units before and after, we thought that, you know, it's
10 --

11 COMMISSIONER TURNBULL: No, I agree. The units
12 look a lot better. It's a shame that we're losing the
13 balconies. I think that adds a lot to the site. And this
14 building in particular, I think, is going to miss that.

15 And the retail, I understand, Mr. Millstein, you
16 talked about you lost 7,000 square feet. I know you're about
17 1,000 square feet above what's required but, you know, the
18 ANC, I'm sure, will talk about it.

19 MR. SPERRY: Yes.

20 COMMISSIONER TURNBULL: But that was one of the
21 big things that they were hoping for, was a lot more retail.

22 MR. MILLSTEIN: And I would share that hope.
23 Retail is very important to the success of the building and
24 the quality of life living in this building. But I will
25 tell you that everything can't be on a every site. We can't

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1 fix every problem of every issue. And it has to be done with
2 quality.

3 And in this particular site, it really didn't lend
4 itself to a large retail component. So the difference
5 between 20,000, or 29,000, and 16,000, whatever the numbers
6 are, again, you get into quality versus quantity.

7 Where we felt the balance, there's going to be a
8 lot of retail wrapped around us on this one. We don't have
9 to carry the retail load. Usually we are carrying the retail
10 load. And nobody is more creative or aggressive with
11 creating retail environments where they don't even exist.
12 That's how we were raised.

13 COMMISSIONER TURNBULL: Yes.

14 MR. MILLSTEIN: But at the same time, we need to
15 have amenities, we need to have co-working space in the
16 building. We found a lot of people are now working from the
17 building. And they need large areas to drop their laptop and
18 do their thing.

19 And we were never going to be the synergy of the
20 neighborhood for retail. Even at 29,000 feet, it's a
21 spattering. It's a spattering either way, right. So we felt
22 much more important to focus on really quality residential
23 and work spaces within the building and just still have that
24 spattering. But we're not the answer for that part.

25 You know, that's going to come with the soccer

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1 stadium and development around it, which it is a critical
2 component. You must have it. But again, this was a quality
3 versus quantity. And we really had to err on the side of a
4 quality residential building to bring the right residents
5 down and use the retail that we had available.

6 COMMISSIONER TURNBULL: Okay. But what kind of
7 retail do you see going in here.

8 MR. MILLSTEIN: I think it will be smaller users,
9 restaurants for sure, probably in the 3,500 square foot
10 range. You know, the Carmine's that we have on 7th Street
11 at 18,000 feet, that's not what's happening.

12 Now we're seeing much more chef-driven. We're
13 fortunate to have a really nice entourage of some really good
14 chef's in the neighborhood, very similar to what we did in
15 Ivy City with Puerta Verde. That's about 3,500 feet with a
16 local restaurant operator.

17 This isn't chains. This is not the vision for
18 that. I think you will see smaller local type businesses.
19 I'd like to see more dry goods, quite frankly, but they're
20 challenging today in today's retail market. I think we're
21 going to see more food and beverage options and hopefully
22 some unique stuff that wants to be down that way. That's
23 kind of the thought there.

24 COMMISSIONER TURNBULL: Okay.

25 MR. MILLSTEIN: Not the big box retailers along

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1 those lines.

2 COMMISSIONER TURNBULL: Okay. Thank you.

3 MR. MILLSTEIN: Sure.

4 COMMISSIONER TURNBULL: In the new FAR
5 calculation, does that account for the balconies that you've
6 now incorporated into the plan? Originally, the balconies
7 were not included in your FAR count. But now that you've
8 included those into the floor plan, are they now included in
9 the overall FAR?

10 MR. SPERRY: Yes, they are.

11 COMMISSIONER TURNBULL: They are?

12 MR. SPERRY: Yes.

13 COMMISSIONER TURNBULL: Okay. I guess the only
14 other question, I guess you're asking for additional relief
15 and I'm -- to provide a range in the residential dwelling of
16 plus or minus ten percent from what's shown. And I guess I
17 don't mind the plus, but I guess the minus would bother me
18 a bit. So I'm just concerned about what that does. And I
19 think the ANC might have some concern about the loss of more
20 residential units.

21 MR. MILLSTEIN: So, sir, I understand your concern
22 there. We're flexible. That's one thing that we'll never
23 argue about. We try to maintain a balance.

24 Again, if you notice, we had a dramatic increase
25 in two and three bedroom units from a year ago. And that's

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1 something that wasn't the trend at the time, and you
2 certainly see it more than anybody.

3 We're trying to encourage the families to stay in
4 the city long term. We think it's critical. So we want to
5 provide good options for the multi-bedroom units. So again,
6 that created a pretty substantial shift in the units.

7 We're weighing construction documents now, so I
8 don't anticipate any large shifts. We don't, you know, if
9 you're uncomfortable with the ten percent it seemed, we'd
10 like to not have to come back if things change a little bit.
11 It's all about comfort level. If we want to make it a five
12 percent, we're fine. We're flexible on that point.

13 COMMISSIONER TURNBULL: Okay. I'll let my
14 colleagues weigh in on that too. I guess the only other
15 thing is that you talk about final design of the retail
16 frontages. And I'm just -- what I don't want to see, I mean,
17 you're showing a design for the front now, so I'm just
18 concerned. I mean, I don't mind some minor things.

19 MR. MILLSTEIN: I think I can help you with that
20 one. The intent there, and we can maybe say it a little
21 better, is right now you'll see there's basically two
22 entrances dedicated to the retail, and they have inset doors.
23 Because if you're a restaurant, you're not swinging out into
24 the public space and hitting somebody with a door.

25 If we end up doing four or five smaller type

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1 users, which I actually think we will, we're going to need
2 to modify the facade to accommodate inset doors for those
3 smaller users. So we're not looking to change the height,
4 the materials, the last proportions. It's just we may need
5 to add some entrances. I actually am pretty sure we will.

6 Because --

7 COMMISSIONER TURNBULL: That was my concern. I
8 mean, if you're talking doors and entrances --

9 (Simultaneous speaking.)

10 COMMISSIONER TURNBULL: I really don't care about
11 that.

12 MR. MILLSTEIN: That was our intention, yes, sir.

13 COMMISSIONER TURNBULL: Okay, all right. All
14 right, Mr. Chair, those are my questions.

15 CHAIRMAN HOOD: Thank you, Mr. Turnbull. Vice
16 Chair?

17 VICE CHAIR MILLER: Thank you, Mr. Chairman. And
18 thank you for your presentation. So on the retail, you're
19 going to have 16,500 square feet of retail still --

20 MR. MILLSTEIN: Yes.

21 VICE CHAIR MILLER: -- instead of the 24,000
22 square feet --

23 MR. MILLSTEIN: Yes.

24 VICE CHAIR MILLER: -- that originally was
25 proposed.

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1 MR. MILLSTEIN: Yes.

