

GOVERNMENT  
OF  
THE DISTRICT OF COLUMBIA

+ + + + +

ZONING COMMISSION

+ + + + +

PUBLIC HEARING

+ + + + +

-----:
   
IN THE MATTER OF: :
   
:
   
Terrace Manor Redevelopment, LP : Case No.
   
: 19-19
   
Consolidated Review and Approval :
   
of Planned Unit Development (PUD) at :
   
3301 23rd Street SE :
   
Square 5894, Lot 63 - Ward 8 :
   
:
   
-----:

Thursday,
   
July 9, 2020

Video Teleconference

The Public Hearing of Case No. 19-19 by the
   
District of Columbia Zoning Commission convened at 4:00
   
p.m. EDT, 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
- PAUL YOUNG, Zoning Data Specialist

OFFICE OF PLANNING STAFF PRESENT:

STEPHEN COCHRAN

DISTRICT DEPARTMENT OF TRANSPORTATION STAFF PRESENT:

KIMBERLY VACCA  
AARON ZIMMERMAN

The transcript constitutes the minutes from  
the Public Hearing held on July 9, 2020.

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

(4:01 p.m.)

1  
2  
3 CHAIRMAN HOOD: Good afternoon, ladies and  
4 gentlemen. We are convening and broadcasting this public  
5 hearing by video conference. My name is Anthony Hood. Joining  
6 me are Vice Chair Miller, Commissioner Shapiro, Commissioner  
7 Turnbull, and Commissioner, okay, Vice Chair Miller,  
8 Commissioner Shapiro, Commissioner May may join us or he may  
9 be listening but we will hold that in abeyance.

10 Also we are joined by Office of Zoning Staff Ms.  
11 Sharon Schellin, Mr. Paul Young, who's working all of our  
12 virtual operations. Copies of today's virtual public hearing  
13 notice are available on the Office of Zoning's website.  
14 Please be advised that this proceeding is being recorded by  
15 a court reporter, also webcast live, which included Webex and  
16 YouTube live.

17 The video will be available on the Office of  
18 Zoning's website after the hearing. Accordingly, all those  
19 listening by Webex or by phone will be muted. Please state  
20 your name and home address before providing oral testimony  
21 or your presentation. When you are finished speaking, please  
22 mute your audio so that your microphone is no longer picking  
23 up sound or background noise.

24 If you experience difficulty accessing Webex or  
25 with your telephone call-in, then please call our OZ hotline

1 number at 202-727-5471 and sign up to receive Webex log in  
2 or call in instructions. All persons planning to testify,  
3 either in favor, opposition, or undeclared, in virtual  
4 appearance, we encourage you to sign up in advance. At the  
5 time of sign up, all participants will complete the oath of  
6 affirmation required by Subtitle Z, Section 408.7.

7           If you wish to file written testimony or  
8 additional supporting documents during the hearing, then  
9 please be prepared to describe and discuss it at the time on  
10 your testimony, as we have not had time to review that  
11 submission.

12           The hearing will be conducted in accordance with  
13 the provisions of 11 Z DCMR Chapter 4 as follows: Preliminary  
14 matters at this case, we have up to 60 minutes reporting of  
15 the Office of Planning and Department of Transportation;  
16 Report of other Government agencies; Report of the ANC;  
17 Testimony of organizations which will have five minutes, and  
18 individuals which will have three minutes, respectively, by  
19 the Commission, and then we'll have rebuttal and closing by  
20 the Applicant.

21           The Commission reserves the right to change time  
22 limits for presentations, if necessary, and intends to adhere  
23 to time limits as strictly as possible. Again, today's date  
24 is July the 9th, and I believe this is Zoning Commission Case  
25 No. 19-19. With that, does the staff have any preliminary

**NEAL R. GROSS**

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

1 matters?

2 MS. SCHELLIN: Yes, sir. First, the Applicant filed  
3 a motion at Exhibit 18, where they filed an affirmation of  
4 posting instead of a notarized affidavit, and that was due  
5 to the COVID-19, not being able to get out and have access  
6 to a notary. We just asked the Commission to approve that  
7 motion where they've affirmed that they did the posting and  
8 again, that's at Exhibit 18.

9 CHAIRMAN HOOD: Okay. Thank you, Ms. Schellin.  
10 Commissioners, I don't have any problem with that, especially  
11 with what we're going through. As long as our counsel has not  
12 flagged it, I don't have any problems with it. Any others?  
13 Any objections? Okay, no objections.

14 MS. SCHELLIN: Okay. The other preliminary matter  
15 is just one proffered expert, and that is in architecture.  
16 I don't show that he's been accepted before. I'm sure I'm  
17 going to mess this up. Nicholas Mroczkowski.

18 COMMISSIONER SHAPIRO: What exhibit is that, Ms.  
19 Schellin?

20 MS. SCHELLIN: That would be 14E as in Edward.

21 CHAIRMAN HOOD: So Nicholas Mroczkowski. That's in  
22 Exhibit 14E? Let me get to that exhibit.

23 COMMISSIONER SHAPIRO: I have no concerns, Mr.  
24 Chair.

25 CHAIRMAN HOOD: Okay, no concerns. Anybody else?

**NEAL R. GROSS**

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

1 Vice Chair, fine? Commissioner Turnbull?

2 COMMISSIONER TURNBULL: I'm still trying to pull  
3 it up on my tablet.

4 CHAIRMAN HOOD: Okay. I'll give you time. 14E.

5 COMMISSIONER TURNBULL: I am okay with it, Mr.  
6 Chair.

7 CHAIRMAN HOOD: I am as well. Thank you. Mr.  
8 Nicholas Mroczkowski, and I'm sure he will correct us when  
9 he comes on, now will have expert status, at least in this  
10 case. Anything else, Ms. Schellin?