2 VICE CHAIR MILLER: And you just described what
3 kind of retail you're hoping to get. What is the retail --
4 what's the square footage of the retail on the roof? And
5 what's -- there's some reservation of space on the --

6 MS. BLOOMFIELD: The penthouse habitable space is
7 just amenity space for the building residents. It's not
8 retail.

9 MR. MILLSTEIN: The reserve space is for retail
10 mechanical. You are correct.

11 VICE CHAIR MILLER: Retail mechanical.

12 MR. MILLSTEIN: We anticipate shafts and
13 equipment. We don't know, again, if it's four restaurants
14 or two, when they change, so we're just reserving an area for
15 their equipment.

16 VICE CHAIR MILLER: I see, okay. And on the
17 balconies, Commissioner Turnbull is right that I always love
18 seeing balconies on residential buildings. But I think
19 you've made a fairly good case as to how the units will be
20 laid out better, and more light will come in. Otherwise, I
21 assume you could design the balcony door to let the light in.

22 And the reduction in the residential to create --
23 and the number of units of residential to create larger two
24 and three bedroom units I think is commendable. I think
25 that's a great -- that's a good public benefit that we want

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1 to see in southwest and all across the city. And we are
2 seeing that increasingly which is a good thing.

3 So the ANC is concerned about the retail and the
4 reduction in retail. And we'll hear from them soon. So
5 you're going to have this fitness, mostly it's the fitness
6 center, yoga, and then you have -- I guess you have some
7 other lounge space for the tenants of the building.

8 But is it possible that the fitness center, yoga,
9 would be operated by a fitness center that would be open to
10 the public as well, and you would have signage, and would
11 serve the greater neighborhood?

12 MR. MILLSTEIN: I would say probably not. And
13 here's why. We have found, in fact, our most recent building
14 is the Hecht Company Warehouse in Ivy City. We did a deal
15 with Planet Fitness where we did 16,000 square feet of two-
16 story retail, and they built a beautiful health facility.

17 We got a lot of issues from our residents that
18 some of them really just don't want to be in a large public
19 athletic facility. They want a small, quiet environment
20 within the building. So we ended up going back and building
21 a 3,000 foot athletic facility within the Hecht Building as
22 an amenity to the residents.

23 And by the way, their leases come with a free
24 membership to Planet Fitness. That was negotiated in the
25 deal. So it wasn't a question of money, it's just they

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1 wanted a more intimate environment.

2 So I anticipate, again, this is a large building,
3 it's 400-plus units, that we would have some facility
4 available for residents' private. I do. That's not to say
5 we wouldn't also do another fitness type deal in the retail
6 space. That could certainly happen, again, like Hecht's.
7 But I definitely want to see a private one for the building.
8 We think we need it.

9 VICE CHAIR MILLER: Okay. I appreciate that
10 explanation.

11 So the ANC requested that you stand by -- at the
12 top of Page 2 of their -- actually, I haven't looked at their
13 testimony this evening -- but at the top of Page 2 of their
14 December 12th letter they ask that you stand by, the
15 Applicant stand by its previous commitment to provide the
16 following, number one, ten units of affordable housing in the
17 building set aside for ten years to housing earning up to 60
18 percent of area immediate income, two, a 3,200 square foot
19 dog park on the property to the north of the building, three,
20 continue to work with ANC 6D to establish an appropriate
21 construction management plan as the project moves forward,
22 and four, add back to the building's ground floor the
23 originally planned space devoted to retail.

24 So you've addressed the retail that you're --
25 while you're not willing to add that back. But can you just

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1 address the other three points that are made in that
2 particular paragraph, the affordable housing, the dog park,
3 and the construction management plan?

4 MR. MILLSTEIN: Well, we're batting 750. We'll
5 agree to three of the four, so we think we're doing pretty
6 well.

7 VICE CHAIR MILLER: Yes. And the ten units of 60
8 percent AMI affordable housing for ten years, that was in our
9 original zoning order or that was in some other commitment
10 that you made to the --

11 MR. MILLSTEIN: That's correct. We made a
12 commitment -- it was discussed at the time, I believe, and
13 Counsel can clear me up as usual, that you're really more of
14 a design program. But we proffered it at our original
15 hearing, and we will stand by it.

16 VICE CHAIR MILLER: Right.

17 MR. MILLSTEIN: And we --

18 VICE CHAIR MILLER: And I realize that. And I
19 think that inclusionary zoning doesn't necessarily apply
20 currently to conversions of office to residential, but I
21 think we've asked the Office of Planning to revisit that
22 issue and maybe, for the future, make it apply so that would
23 be more than a ten-year commitment.

24 MS. BLOOMFIELD: If I may just, to clarify for
25 the record, that's correct that IZ does not apply to this

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1 building. And in the prior Zoning Commission order, at the
2 hearing we said yes, we'd like to do ten units of affordable
3 housing for ten years at 60 percent of the AMI.

4 The order specifically notes in a couple of
5 locations that that was not included as a condition of the
6 order, even though the Applicant has offered to do it,
7 because it's not within the purview of the design review
8 process.

9 VICE CHAIR MILLER: Right, okay. And the
10 occupiable penthouse space on the roof, that doesn't trigger
11 any --

12 MS. BLOOMFIELD: No. It's a residential building.
13 So it would not trigger a contribution to the Housing Trust
14 Fund.

15 VICE CHAIR MILLER: And it doesn't trigger any
16 square footage requirement at a lower 50 percent AMI level?

17 MS. BLOOMFIELD: It does not, because they're not
18 units. It's not residential units. It's habitable space.
19 It's communal rooftop amenity space. So if it was units, it
20 would trigger a 50 percent AMI requirement in the building.
21 But since it's not either units or a non-residential building
22 with penthouse habitable space, it does not trigger either
23 one of them.

24 VICE CHAIR MILLER: Okay. I appreciate that
25 clarification then. And I appreciate that you are batting

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1 750. But we'll see how happy the ANC is. So thank you very
2 much. I appreciate it.

3 CHAIRMAN HOOD: So, Mr. Millstein, on the four
4 outstanding issues with the ANC, the only one is the retail.
5 It's still the same.

6 MR. MILLSTEIN: Yes, sir.

7 CHAIRMAN HOOD: Okay. I will tell you that I have
8 used Hecht's Warehouse model in some other cases in front of
9 the city. You all may not know that, but I think Hecht's
10 Warehouse is fabulous. And it works, and it's in my
11 neighborhood. I'm just sorry to hear that the residents of
12 Hecht's Warehouse don't want to work out with me at Planet
13 Fitness.

14 (Laughter.)

15 CHAIRMAN HOOD: So I do know that -- I've heard
16 a lot of them mention about the health facility that you have
17 for them to work out in the Warehouse. And they say it is
18 dynamite. Maybe one of these days I'll be able to peek
19 through the door and look at it while I'm in the area.

20 But when you talked about the retail, the service
21 retail over at Hecht's Warehouse is working, from what I see.
22 I can't wait for the other places to -- and I noticed, not
23 by the Hecht's Warehouse but I'm trying to, as I hear from
24 Mr. Moffatt tonight, I'll be able to articulate some of the
25 things that I've seen.

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1 I know different neighborhoods require different
2 things. And like you mentioned, that you all are not the
3 sole person there in that area for the Hecht's Warehouse.
4 But we're going to make sure that they -- I think they get
5 the retail they need across the board, and that we get
6 everything that we need.

7 And this is kind of helping to continue to keep
8 moving in the right direction, I think, for that area. But
9 if it's patterned after the Hecht's Warehouse, I can tell you
10 that's actually -- and like I said, I've referred it to some
11 other areas in the city since I've been -- that is actually
12 working. I've been bragging on Hecht's Warehouse. So that
13 is the model.

14 So I've also been putting the plug in, I hope you
15 all continue to do what you're doing. Because it's actually
16 working. The residents of Ward 5 appreciate it. And I see
17 a lot of folks that don't live in the area over there which
18 we appreciate also. So I think you're doing a good job with
19 that. And I hope the same thing happens here.

20 MR. MILLSTEIN: Yes.

21 CHAIRMAN HOOD: You want to comment?

22 MR. MILLSTEIN: And thank you for the kind words.
23 The fundamental difference is Hecht's Warehouse is a couple
24 hundred thousand-plus square feet and more coming. We're
25 trying to establish a really strong retail core there.

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1 Again, every project is different, and you know
2 that we try not to apply the same standards across the board.
3 We look at every one of ours as a custom project that we
4 really need to build.

5 We are not institutional, we can't make a mistake,
6 right. We've got about a thousand of our developments,
7 either we're batting 750 with the ANC, right. These are big
8 commitments.

9 And we feel that they're different as far as a
10 retail sense of place. And this will have a sense of place
11 with the retail wrapped around it on the other developments.
12 And we think we've got the right balance here. But this will
13 leave us to develop a quality residential building.

14 CHAIRMAN HOOD: Well, I know Mr. Litsky who's ANC
15 and Mr. Moffatt. They work very hard. But I guess my
16 comments were -- because I was a little skeptical at first
17 with Hecht's Warehouse. But sometimes, I guess, I've learned
18 that I have to give things a chance.

19 And then I think, as you mentioned, because when
20 I walked through Hecht's Warehouse -- and I don't want to
21 make this about Hecht's Warehouse, but the uniqueness of it,
22 when I walked through it, I said okay. And if you haven't
23 been in there, if you know somebody in there, go through and
24 just watch.

25 I look at the walls. I said, oh, they didn't even

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1 finish this. They cleaned it up, but they didn't finish.
2 I think it was very unique, in that case.

3 But let me get back to this case. I know we went
4 through the brick. And I know it was kind of light brick,
5 and I see the brick back there. I don't know if -- I don't
6 know who asked for it. But I see the light -- are there two
7 shades of the black brick? They're two shades of it, right.
8 You have light --

9 MR. SPERRY: Yes, there's a light brick, and
10 there's a dark brick. And you can see the -- I guess it's
11 better to see the first rendering on the front page. There's
12 a long expanse of that brick material on the back facade
13 against the water.

14 So those two brick materials were intended to
15 break that up a little bit and have a sort of a rhythm on
16 that facade so it's not just one continuous color through the
17 whole time.

18 The other -- yes, the other note about the brick
19 is that we're doing a Norman brick. So it's a longer brick,
20 very elegant. And it's going to be a really, really nice
21 detail to that first and second floor of the building.

22 CHAIRMAN HOOD: Okay. I'm trying -- can you point
23 to me where it is here? I can't --

24 MR. SPERRY: So on the first page here, you can
25 kind of see on the corner it's the darker color. And then

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1 for two bays it switches to the lighter. And then for two
2 bays it switches back to the darker, lighter, and then one
3 bay is darker.

4 CHAIRMAN HOOD: Okay, I see it. I see it. Yes,
5 what is this material up here? Let's go up top. The
6 material is running, like, the black material is going
7 through where the glass is, all the glass. What is the
8 material? I don't see that back here.

9 MR. SPERRY: So that is actually -- the skin is
10 a metal skin for the majority of the residential tower. It's
11 a deep blue color. And that's actually -- that should be
12 back there. So that is kind of what's creating the grid.

13 CHAIRMAN HOOD: Oh, I see it. It's a small piece.

14 MR. SPERRY: Yes, that's right.

15 CHAIRMAN HOOD: Okay. I was looking for something
16 big, you know. Okay. All right. All right, I see it. All
17 right. I was just wondering, because I was thinking that
18 couldn't be brick. But I see it over there now.

19 MR. SPERRY: Right. Yeah, the brick is only on
20 those first two levels of the building.

21 CHAIRMAN HOOD: Okay. All right. And I think
22 you've explained all the issues about the penthouse, and how
23 that's going to work, and how you -- what you discovered.
24 I think that's been discussed. So I'll hear what the Office
25 of Planning has to say as well. Are there any other issues

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1 that are outstanding or did we cover all of them? I think
2 we did.

3 MR. SPERRY: I think so.

4 CHAIRMAN HOOD: All right. So we won't belabor
5 the point. Any more follow-up, Mr. Turnbull?

6 COMMISSIONER TURNBULL: Yes. I just have one more
7 question for Mr. Sperry. On the Norman brick, are you
8 planning to do anything with the joints? You know, a lot of
9 times the horizontal joints are accented in one color. Are
10 you doing anything tricky?

11 MR. SPERRY: So we're actually planning on doing
12 a stacked bond pattern for the Norman brick which you
13 typically don't actually see on a Norman brick. So we're
14 trying to differentiate it even a little bit more.

15 COMMISSIONER TURNBULL: Oh, okay. But you're not
16 changing colors of joints or anything?

17 MR. SPERRY: No. It's all a continuous joint
18 color.

19 COMMISSIONER TURNBULL: Okay. All right, thank
20 you.

21 MR. MILLSTEIN: Can we have flexibility on that?

22 COMMISSIONER TURNBULL: Could you have flexibility
23 on that?

24 MR. MILLSTEIN: On the grout color, the mortar
25 color?

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1 (Simultaneous speaking)

2 MR. MILLSTEIN: Personally, I think that the
3 darker brick should have a darker mortar and the lighter
4 brick should have a lighter mortar to further differentiate
5 the bays.