11 MS. SCHELLIN: No, sir. I'll have the Applicant  
12 confirm it. I believe, I was trying to find my notes but now  
13 I can't find it, I believe they were going to take 20  
14 minutes. Someone's trying to call in, so let me see who that  
15 might be.

16 COMMISSIONER SHAPIRO: Mr. Tummonds is on with us  
17 now.

18 MR. TUMMONDS: Yes, 20 minutes is what we are  
19 proposing for our presentation.

20 CHAIRMAN HOOD: Okay. I don't have a problem. Any  
21 objection to 20 minutes? Okay. You can go right ahead, Mr.  
22 Tummonds.

23 MR. TUMMONDS: Perfect. Before we start, I'd like  
24 to confirm that all of our team is in. I see Mr. Mroczkowski,  
25 Sarra Mohamed, and Brad Fennell are also going to be

**NEAL R. GROSS**

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

1 providing. There's Sarra, there's Brad. Perfect. Wonderful.  
2 Thank you very much.

3           Good afternoon, members of the Commission. I am  
4 Paul Tummonds of Goulston and Storrs. Lawrence Ferris of  
5 Goulston is also with us here this afternoon as part of this  
6 consolidated PUD application. As I just said, three witnesses  
7 this afternoon, they'll be presenting testimony. Sarra  
8 Mohamed and Brad Fennell, on behalf of the Applicant, and  
9 Nick Mroczkowski, our expert in architecture.

10           Our pre-hearing submission materials detail how  
11 this consolidated PUD application satisfies the PUD standards  
12 and response to set-down comments from both the Zoning  
13 Commission and the Office of Planning. In addition, at the  
14 request of the Office of Planning, we have submitted  
15 yesterday a two-page document which provides details as to  
16 how this project satisfies the special exception standards  
17 pursuant to Subtitle U, Section 421, for new residential  
18 development in the RA-1 Zone district.

19           We are pleased to note that this application has  
20 the conditional support of the Office of Planning, and the  
21 Department of Transportation. Mr. Mroczkowski will address  
22 the issues that Office of Planning raised regarding the  
23 additional information and analysis that they requested in  
24 their report, and in regard to DDOT's conditioned support,  
25 we have submitted an updated TDM and loading management plan

**NEAL R. GROSS**

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

1 into the record, which includes the two additional conditions  
2 that DDOT sought. It is our understanding that this revised  
3 TDM and loading management plan has addressed DDOT's  
4 conditions.

5 I will now have Ms. Mohamed present her testimony  
6 where she will discuss the vision for the project, community  
7 outreach that occurred, and community support for this  
8 project. Ms. Mohamed?

9 MS. MOHAMED: Thank you, Paul. Good afternoon. My  
10 name is Sarra Mohamed and I will present to you today on  
11 behalf of --

12 (Telephonic interference.)

13 COMMISSIONER SHAPIRO: Ms. Mohamed, we can't hear  
14 you well enough.

15 CHAIRMAN HOOD: If everybody else could mute  
16 themselves, and then we'll just wait and see if we can get  
17 Ms. Mohammed.

18 MS. MOHAMED: Is this better?

19 CHAIRMAN HOOD: Yes, that's better. If everybody  
20 could mute themselves.

21 MS. MOHAMED: Okay. I'll start from the beginning.

22 (Telephonic interference.)

23 COMMISSIONER SHAPIRO: I'm sorry, Mr. Chair. I  
24 can't understand what she's saying.

25 CHAIRMAN HOOD: I was trying to as well, but let

**NEAL R. GROSS**

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



1 me ask you. Can everybody see Ms. Mohamed, or is that just  
2 me that can't see her?

3 MR. YOUNG: It looks like her connection is bad.  
4 Maybe if her exception is to call in.

5 CHAIRMAN HOOD: Can we do this, can we let Ms.  
6 Mohamed call in and that way we can hear her.

7 MS. MOHAMED: I'll call in.

8 CHAIRMAN HOOD: Mr. Tummonds, while we're on that,  
9 can we go to somebody else? Unmute yourself, Mr. Tummonds.

10 MR. TUMMONDS: We'll switch over to Mr.  
11 Mroczkowski, and he can walk through his presentation.

12 CHAIRMAN HOOD: Mr. Mroczkowski, before you get  
13 started, who messed your name up worse, Ms. Schellin or  
14 myself? You must unmute yourself. I can read your lips, you  
15 say Ms. Schellin. Okay.

16 (Laughter.)

17 MR. TUMMONDS: You're still muted.

18 MR. YOUNG: No, he's not muted, but we can't hear  
19 him.

20 MR. MROCZKOWSKI: Is that any better?

21 CHAIRMAN HOOD: There you go.

22 MR. MROCZKOWSKI: I apologize. Thank you again to  
23 commissioners, staff, and all those who are joining on line.  
24 My name is Nick Mroczkowski, and I am a partner with Stoiber  
25 & Associates Architects, located at 1621 Connecticut Avenue

**NEAL R. GROSS**

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

1 NW, Suite 200, and that's in D.C.

2 Terrace Manor, and I'm not sure, is Mr. Young  
3 going to be putting these slides up simultaneously, or am I  
4 supposed to do some screen-share?