6 MR. SPERRY: I thought you meant that the
7 horizontal joints would be different than the vertical
8 joints.

9 COMMISSIONER TURNBULL: Right. That's what I was
10 getting at.

11 MR. SPERRY: Right. I agree with Paul. I mean,
12 first of all, there should be a little bit of variance on the
13 -- when you have the darker brick, we might entertain a
14 darker mortar. When you have the lighter brick, we would
15 entertain a lighter mortar. But within that field, I do
16 think the design right now is that it'll be a consistent
17 color of mortar.

18 COMMISSIONER TURNBULL: Okay, that's fine.

19 CHAIRMAN HOOD: Any other questions or comments
20 up here? Does the ANC have any cross or questions? Okay,
21 we don't have any cross. Okay, let's go to the Office of
22 Planning and -- oh, do we have a -- okay, let's go to the
23 Office of Planning.

24 MS. VITALE: Good evening, Mr. Chair, members of
25 the Commission, Elisa Vitale, with the Office of Planning.

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1 OP will rest on the record in support of the requested
2 modification of significance.

3 We appreciate the Applicant's presentation this
4 evening and the responses with respect to the issues that OP
5 identified in its report. And we believe our questions and
6 issues have been addressed, so this completes my report. And
7 I'm happy to answer any questions. Thank you.

8 CHAIRMAN HOOD: Okay, thank you, Ms. Vitale. Any
9 questions or comments up here? And again, as you stated, all
10 of your issues have been addressed and the conversation is --

11 MS. VITALE: Yes, that's correct.

12 CHAIRMAN HOOD: Okay, great. Has the Applicant
13 any questions or comments?

14 (No audible response)

15 CHAIRMAN HOOD: Okay. Does the Applicant have
16 any, Ms. Bloomfield?

17 MS. BLOOMFIELD: No, thank you.

18 CHAIRMAN HOOD: Okay. Thank you very much, Ms.
19 Vitale. Let's go to the ANC report. Mr. Moffatt? I think
20 there's enough room for --

21 (Off the record comments)

22 CHAIRMAN HOOD: Sometimes when things are not
23 going well, I have to ask the Applicant to step back.

24 MR. MOFFATT: Are you ready?

25 CHAIRMAN HOOD: Waiting on you.

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1 MR. MOFFATT: Good evening, Chairman Hood, and
2 distinguished members of the Zoning Commission of the
3 District of Columbia. And good evening to the fellow
4 citizens of the District of Columbia.

5 My name is Roger Moffatt. And I serve as
6 Commissioner for the Single Member District 6D 05, the
7 location of this proposed development. I am here tonight to
8 speak on behalf of ANC 6D.

9 Due to the receipt of the information in end
10 drawings and dribbles , the ANC submitted two reports with
11 three votes to the Zoning Commission. For that reason, I
12 will attempt, through testimony and answering any questions
13 that you may have, to clarify any position of ANC 6D on this
14 issue that might not have been made clear in the second
15 submission.

16 At its September 11 meeting, the ANC voted in
17 support of the Applicant's requested modification to approve
18 plans, including changes to facade, and penthouses, as well
19 as a reduction of the number of units from 427, or 26 as she
20 stated earlier, I believe, to 415 as was stated in the
21 updated report.

22 ANC 6D Commissioners did not have the
23 architectural drawings that were submitted on 10/13/2017,
24 those were Exhibits 8A-1 and 8A-2 of this case, nor were we
25 told until the latter part of October that this modification

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1 would include a major reduction in an already deficient
2 amount of space devoted to retail.

3 A second vote was taken relating to the subject
4 at an ANC meeting on November 13th. That vote was rescinded
5 in a third vote at the ANC meeting on December 11th, 2017.
6 The vote of the December 11 also included affirmation of the
7 vote of September 11th, 2017, all conditional on several
8 items agreed to by the Applicant in the report. Also
9 included in the list of the conditions is the restoration of
10 the retail space on the ground floor to which the Applicant
11 has not agreed.

12 The ANC believes that the proposed design
13 inappropriately uses space on the ground floor for tenant
14 amenities that do not activate the streets or provide
15 services or goods, thereby not meeting criteria of the
16 Capitol Gateway Overlay, Paragraph 1600.2, nor the Buzzard
17 Point vision framework and design reviews.

18 Criteria of the Gateway Overlay, 16.2, Item B,
19 states that the purposes of the CG Overlay District are to
20 encourage a variety of support and visitor related uses such
21 as retail, service, entertainment, cultural, and hotel or inn
22 uses.

23 With the 16,542 square feet of retail in the
24 development, in a development of 468,647 square feet, a mere
25 3.5 percent is slated for retail with nearly a third of that

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1 being in the basement or P1 level.

2 The Buzzard Point vision framework and design
3 reviews, as recently released by the DC Zoning -- I'm sorry,
4 DC Office of Planning, set up guidelines of 0.4 FAR devoted
5 to ground floor retail and Buzzard Point development. At
6 16,542 square feet, retail constitutes 0.21 FAR.

7 In addition, residential amenities will not serve
8 to activate the area on Water, Half, and T Streets. Further,
9 it will not provide much needed services and goods of various
10 kinds for Buzzard Point, and it sets a bad precedent for
11 those who follow.

12 ANC 6D has not asked the Applicant to meet the new
13 guidelines, because we had already voted in support of the
14 previous amount of retail space before those were issued.
15 However, the ANC is adamant concerning the re-establishment
16 of the retail space on the ground floor. And that is why it
17 is key to our support.

18 As evidenced by previous votes on this matter, we
19 are impressed with much of this project. But we believe that
20 ensuring availability of adequate goods and services for
21 Buzzard Point residents and visitors is paramount.
22 Consequently, we cannot fully support this proposed design
23 while it contains such dearth of retail space.

24 Thank you for allowing me to speak at this hearing
25 on behalf of ANC 6D. And if you have any further questions,

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1 I will try to entertain them or answer them.

2 CHAIRMAN HOOD: Okay. Thank you, Commissioner
3 Moffatt. Let's see if we have any follow-up questions up
4 here.

5 Let me ask, help me understand the retail. I
6 think you heard, and I'm sure you probably have heard it
7 before, tonight was my first time hearing it, you heard from
8 Mr. Millstein the rationale. What is -- give me your
9 thoughts on that.

10 MR. MOFFATT: Well, we've heard several different
11 reasons why. Part of the reasoning is that being one of the
12 first there, it's hard to get the retail, because you don't
13 have the people to support it. And if that continues to be
14 a reason for not building retail, then we won't have any.
15 Because there's not a huge amount of space -- of area that
16 can be used for retail in the whole of Buzzard Point.

17 So we've sent out letters to prospective
18 developers, and that's on record with the Zoning Commission
19 here too, detailing items that we would like to see in any
20 development that's brought to us.

21 What really disappointed us about this was the
22 fact that it was put out there at a smaller amount than what
23 OP is saying should come in now. And then once that had come
24 out, they're coming back and wanting to lower the amount to
25 even the smaller amount.

1 So we just believe that somewhere we have to take
2 a stand on it. Because we think it also -- it's not just the
3 design of this one building, it's the design of all of
4 Buzzard Point that comes into view, comes into play, rather.

5 CHAIRMAN HOOD: So in his discussion about it --
6 and I know I'm -- I guess I'm not pro or con. I'm just
7 trying to talk this thing through. Because I know, and like
8 he said, Hecht's -- I keep going to Hecht's Warehouse,
9 because I think it just worked. And so far it's working out
10 just fine.

11 But when I look at what's going on at Hecht's
12 Warehouse and the model that's happening there, even though
13 I know it wouldn't be an identical model that's happening
14 here -- and I'm not trying to defend this one here, I'm just
15 trying to see if we're making sure we get the right mix for
16 the retail that the community wants.

17 But one of the things that was mentioned at other
18 -- there's some other retail that's probably going to come
19 after this. Is that been mentioned to the ANC? And I know
20 you all have sent letters out, as you just stated.

21 But what -- because if our model behind Hecht's,
22 and I know what Mr. Millstein said, if our model behind
23 Hecht's -- and Hecht's is, from my standpoint, from my
24 individual knowledge of what's going on, it's working.

25 The type of retailers over there is not like --

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1 and I know this is not what you all are looking for now, it's
2 not like the Costcos or, well, everyone would be a Costco
3 now, of that type of retail, so the retailer is going there,
4 or that is happening at Hecht's, is actually, I think,
5 working.

6 And I'm kind of -- I'm trying to get to where you
7 all are and kind of what you all are trying to enlist going
8 to this area in the concern of the reducing the retail. I'm
9 trying to get there. Can you help me get there?

10 MR. MOFFATT: Well, I don't -- our reasoning is
11 that if we keep letting people, developers, build without the
12 requisite retail, then you won't have enough there. There's
13 very little space down there already, and there's supposed
14 to be 6,000 units. And that's residential only in that small
15 area.

16 And then that doesn't account for all -- there
17 have to be all kinds of services for people, medical, if
18 there's a fire, the nearest fire department is probably
19 either Capitol Hill or on E Street. And so it takes a while
20 to get that done, to get services down there.

21 So some things will have to find a place in there.
22 I'm not asking them to take it on. I'm just asking that a
23 precedent not be set where we're lowering it way below it.
24 If we put guidelines out there, then they need to be kept.

25 CHAIRMAN HOOD: Yes.

1 MR. MOFFATT: And as I said, we were not trying
2 to keep them to a guideline here, exactly. We just don't
3 want them to reduce it below what they had said previously.

4 We had suggested, since there was a possibility,
5 that amenities could be moved to the second floor. That
6 probably would reduce your unit count, but we would still
7 rather have activation with that ground level and services
8 available, services and goods available to the people who
9 live there and in the other area, in the other precedents
10 that's around.

11 CHAIRMAN HOOD: Okay. All right. Let me see what
12 others may have. Any questions, Mr. Turnbull?

13 COMMISSIONER TURNBULL: Yes, I'd like --
14 Commissioner Moffatt, one of the things that the Applicant
15 mentioned was that on the Buzzard Point guide, and I know
16 they're not up to where they were originally, but over 15,000
17 square feet of retail is what they are asked to provide for
18 that site. And they're going to throw out 16,500 and
19 something. You'd still rather see the extra, even though
20 they're over the amount that's requested from the design
21 guidelines. They're actually meeting the design guidelines
22 in that sense.

23 MR. MOFFATT: Well, according to my calculations
24 they weren't. And I guess that I may have been wrong.
25 Because I would put my bets on your being able to figure it

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1 out better than I. But I didn't think that they had only
2 0.21 --

3 COMMISSIONER TURNBULL: Okay.

4 MR. MOFFATT: -- FAR.

5 COMMISSIONER TURNBULL: I was just going by the
6 Applicant's submission, Exhibit Number 11. On the last page,
7 they had mentioned that they're fully compliant with the
8 vision for the sites that are set forth in the Buzzard Point
9 guide which recommends over 15,000 square feet of retail
10 space for this site.

11 So they're at 16,542 which, you know, they're
12 1,500 square feet over which is not anywhere near what they
13 ever said originally. But they are meeting the guidelines
14 in one sense, I mean, according to what the Applicant is
15 saying.

16 MR. MOFFATT: Well, as I said, my figures --

17 COMMISSIONER TURNBULL: Your figures are
18 different, okay.

19 MR. MOFFATT: Yes.

20 COMMISSIONER TURNBULL: All right. Well, thank
21 you.

22 MR. MOFFATT: And I don't necessarily say mine
23 are absolutely correct. As I said, mine are not --

24 COMMISSIONER TURNBULL: No, I know. All right,
25 thank you.

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1 CHAIRMAN HOOD: So, Mr. Glasgow, let me just ask
2 you. And Mr. Turnbull just brought it up, are you all
3 meeting the guidelines?

4 MS. BLOOMFIELD: I'll take this one.

5 CHAIRMAN HOOD: Oh, I'm sorry. I'm sorry.

6 MS. BLOOMFIELD: That's okay.

7 CHAIRMAN HOOD: Ms. Bloomfield, I need to be
8 looking this way.

9 MS. BLOOMFIELD: Yeah. So, let me try to explain.
10 Because you're referencing a 0.4 and you're referencing the
11 15,000 square feet. And both are in the Buzzard Point plan.

12 So the Buzzard Point plan, on Page 26, I'm sorry
13 you don't have it in front of you, there's a chart here. And
14 it has the estimated development yield for the entire Buzzard
15 Point neighborhood, a total number of units, a total number
16 of non-residential units. Those are large, large numbers for
17 the overall neighborhood that the plan is proposing.

18 In that chart, it says that for retail it assumes
19 approximately 0.4 FAR dedicated to ground floor retail and
20 entertainment uses. That's generally for the neighborhood.

21 The plan, on Page 27, specifically talks about
22 1900 Half Street Project. And in that paragraph, it talks
23 about 414 apartments, we're at 415 currently, with over
24 15,000 square feet of retail space. So that's the more
25 specific reference in the Buzzard Point plan to our project.