5 CHAIRMAN HOOD: There we go.

6 MR. MROCZKOWSKI: Wonderful. Thank you. That's  
7 great. So you should see on your screen here a ground-level  
8 view of a corner of the property. Terrace Manor will be a  
9 130-unit, four-story building, roughly 31,000 square foot  
10 floor points, and underneath that, 52 parking spaces  
11 partially below grade.

12 The site slopes from north to south, which on this  
13 image would be on the right-hand side down to the left-hand  
14 side. A large retaining wall along the northwestern edge of  
15 the site, which would be off to the back on the left, will  
16 be needed to allow for rear units to get light and air, and  
17 for storm-water management overland relief.

18 The structure will be a concrete podium with frame  
19 construction above and the exterior materials include two  
20 tones of brick veneer, for Savannah and 13th Street facades,  
21 above a ground face CMU veneer base. Fiber cement lap siding  
22 will be used for accent on some of the areas of the fourth  
23 floor.

24 Openings into the parking level are now screened  
25 by painted, perforated, metal panels. These have been

**NEAL R. GROSS**

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

1 proposed after the Office of Planning suggested we look for  
2 ways to reduce the transparency and views into that level.  
3 We had previously shown welded wire panels in those openings.  
4 Next slide, please.

5           This is before and after, left-hand view is the  
6 welded wire. You can see it's that lower level parking and  
7 then on the right-hand side is the current proposal. Next  
8 slide.

9           At the set-down, Zoning Commission recommended  
10 that the team look at the following: First, break up the  
11 massing, particularly along the main street facades, and we  
12 achieved this by using more contrast and darker siding in  
13 trims. We also proposed a 14 feet deep by 60 feet wide  
14 extension of the pedestrian entry along 23rd Street, and that  
15 includes the amenities based on the first floor. The  
16 increased depth there, we feel, does help break apart the  
17 massing.

18           We were also asked to reconsider the use of white  
19 coping and trim, and so at the red brick regions we had shown  
20 it as white. We are now showing it a medium shade of gray and  
21 brought that same tone down to the pedestrian entry as an  
22 accent. Next slide, please.

23           This slide shows updated east and south  
24 elevations. The Office of Planning's report asked us to  
25 reconsider the balcony projections currently illustrated on

**NEAL R. GROSS**

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

1 all of our documents with about 8 inches of projection. We  
2 can increase this to 18 inches. Those increased shadow lines,  
3 in our opinion, would also help to break up the massing on  
4 those two main facades.

5           Please note also on the upper image, that's the  
6 east facade, you'll notice on the right-hand side uphill,  
7 there have been some recent changes to that facade. We'll  
8 discuss that in more detail shortly. Next slide.

9           This shows the updated north and west elevations,  
10 primarily the rear of the building, and shows the transition  
11 to the vinyl lap siding around the corner from the off-white  
12 brick ends. We're using red siding accents to break up the  
13 long runs of the darker siding.

14           Also, in that top image, the community garden is  
15 accessed by residents via a secondary door. You can sort of  
16 see. It's not quite a third of the way up the left-hand  
17 side.

18           Aside from a light that we put there for exterior  
19 lighting and safety, the owner doesn't want to make that door  
20 very much of a focal point. Given the heavy tree cover uphill  
21 and steep grades that we talked about, there really isn't any  
22 views to the back of the building or to this garden door from  
23 any of the adjacent properties.

24           On the north elevation, which would be the bottom  
25 image, you can again see the recent changes to the first

**NEAL R. GROSS**

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

1 floor, where the existing grade would have needed additional  
2 retention to get windows onto the first floor. You can see  
3 a dashed-in white line, which is the continuation of the  
4 existing grade at that northern end of the building, and it's  
5 cut away for clarity so you can see via the courtyard wall.  
6 Next slide, please.

7           The proposed exterior material palette, already  
8 discussed, includes the perforated metal panels for the  
9 garage openings in the bottom left-hand corner. We also are  
10 changing the window color on that fourth floor where we have  
11 siding, to a black window. Those black windows are also  
12 needed on the rear view. Next slide please.

13           This is a site plan showing the proposed  
14 pedestrian entrance expansion, that's the lighter orange  
15 rectangle near the top of the building, and also removal of  
16 retaining walls around the north end. That's what I was  
17 alluding to about some recent changes. Next slide, please.

18           The parking and loading level includes 44 long-  
19 term bike parking spaces, and 52 vehicle parking spaces. 22  
20 of those are compact. As Paul mentioned, the TDM and loading  
21 management plans have been developed in coordination with  
22 DDOT, and so we believe, after studying the adverse impacts  
23 of trying to turn loading vehicles around on site, everybody  
24 seems to be happy with this compromise.

25           Moving left to right on the plan, the parking slab

**NEAL R. GROSS**

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

1 ramps up with the grade, heading to the north, and the  
2 foundation wall ends some 82 feet before the upper levels of  
3 the building. This helps keep the sheeting and shoring and  
4 cut as reasonable as possible for an all-affordable project.