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1 The 0.4 -- and I haven't done the calculation,
2 Commissioner Moffatt might be correct -- in our opinion,
3 although we're not doing 0.4 FAR retail, we are doing about
4 0.4 FAR dedicated to ground floor retail and entertainment
5 uses which parallels the actual language in the zoning
6 regulations which he also quoted, "Encourage a variety of
7 support and visitor-related uses such as retail, service,
8 entertainment."

9 And so, in our view, all of the very active
10 residential amenities uses on that ground floor are like
11 retail. They're like entertainment uses, they're like all
12 of these other service, cultural uses that are going to draw
13 people to the site. It's going to be extremely active. It's
14 going to activate the streetscape the way that the purpose
15 of the retail, you know, point of the regulations is.

16 So although we're not hitting exactly 0.4, we
17 believe that the 15,000 square feet, which is specific to our
18 site in the plan, since it's more specific, it's the
19 approximate amount that we would go by. And we're actually
20 going beyond that.

21 CHAIRMAN HOOD: Ms. Bloomfield, here's what I
22 would request. I want those sections, I don't want the whole
23 report, from the Buzzard Point plan, just those sections.
24 And I also want a synopsis of what you just said for us to
25 review, and also if you could share that with the ANC.

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1 And what I would like, I know you all voted on it
2 three times, have you all already --

3 MR. MOFFATT: I would like to address what she
4 just said, sir.

5 CHAIRMAN HOOD: Sure, go ahead.

6 MR. MOFFATT: Because what she's reading is what
7 was filed. And that's what they have filed. It's not what
8 has been approved. You're here tonight looking at approval
9 for the --

10 (Off the record comments)

11 CHAIRMAN HOOD: But we don't have the Buzzard
12 Point plan. I don't want the whole plan.

13 MR. MOFFATT: I'm not saying the Buzzard Point
14 plan wasn't approved. I'm saying that what they are
15 proposing to build there, it was just -- they took cases or
16 proposals -- and some of them have already been approved, and
17 some of them have not -- as examples of what was planned for
18 Buzzard Point.

19 That was not in the -- there's a place in there
20 where she read from the 0.4 FAR, was what it was looking for.
21 There is --

22 CHAIRMAN HOOD: And that's kind of what I wanted.
23 It was, like, I wanted her to give me a cheat sheet of where
24 she read the 0.4, and what she read, and then what was for
25 1900 Half Street. I wanted us to be able to digest that and

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1 look at that.

2 And I wanted her to share that same rationale with
3 you. Because I wanted, if the ANC wouldn't mind, I mean, you
4 have taken three votes, I wouldn't necessarily ask the board
5 vote. But I would like for you all to opine on that
6 information unless you already have. You follow what I'm
7 saying? I don't want you all to --

8 (Simultaneous speaking)

9 CHAIRMAN HOOD: I don't want you to go back for
10 another vote. I guess you and Mr. Litsky or however you all
11 -- are you the vice chair?

12 MR. MOFFATT: No, I'm not now.

13 CHAIRMAN HOOD: Well, maybe sometime --

14 MR. MOFFATT: I've done everything before but
15 nothing right now.

16 CHAIRMAN HOOD: So I'm not trying to make it any
17 harder on the ANC. I've done community work for years, and
18 I know. And I still do it. So I'm not trying to go back for
19 another vote or anything.

20 What I wanted you all to do is the same one pager,
21 or hopefully it's a one pager that we're going to get, that
22 you all can look at it as well. Is that fair?

23 MR. MOFFATT: Well, I mean, we have discussed this
24 previously with them. And what I've said to you is just what
25 I told them, that I don't believe that that is what it's

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1 telling, that it should be that way because it's something
2 that hasn't been decided already.

3 CHAIRMAN HOOD: Well, here's the thing. I
4 understand your point. Your point is, believe me, I'm there
5 with you. When you start relaxing stuff, this person, we
6 relax it here, we're going to relax it there, we're going to
7 relax it there. And we're going to end up with nothing. So
8 I understand that point. Believe me, I'm with you. I
9 understand that.

10 But I want to understand a little more on that,
11 that whole synopsis, if that's where -- and you're welcome
12 to share it with the ANC if they want it. If not, then I
13 think -- unless my colleagues disagree, at least I need it.
14 I don't know if all of us -- I won't speak for my colleagues
15 today. That'll be something that they can look at as well.

16 You look like you want to say something. You've
17 been wanting to say something. Did you rehearse something?
18 You look like you been wanting to talk all evening.

19 (Laughter)

20 CHAIRMAN HOOD: You been looking like you ready
21 to get it in. Okay. So that's all I have. Any other
22 questions, Vice Chair?

23 VICE CHAIR MILLER: Well, not to belabor the point,
24 but just to further understand what's being discussed, Ms.
25 Bloomfield, so you're saying that you're including, within

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1 the 0.4, the amenity, the tenant amenity space that's for
2 fitness. And you said retail, and entertainment, and
3 service. So even though that won't be open to the public,
4 you're including that within the 0.4?

5 MS. BLOOMFIELD: Well, I don't view the 0.4 as a
6 0.4 requirement. It says, "Assumes approximately 0.4," in
7 a chart that talks about Buzzard Point neighborhood
8 generally.

9 VICE CHAIR MILLER: Okay.

10 MS. BLOOMFIELD: The 15,000 square feet that is
11 specific to 1900 Half Street, that is all retail space it
12 references. And we have more than 15,000 square feet of
13 actual retail space proposed. So in our view, we are
14 consistent with the plan. But we'll be happy to submit it
15 to the record.

16 VICE CHAIR MILLER: And give a calculation as to
17 what the 15,000 FAR, what that translates into in FAR, just
18 so we have that for the record.

19 MS. BLOOMFIELD: Absolutely.

20 VICE CHAIR MILLER: And then I guess I would ask
21 Office of Planning, the 0.4 FAR guidance in the Buzzard Point
22 guide of retail do you see as site-specific or as
23 neighborhood-wide specific?

24 MS. VITALE: Actually, I think Counsel for the
25 Applicant's summary was correct. That 0.4 number is for the

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1 Buzzard Point area as a whole, the area covered by this
2 vision framework. It certainly wasn't a minimum requirement.

3 I do think that the 15,000 that's cited on the
4 project specific summary, and I think I've probably printed
5 out the same two sheets that you guys have printed out, I
6 think that 15,000 really is kind of the specific amount of
7 retail square footage that's contemplated for this site.

8 Whereas the 0.4 -- when you look at that table,
9 it's an estimate of development yield. So it was, if the
10 Buzzard Point area was to be fully built-out at the kind of
11 maximum possible densities, you would have this many units,
12 this much retail. So that was really a, you know, kind of
13 maximum expected assumption. And it wasn't a requirement or
14 a minimum.

15 VICE CHAIR MILLER: Right. And from what you know
16 about what's already been approved and what's in the pipeline
17 for this area, and there's a lot that's coming, are you
18 comfortable that it will, at that guidance for the 0.4, will
19 be satisfied?

20 MS. VITALE: I definitely think, with the
21 anticipated development in Buzzard Point, there will be, you
22 know, a robust amount of retail. Again, I think we need to
23 be careful in how --

24 (Simultaneous speaking)

25 VICE CHAIR MILLER: The entire soccer stadium

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1 probably fits into that category, right?

2 MS. VITALE: Sure. It contemplates retail and
3 entertainment uses. Again, I would caution talking about the
4 0.4 as a requirement or an expectation. That was merely if
5 you assume every site gets built out to the maximum possible
6 that this is what development would yield in the plan area
7 as a whole.

8 VICE CHAIR MILLER: Okay, thank you very much.

9 MS. VITALE: Sure.

10 CHAIRMAN HOOD: Mr. Turnbull, did you ask --

11 (No audible response)

12 CHAIRMAN HOOD: Okay. All right. So we have to
13 deliberate on those two, we have to deal. The ANC is not
14 satisfied. We're going to have to deal with those two issues
15 today, okay. All right. I'm sorry. Is it one or two?

16 MS. BLOOMFIELD: It's only just one issue. It's
17 just the retail.

18 CHAIRMAN HOOD: Oh, what am I adding? I don't
19 want to put anything else back on the table. Did we resolve
20 -- they had two issues in there.

21 MS. BLOOMFIELD: They had four issues, and were
22 batting 75 --

23 (Simultaneous speaking)

24 CHAIRMAN HOOD: So let me ask you, let me ask --

25 VICE CHAIR MILLER: Giving the flexibility to the

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1 Zoning Commission, that was the other issue that --

2 CHAIRMAN HOOD: Oh, that's a scary issue. Okay.

3 So really the main issue is the retail, correct?

4 MR. MOFFATT: Correct.

5 CHAIRMAN HOOD: And the ten percent you left to
6 us.

7 MR. MOFFATT: Yes.

8 CHAIRMAN HOOD: Okay. That's dangerous, but
9 anyway.

10 MR. MOFFATT: Well --

11 CHAIRMAN HOOD: Okay. All right.

12 COMMISSIONER TURNBULL: The only other thing, I
13 mean, it is a minor thing, because Mr. Millstein -- was the
14 reduction in housing, whether we're approving the flexibility
15 for ten percent or --

16 CHAIRMAN HOOD: Yeah, yes. That's what I just was
17 saying. Okay.

18 COMMISSIONER TURNBULL: So, I mean, we need to --

19 CHAIRMAN HOOD: We'll deal with it, yeah, the ten
20 percent. Okay. So I just wanted to --

21 COMMISSIONER TURNBULL: It's a minor --

22 CHAIRMAN HOOD: Any more issues on the table or
23 we're already there? Okay. All right, so I think we have
24 our marching orders, Mr. Moffatt. Does the Applicant have
25 any cross examination, Ms. Bloomfield?

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1 MS. BLOOMFIELD: No, thank you.

2 CHAIRMAN HOOD: Okay. Thank you very much, Mr.
3 Moffatt. We appreciate all the work that you all do over in
4 6D. Okay, let's go to any other reports that I may have
5 missed.

6 VICE CHAIR MILLER: We have NCPC.

7 CHAIRMAN HOOD: Okay. Mr. Turnbull, could you
8 tell us what NCPC said?

9 COMMISSIONER TURNBULL: It's Exhibit Number 10.

10 CHAIRMAN HOOD: Sorry.

11 COMMISSIONER TURNBULL: Exhibit Number 10.

12 CHAIRMAN HOOD: Yeah, I have it. I was just --

13 COMMISSIONER TURNBULL: Oh, okay.

14 CHAIRMAN HOOD: Okay. Well, NCPC, when can we
15 look at it? They found a modification to Jemal's Lazriv
16 Water, LLC, at 1900 Half Street. It's consistent with the
17 intent and requirements of the Capitol Gateway design review.
18 And that, as Mr. Turnbull's already stated, that's all
19 Exhibit Number 10 in the record.

20 Any other reports that I may have missed? Okay.
21 All right. Let's go to the organizations and persons who are
22 here in support who'd like to testify.

23 (No audible response)

24 Any organizations or persons who are here in
25 opposition who would like to testify?

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1 (No audible response)

2 CHAIRMAN HOOD: Okay, Ms. Bloomfield, do you have
3 any rebuttal or closing? I don't know if we have any
4 rebuttal. We've rebutted everything I think that could be
5 rebuttal. Do you have any closing? Or, if you have some
6 rebuttal, either one. I don't want to cut you off.

7 MS. BLOOMFIELD: Well, we were thinking that if
8 you're going to ask us to submit this one piece of additional
9 information regarding reference to the Buzzard Point plan in
10 an additional post-hearing submission, we could submit our
11 closing and any rebuttal that we have in one submission.

12 CHAIRMAN HOOD: Okay. I think where we have two
13 issues that are outstanding, the ten percent and the retail
14 issue --

15 MS. BLOOMFIELD: If I could speak to the ten
16 percent issue, because I don't think we really responded to
17 that.

18 Our interest in going ten percent below, which was
19 your concern, would actually occur -- if that were to occur,
20 it would result in more larger units. And we're already
21 providing 106, I believe, units at two and three bedrooms
22 which is a significant amount. And if we were to have the
23 ten percent fluctuation up or down it would allow us to have
24 either more units or fewer units that are bigger. So that
25 was our thinking, for what it's worth.

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1 CHAIRMAN HOOD: So if you could just memorialize
2 my other comments --

3 MS. BLOOMFIELD: Absolutely.

4 CHAIRMAN HOOD: -- so we won't forget. So I think
5 we just said do those, okay. And closing, we can do that as
6 well, if you want to. All right. Anything else, Ms.
7 Bloomfield?

8 MS. BLOOMFIELD: No, that is it. Thank you.

9 CHAIRMAN HOOD: Okay. My other two colleagues
10 will be reading the record. So we are going to put this, Ms.
11 Bloomfield, Mr. Millstein, for a vote at the end of January,
12 our second meeting in January, give them time to -- you all
13 time to do the submissions. But let me get Ms. Hanousek to
14 work all that out. Ms. Hanousek?

15 MS. HANOUSEK: Yes, if you want this on the 29th,
16 then if they got the submissions to us by, I guess, the 16th,
17 and then the ANC would have a week to respond. I mean, I
18 don't know how long -- how long will it take you?