5 Next slide.

6           This same factor influenced a recent adjustment  
7 to cut back on the excavation at the first floor as well.  
8 OP's request to see views from the units at that end led us  
9 to reconsider the practicality and value of having residents  
10 live in, in some cases, almost 12 feet below retained grade  
11 level. Three units were ultimately removed, and two other  
12 two-bedrooms adjacent to them were reduced to one bedrooms  
13 since their windows would still be above existing grade on  
14 both of these and west elevations. Next slide, please.

15           To keep the unit count at 130 units, other parts  
16 of the plan on the first floor and levels above were  
17 adjusted. Two tiers of three-bedroom units, seven total  
18 units, were converted to a mix of one to two-bedroom units.  
19 This mix had been 65 ones, 54 twos, and 11 threes, and is now  
20 71 ones, 55 twos, and four threes. Next slide, please.

21           These are the sections through the property,  
22 including at the bottom an updated section showing the  
23 adjusted foundation wall on the first floor, resulting from  
24 the reduced cut that we were looking to do. Next slide,  
25 please.

**NEAL R. GROSS**

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

1           This is the roof plan for the project. The roof  
2 will not be occupied, and instead we are proposing around  
3 13,800 square feet of solar photovoltaics over an extensive  
4 green roof. That will surround the condensers and the outside  
5 air systems. There are two penthouses proposed. The first  
6 with a corrugated perforated scrim around the outside air  
7 systems and the elevator overrun, and then, as zoning allows,  
8 a separate penthouse stair enclosure. That will also be clad  
9 with the same perforated scrim. Next slide, please.

10           Here's an overall view project as it would sit on  
11 the site, with the combined solar and green roof shown at the  
12 top. The owner is committing to delivering this building with  
13 LEED Gold certification, coupled with 100 percent of the  
14 storm water retention requirement fulfilled on site. We  
15 believe this all-affordable development will be both a  
16 sustainable and an important addition to the District. Thank  
17 you very much for your time.

18           MR. TUMMONDS: Thank you. I think now we'll try to  
19 go back to Ms. Mohamed. Sarra, have you been able to come in  
20 via phone?

21           COMMISSIONER SHAPIRO: She's on mute but on a bad  
22 connection still.

23           MS. MOHAMED: Hello?

24           MR. TUMMONDS: Hi, Sarra.

25           MS. MOHAMED: Can you hear me? I can hear you.

1 CHAIRMAN HOOD: There you go. You sound better.

2 MS. MOHAMED: Okay. I called on the phone. So Nick  
3 took away my thunder, but not to worry, imagine you didn't  
4 see all that, okay?

5 As I said before, my name's Sarra Mohamed, and I'm  
6 presenting to you today on behalf of WC Smith. WC Smith is  
7 an active developer in all eight wards of Washington, D.C.  
8 since 1968. For more than 30 years, we've been committed to  
9 the Parkline community where the proposed project will be  
10 located. Over this time, we have developed an extensive range  
11 of housing in the neighborhood, including project-based  
12 Section 8, LIHTC, market, for-sale town homes and single-  
13 family detached houses.

14 We developed the Shops at Park Village, a shopping  
15 center anchored by giant supermarkets, the first full-service  
16 supermarkets to open in Ward 8 in decades, and a Town Hall  
17 Education and Arts Recreation Center, also known as THEARC.

18 In numbers, that equates to 2200 rentals, nearly  
19 400 for-sale homes, 150,000 square feet of retail, 200,000  
20 square feet of dedicated community center space.

21 Several years ago we were made aware of the  
22 deplorable conditions at Terrace Manor, and worked closely  
23 with the existing tenant association to step in and purchase  
24 this property from the bankruptcy court.

25 12 families were living at the site, while one

**NEAL R. GROSS**

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



1 family was residing in a hotel, due to the unlivable  
2 conditions. Once we purchased the property, we relocated all  
3 families to clean state housing within 30 days. All former  
4 residents are currently at properties within the Smith  
5 portfolio, and we have remained in contact with the  
6 residents.

7           Today, we are proposing to you revival of a  
8 neglected property, replaced with a fully affordable  
9 property, available for households earning 60 percent MFI,  
10 which would be a major contribution to the City's affordable  
11 housing goals. All previous Terrace Manor residents will have  
12 the opportunity to return to the property after redevelopment  
13 is complete. They can move into a new, LEED Gold building  
14 which they can call home.

15           More importantly, as you've seen already, we've  
16 sharpened our pencils and enhanced the design of the  
17 building's appearance. Based on the revisions since the 2018  
18 BZA application, and in response to all the Office of  
19 Planning and Zoning Commission feedback we've received.

20           All Terrace Manor residents, new and existing,  
21 will have access to all the amenities offered at the site,  
22 which include a club room, 24-hour front desk, fitness space,  
23 on-site leasing office, and a community garden. These  
24 amenities are consistent with our other properties throughout  
25 the City, not just the affordable products.

**NEAL R. GROSS**

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

1           As mentioned previously, the tenant manor  
2 association has not only been actively involved in this  
3 project, but our partner on this deal. They have been with  
4 us every step of the way, and have co-presented with us at  
5 our ANC meetings. Both the ANC and the tenants' association  
6 have provided a letter of support for this project.