19 MS. BLOOMFIELD: We can submit as quickly as we
20 need to. In fact, if there was room on the earlier January
21 agenda, we could probably meet that.

22 CHAIRMAN HOOD: The eighth, is that a -- I don't
23 know what my two colleagues -- I don't know, you know, as far
24 as reading the record. And I specifically had thought about
25 this before we came out. I didn't want to put the onus on

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1 them to force them to have to read the record that fast.
2 Because I don't know when they're coming back from vacation.
3 And January the 8th is our next meeting. So we wanted to
4 allow enough time. I don't know.

5 VICE CHAIR MILLER: It's not a big record.

6 CHAIRMAN HOOD: It's not a big record, okay.
7 Well, the vice chair has said, let's see if we can move that
8 to the eighth. Let me go on record that I was being
9 considerate, but I want them both to read it. So they'll
10 have to have it read by the eighth.

11 (Off the record comments)

12 CHAIRMAN HOOD: Okay. The Vice Chair says it's
13 not a big record. Commissioner Shapiro, Commissioner May,
14 I know you all are going to look at this. So the Vice Chair
15 is thinking you are, Vice Chair Miller.

16 MS. BLOOMFIELD: Just one page.

17 CHAIRMAN HOOD: So let's see if we can do the
18 eighth.

19 MS. HANOUSEK: Okay. So let's see, to get it the
20 eighth, ANC, then up to the second, so would you be able to
21 get your submission in, say, in about a week?

22 MS. BLOOMFIELD: Yeah, absolutely.

23 MS. HANOUSEK: Okay. So let's say the 26th? And
24 then the ANC would have a week to respond. And you would
25 need to get your draft order in at least two weeks before the

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1 eighth.

2 MS. BLOOMFIELD: What date is that?

3 MS. HANOUSEK: Two weeks before the eighth would
4 be the 25th, so say the 26th.

5 MS. BLOOMFIELD: Okay. And is that a 3:00 p.m.
6 deadline?

7 MS. HANOUSEK: Yeah.

8 MS. BLOOMFIELD: Yes, okay.

9 MS. HANOUSEK: So that's the draft order and both
10 your response that would be due then.

11 MS. BLOOMFIELD: Yes, thank you.

12 MS. HANOUSEK: Okay.

13 CHAIRMAN HOOD: So we're all on the same page?
14 Mr. Moffatt, you have something?

15 MR. MOFFATT: I have just one question about the
16 response from the ANC. Does this have to be from the ANC or
17 can it be from me? Because the ANC would not have had time
18 to --

19 CHAIRMAN HOOD: Right, I thought about that. I
20 would just like a response from maybe you and the Chairman,
21 if you all could do that, not discounting you all have a vote
22 already on record. It's just about this one issue.

23 MR. MOFFATT: Okay.

24 CHAIRMAN HOOD: If you and the Chairman can get
25 together on that.

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1 MR. MOFFATT: And so that will be the 26th that
2 they are submitting that, correct?

3 CHAIRMAN HOOD: Yes. And we'll take yours as late
4 as -- even if it's the day of. But I do want to give the
5 Applicant some time.

6 MR. MOFFATT: Okay.

7 CHAIRMAN HOOD: We will take yours as late as
8 possible, because I know ANC, you know, it's vacation time,
9 I mean, now holiday time. And I understand it, you know.
10 We don't want to put that undue pressure on you.

11 MR. MOFFATT: And, Mr. Chairman, it's only if they
12 wanted to respond and say something different than they have
13 already said, what they've already said.

14 CHAIRMAN HOOD: Right, I agree.

15 MR. MOFFATT: It's up to you.

16 CHAIRMAN HOOD: Because we know where you stand
17 now. I just wanted to see if anything changes from what they
18 submit to us from you all.

19 MR. MOFFATT: Okay, and that's good. Thank you.

20 CHAIRMAN HOOD: Okay, great. Are we all on the
21 same page?

22 MS. HANOUSEK: So in that case, you have until the
23 eighth at 3 o'clock. Correct?

24 CHAIRMAN HOOD: Can they have it in -- what day
25 is the eighth? That's a Monday.

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1 MS. HANOUSEK: Monday.

2 CHAIRMAN HOOD: Can they have it in by the --
3 what's that Friday? So that way they can have a chance to
4 review it.

5 MS. HANOUSEK: So Commissioner, Friday the fifth
6 by 3 o'clock?

7 MR. MOFFATT: Yes. And just for your information,
8 the ANC will be meeting on the eighth, so I will not be able
9 to attend here. But I don't think I need to for that anyway.

10 CHAIRMAN HOOD: What time is your meeting on the
11 eighth?

12 MR. MOFFATT: Seven o'clock.

13 CHAIRMAN HOOD: Oh, okay.

14 MR. MOFFATT: I probably don't need to be here.
15 I mean, unless you have questions for me or anything. I
16 don't think you're going to want me to testify again.

17 CHAIRMAN HOOD: No, no, no. But I was just trying
18 to think how -- I wanted you to see what we're doing. You
19 can webcast live, and you can look, kind of, or don't go to
20 sleep watching us, but you can --

21 (Laughter)

22 CHAIRMAN HOOD: This is webcast live. I was
23 trying to see if I should move -- well, I can't move the
24 meeting up.

25 MR. MOFFATT: But that's fine. I just wanted you

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1 to know that I would not be able to be here if you needed me
2 for anything. But if --

3 CHAIRMAN HOOD: Okay, okay.

4 MR. MOFFATT: -- if the answer will be in writing,
5 that's enough. That's fine with me too.

6 CHAIRMAN HOOD: Sounds good. Okay, we'll work it
7 out. We understand the ANC meeting. Okay, so let's see if
8 we can stick with that schedule. Is everybody on the same
9 page? Okay. All right. He been looking like he been --
10 maybe that's just how he -- he been looking like he been
11 wanting to say something.

12 MR. MILLSTEIN: He'll get his day, just not
13 tonight.

14 CHAIRMAN HOOD: He'll get his day, just not --

15 MR. MILLSTEIN: He'll get his day, but just not
16 tonight.

17 CHAIRMAN HOOD: Oh, okay. All right. So with
18 that, I want to thank everyone for their participation. I
19 hope everyone has a happy holiday, and this hearing is
20 adjourned.

21 (Whereupon, the above-entitled matter went off the
22 record at 7:50 p.m.)

23

24

25

C E R T I F I C A T E

This is to certify that the foregoing transcript

In the matter of: JEMAL'S LAZRIV WATER, LLC

Before: DCZC

Date: 12-18-17

Place: Washington, DC

was duly recorded and accurately transcribed under
my direction; further, that said transcript is a
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