7           I want to thank you for your time, and I'll hand  
8 over the mic to Brad to speak to you.

9           MR. FENNELL: Thank you, Sarra. Commissioners, my  
10 name is Brad Fennell. I am the Executive Vice President of  
11 W.C. Smith, where I head up the development group. I'd like  
12 to take just a few minutes and update you on the current  
13 status on the financing for the project.

14           This project has been submitted to DHCD, and  
15 unfortunately we did not get selected last week when they  
16 came out with their announcements. And to make matters worse,  
17 there really is no clear understanding of when the District  
18 is going to be in a financial condition where they can  
19 continue to support affordable housing deals like Terrace  
20 Manor.

21           And so we're faced with a really challenged  
22 decision. We certainly are committed to giving this 130-unit,  
23 all-affordable project built, and to do that we're now  
24 exploring alternative private financing sources inclusive of  
25 us putting more of our own equity into the deal for a very,

**NEAL R. GROSS**

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

1 very long time in order to mask the effects the potential  
2 lack of DHCD subsidy.

3           What does that mean? Well, Nick went over some of  
4 what it meant, because we're trying to eliminate some of the  
5 more expensive elements of the foundation and maybe up to 400  
6 lineal feet of retaining walls on that north end, but that  
7 also meant, as he covered, a loss of units.

8           And so one of the things that we're asking for  
9 today is the flexibility in our unit count and in our  
10 distribution of units through the building. Because we're  
11 fixed on our FAR, we're really asking that we could stay at  
12 a minimum of 130 units and seek about five percent  
13 flexibility in the rearranging of the internal configuration  
14 of the building. We're not going to propose any changes to  
15 the building's architecture or footprint, and, as Nick went  
16 over, the example would lead to a drop from 50 percent two  
17 and three-bedrooms to 45 percent for the project.

18           We think that this helps us cover our operating  
19 expenses, keeps our unit count up, and preserves things like  
20 a front desk, that is a manned position, which helps with the  
21 ultimate goal of building a strong community.

22           The other area that we are focused on is continued  
23 cost-cutting. Without the DHCD subsidy, it's incredibly  
24 difficult to think about how to finance an all-affordable  
25 project. So in addition to having a private-sector partner

**NEAL R. GROSS**

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

1 like Smith, who's willing to move an all-affordable project  
2 forward without the DHCD subsidy, it's really necessary for  
3 us to look at other cost-saving measures that don't impact  
4 the appearance of the project or the tenant experience.

5           Therefore, we're asking that we no longer are  
6 committed to entering the First Source and CBE agreements.  
7 If the DHCD were to reenter the financing mix, obviously, we  
8 would of course comply with all the DHCD covenants, which  
9 includes those labor agreements. But without it, we're just  
10 not sure how we can make the numbers work.

11           So in summary, the combination of the slightly  
12 lower construction cost and flexibility with regard to the  
13 distribution of units, I think this is critical for us to  
14 keep our ability to finance this project and keep our  
15 commitment to the community to move forward expeditiously  
16 with the development and construction of the project.

17           I really appreciate your attention and  
18 consideration of these requests, and I'm available to answer  
19 questions.

20           MR. TUMMONDS: Thank you, Brad. That concludes our  
21 presentation, and the whole team is available to answer any  
22 questions that you may have.

23           CHAIRMAN HOOD: Okay, thank you all for your  
24 presentations. I can tell you ended on a very sour and bad  
25 note. I'm sure we'll have questions as we continue to move

**NEAL R. GROSS**

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

1 forward. We will start tonight with Commissioner Shapiro. I  
2 do have some questions from Commissioner May, but I will read  
3 those at the end. He still may be able to join us. We'll see.  
4 Mr. Shapiro?

5           COMMISSIONER SHAPIRO: Thank you, Mr. Chair. Yes,  
6 a few questions. I was just looking over the notes from set-  
7 down, and I didn't even quite understand my own question but  
8 I'll throw it all your way. What happened to the BZA case and  
9 the BZA approval? Let's say we were to approve this  
10 consolidated PUD.

11           MR. TUMMONDS: Sure, I can take that one on. The  
12 BZA approval expired on May 6, 2020, unless you were to file  
13 again for it, so we just let that expire. This is the project  
14 for this site.

15           COMMISSIONER SHAPIRO: Perfect. Thank you. So, this  
16 was a Low Income Housing Tax Credit deal, a LIHTC deal, and  
17 what you got rejected for was the nine percent tax credits,  
18 is that what I'm hearing, assuming?

19           MR. TUMMONDS: No, it was originally a tax credit  
20 deal, rehabilitating older buildings that still remain, but  
21 those buildings are really in an unlivable condition. Our  
22 plan is to remove those buildings. And then we were applying  
23 for four percent tax credits from the HFA Bond Program, and  
24 then additional Housing Production Trust Fund in order to  
25 close the gap.

**NEAL R. GROSS**

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

1           Our current thinking, without the DHCD Housing  
2 Protection Trust Fund would be to continue to go through the  
3 bond closing, generate the four percent credits, and then  
4 figure out how to close the gap, which was the DHCD subsidy.

5           MR. TUMMONDS: Roughly, how big a gap are you  
6 talking about in your financing?

7           MR. TUMMONDS: It's 15 million under DHCD. We were  
8 reaching some lower MFI targets in order to be compliant with  
9 their numbers, but we were able to balance the deal and make  
10 things work. Under the newer scenario, we're looking to  
11 maintain unit count and we're looking at the 60 percent MFI,  
12 and that helps us maintain NOI and be able to close the gap.

13           But I should say that's not without pain of taking  
14 the acquisition and sort of putting it on the side for the  
15 better part of 15 to 17 years until the tax credit investor  
16 has had his time to get the yield from the tax credits, and  
17 then we could look at reacquiring the balance of the project  
18 and figure out how to try to recoup the money that we've put  
19 out. So it's a significant contribution on behalf of the  
20 Smith Company if we were to make that project work.

21           COMMISSIONER SHAPIRO: What's the total development  
22 cost?

23           MR. TUMMONDS: The TDC for the project as a whole  
24 is 38 million, 47 if you include the land and acquisition  
25 numbers.

**NEAL R. GROSS**

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

1           COMMISSIONER SHAPIRO: So that 15 is a significant  
2 amount. How much -- the First Source and the CBE, it's  
3 interesting that you said that you want to pull back on that  
4 as a cost-saving measure. How do you evaluate that as a cost-  
5 saving measure? First of all, I appreciate the reputation of  
6 your company, no questions around your integrity around this,  
7 I hadn't heard it framed that way. So how do you value the  
8 additional expense of First Source and CBE?

9           MR. TUMMONDS: We think those, along with Davis  
10 Bacon, contribute between five and 15 percent to the  
11 construction costs. There's no science that backs those  
12 numbers up, because there's no perfect situation where you're  
13 going out with a bid, one with and one without, at the same  
14 time where you would get a collection of bidders who would  
15 give you that basis adjustment.

16           So it is our speculation, based on our history and  
17 our experience, that it's between five and 15 percent.

18           COMMISSIONER SHAPIRO: I get it on Davis Bacon, I  
19 don't quite get it on First Source and CBE.

20           MR. TUMMONDS: So, if you're a contractor and you  
21 get a bid sheet, and the bid sheet says that you have no  
22 requirements, or you have a bid sheet that says that you have  
23 to maintain requirements, right away there are cost  
24 implications to tracking one versus the other.

25           And then when you look at the relative challenges

**NEAL R. GROSS**

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

1 that you step into, let's just take First Source, for  
2 example, where you have to not only track hours and make sure  
3 that you're meeting those challenges, you have to backfill  
4 where you don't have the ability, if there's a labor  
5 shortage, that becomes a bigger challenge.

6 And then you put sort of the generalized  
7 difficulties in managing your labor resources on top of that,  
8 and that's what imputes a higher price on behalf of that  
9 subcontractor, who has other choices and other jobs in which  
10 they can choose to bid on.

11 COMMISSIONER SHAPIRO: Okay. Thank you for that.  
12 So, I have questions about IZ, the IZ units. I'm inclined to  
13 leave that to Vice Chair Miller, because I imagine you'll  
14 have those questions as well, so I'll just hold on that, and  
15 I do have a, I may be missing this, this is ground up, right?  
16 Razing it.

17 MR. TUMMONDS: Right.

18 COMMISSIONER SHAPIRO: Okay, fine. I had a strange  
19 reaction. I'm not the architect in the room. I had a strange  
20 reaction to the white windows in the multi-colored  
21 backgrounds, and then you made the darker windows up top.  
22 There's a way in which I find it playful, and there's a way  
23 in which I find it kind of distracting. I'm wondering, I  
24 don't know, maybe a quick thought from the architect around  
25 the bright white windows.

**NEAL R. GROSS**

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



1 MR. MROCZKOWSKI: Sure. Windows, they come in a lot  
2 of different flavors, and the white is a very standard  
3 offering that we tend to use quite a bit. It reflects a lot  
4 more of the heat gain and gives you a crisp look that's easy  
5 to maintain. The black is just a great contrast to that, so  
6 for us, we saw the light as a good punctuation to the more  
7 subtle colors, and keep the dark as dark as possible. That  
8 was the center of the concept.

9 COMMISSIONER SHAPIRO: Did you consider all dark  
10 windows throughout the whole thing?

11 MR. MROCZKOWSKI: I believe we looked at it at one  
12 point, but this is where we ended up.

13 COMMISSIONER SHAPIRO: Okay. All right. That's all  
14 I have for now, Mr. Chair.

15 CHAIRMAN HOOD: Okay, thank you. Let's go to  
16 Commissioner Turnbull.

17 COMMISSIONER TURNBULL: Thank you, Mr. Chair. I'm  
18 a little bit saddened to hear about the issues with  
19 financing. This would be a significant housing gain for the  
20 city, especially at the affordable limits. So it's -- I'm  
21 saddened to hear that we're going through all this on this  
22 project.

23 I'll take up with Commissioner Shapiro's questions  
24 about the financing and how the five to 15 percent impact  
25 with the different First Source and CBE, I don't think we've

**NEAL R. GROSS**

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

1 had somebody come and hit us with that before, at least not  
2 to those levels. So that's a little bit, that's concerning  
3 to hear that.

4           On the architecture, I think Commissioner Shapiro  
5 had a good point about the windows. What's troubling to me  
6 is that I've never looked at a lot of projects as a front and  
7 a back, and you have the street side which gets all the good  
8 and the glory, and then the back gets treated as -- We've  
9 dealt with a lot of architects and clients where we say, you  
10 know, buildings are built holistically and four-sided, and  
11 there's a lot to be seen.

12           These buildings are seen not just on two sides but  
13 there's housing behind, so people are going to see this  
14 building from behind also. The rear elevations, these people  
15 who live in this building are also going to be at the back.  
16 I find it a little bit oppressive to look at the rear  
17 elevations and see this very charcoal gray, dark black  
18 elevation.

19           It just seems, and guess what, they have light  
20 windows. White siding on the other side has black windows.  
21 So I'm a little bit troubled by the architectural hierarchy  
22 of how you go around explaining dark windows on one side, and  
23 then go to white windows on the other side. Is it simply a  
24 cost, if since this is the back side we're going to make this  
25 a lot cheaper materials? I find that a hard sell to me.

**NEAL R. GROSS**

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

1 I think that people are going to be living in this  
2 building, around this building, and to see the back side  
3 being downgraded so much, I'm troubled by that. I think that  
4 there's a better way of doing that, there's a better way of  
5 mixing elevations, there's a better way of defining it and  
6 keeping costs down but also providing a little bit of relief  
7 to that huge charcoal gray back side. It just seems  
8 oppressive to me, that's all. Any comments?

9 MR. FENNELL: I'm not sure who is going to go.  
10 I'll take the visibility side, and, Nick, maybe you can take  
11 the coloration, since that was at your hand.

12 Maybe if we could put the site plan back up.  
13 There is a significant grade differential from the top side  
14 of the site down to the front bottom at Savannah and 23rd.

15 And so, when you talk about the visibility of the  
16 back side of the building, I think what you will see is  
17 mostly hill and trees that are up there, and there really  
18 isn't, from the street, from Savannah, or from 23rd, or even  
19 if you came up and drove Shipley Terrace, or Ridgecrest  
20 Court, you would not find great site lines back down to this  
21 building.

22 MR. MROCZKOWSKI: Paul Young, could you put up  
23 our Power Point presentation. All right, thank you.

24 And so, I think we want to go back to the site  
25 plan?

1 COMMISSIONER SHAPIRO: Can you stay on this slide  
2 right here.

3 MR. MROCZKOWSKI: Sure.

4 COMMISSIONER SHAPIRO: Commissioner Turnbull, I'm  
5 sorry.

6 So, you are saying everything off the back you  
7 don't really see. Go back to that slide again.

8 CHAIRMAN HOOD: Let's back up to the first slide.  
9 I also have some questions. Let's stay on that slide for a  
10 moment.

11 COMMISSIONER SHAPIRO: So, you are saying this is,  
12 obviously, all visible from the road, but the back side of  
13 this you are saying you, actually, don't see because of the  
14 topography and the trees?

15 MR. MROCZKOWSKI: That's been our experience. If  
16 you walk the site, yes.

17 COMMISSIONER SHAPIRO: Okay.

18 COMMISSIONER TURNBULL: Well, I guess I don't  
19 totally buy that. Plus, you also have a tenant area in the  
20 back that they are going to go out and be in, right? Am I  
21 not correct? Isn't there a garden area in the back there?

22 MR. TUMMONDS: Yes, you are correct.

23 I think, you know, I think we hear you,  
24 Commissioner Turnbull. And, I think we do need to take a  
25 look at, certainly, the color palette back there. We'll

**NEAL R. GROSS**

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

1 continue to look at that and evolve that further.

2 COMMISSIONER TURNBULL: Okay.

3 CHAIRMAN HOOD: Let me just interrupt, Mr.  
4 Turnbull. This -- we have this up already. My question is,  
5 though, what's going on. I mean, I listened to the comments,  
6 I know I made some comments about the upper part. I don't  
7 know whether that's black, charcoal gray, or what, but, you  
8 know, I'm almost sorry I even mentioned it, because back here  
9 it's just too busy. I don't know what's going on back there.  
10 I guess I'll wait to come to my turn and we go through that,  
11 but I want to come right back to this particular slide,  
12 because I'm looking back here. And, I'm thinking, what the  
13 heck is going on.

14 But, I like the structure. It's just the palette  
15 and the colors. There's a lot going on, and I know that I  
16 had some comments about the upper part, about it being white  
17 and getting dirty. But, I think we went from one extreme --  
18 I'm almost sorry I even mentioned it.

19 Commissioner Turnbull, you go ahead and continue.

20 COMMISSIONER TURNBULL: I just want to finish up.  
21 I guess I'm following up on I mean Mr. Shapiro's line, I  
22 think the solar panels on the roof are a great benefit, and  
23 I'm glad to see that.

24 Did I hear you say, when you were describing the  
25 balconies, they are now going to be 18 inches? I'm not sure,

**NEAL R. GROSS**

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

1 I mean just Juliet before -- like applied metal grill onto  
2 the wall, now they are going to be 18 inches deep. Is that  
3 right?

4 MR. MROCZKOWSKI: That's correct. As rendered and  
5 illustrated on the entire package, it is still shown at that  
6 applied level, about eight inch projection.

7 COMMISSIONER TURNBULL: Okay.

8 MR. MROCZKOWSKI: The proposal would go out to 18  
9 inches.

10 COMMISSIONER TURNBULL: Okay. All right. Thank  
11 you.

12 Mr. Chair, I think that will be my questions for  
13 now.

14 CHAIRMAN HOOD: Okay, thank you.

15 Vice Chair Miller?

16 VICE CHAIR MILLER: Thank you, Mr. Chairman, and  
17 thank you to the Applicant for bringing this project forward.

18 I, too, am -- obviously, not knowing all the  
19 projects that were before DHCD, but I'm disappointed that you  
20 did not receive the, I guess, \$15 million subsidy you were  
21 seeking from -- in Housing Production Trust Fund dollars, is  
22 that what you said Mr. Fennel?

23 MR. FENNEL: That is correct.

24 VICE CHAIR MILLER: What's the total amount of  
25 HPTF funding in that particular cycle, not that that's

**NEAL R. GROSS**

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

1 relevant to our consideration. But, I am interested.

2 MR. FENNEL: It's always tough to know how much  
3 they are giving out. They have -- they were supposed to have  
4 had \$115 million this year. They did award ten projects.  
5 And, all we got, we got a letter that said that we were one  
6 of the ten, but that if additional funding came about, they  
7 would look at projects from this pool. We were one of the  
8 projects they would continue to look at.

9 But, there's no -- this is the third time that  
10 we've applied for Housing Production Trust Fund. Sarra  
11 addressed it at the beginning of the presentation, we came  
12 to this project because we are so intertwined in the  
13 neighborhood, and it was disturbing to see what had happened.

14 There was, you know, a call to arms. There was  
15 a need to step in. And, the implication was that if we could  
16 take immediate need of addressing the families who were  
17 living in squalor, and then come with a thoughtful plan,  
18 that, you know, we could return those residents and improve  
19 the neighborhood.

20 And, it's disappointing that we are at this point,  
21 and we are just not prepared to give up on the project. But,  
22 we are also smarting from the fact that, you know, waiting  
23 a whole other cycle to go round four doesn't seem very  
24 hopeful right this second.

25 And so, you know, this news came out last

**NEAL R. GROSS**

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

1 Thursday. We were devastated, and I think that my comments,  
2 and the latitude that I'm asking for, doesn't come light  
3 hearted from us at all. In fact, you know, we have funded --  
4 we are involved in the Skyland Town Center redevelopment.  
5 And, through THEARC, the non-profit, we have put in  
6 significant dollars to a new training regimen through THEARC,  
7 and that's called the Skyland Workforce Center.

8           That workforce center is a bricks and mortar  
9 location that we put significant dollars into to bring local  
10 residents through for training, job assessment. We have a  
11 long history, I should say, of exceeding our requirements on  
12 our DHCD projects. This is not new territory for us.

13           So, I, too, you know, recognize that THEARC is  
14 sort of suggesting that the Commission be supportive of  
15 allowing us not to put forth the CBE requirements. But, the  
16 counter to that is that we are a private sector company who  
17 is willing to build 130 units of affordable housing, all  
18 affordable, all at below 60 percent AMI. That's significant.  
19 That's unheard of. That doesn't happen.

20           And we, therefore, have to ask for some leniency  
21 and recognition that our contribution is in hard cash that's  
22 going to go into this project and not receive a return has  
23 to have some sort of recognition against the counter balance  
24 of doing all the things that we've been doing for years, in  
25 terms of contributing to the labor force and to the minority

**NEAL R. GROSS**

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



1 contractors. And, certainly, you know, I can tell you that  
2 we are still going to go after those very important  
3 contractors and work with them.

4 I just think by having it as a mandate it becomes  
5 more of a challenge for us to, actually, reach that goal,  
6 because we are not sure we can get there. And, I'm opposed  
7 to the rationale.

8 Thanks for listening.

9 VICE CHAIR MILLER: Okay. Well I, for one,  
10 certainly acknowledge all of the important work that WC Smith  
11 has done in both the affordable housing development area,  
12 particularly, on the eastern side of the City, and the work  
13 force development area as well.

14 And, we appreciate this particular project, the  
15 all affordable at 60 percent MFI for 40 years.

16 Just to -- not to belabor it, but just, you said  
17 it was the third time for this particular project that you  
18 were turned down for HPTF, or is it the third time --

19 MR. FENNEL: That is correct. Third time for this  
20 project.

21 VICE CHAIR MILLER: I guess three strikes you are  
22 out, not speaking officially, but that's sad.

23 So, on the inclusionary zoning, I think you  
24 testified that, or you submitted something that indicates  
25 that 11 to 13 of the units would be meeting the inclusionary

**NEAL R. GROSS**

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

1 zoning criteria in perpetuity.

2           Are you setting aside those units now, which I  
3 think is what the City would prefer from a public interest --  
4 public standpoint, or are you asking for exemption to those  
5 40 years of the LIHTC, and then putting in -- or are you  
6 setting aside them now, because they can qualify under IZ's  
7 criteria.

8           MR. FENNEL: It's sort of one in the same, right?  
9 They qualify under the 60 percent MFI, and for tax credit  
10 compliance reasons we would not, we would like to keep very  
11 clear the distinction that we have to run our tax credit  
12 compliance office, that we measure for tax credit compliance  
13 rules that subset of the inventory of 130 units.

14           And then, when the extended use agreement expires  
15 under the tax credits, then IZ, certainly, would be in place,  
16 and those units would become IZ units.

17           VICE CHAIR MILLER: Okay. Well, that's -- we'll  
18 weigh the AMI pay grade and understanding, but if I  
19 understand why you may need to, from a financing perspective,  
20 keep that separate. So, you may need to apply for an  
21 exemption for that first 40 years, and then they kick in.

22           I guess we've been advised by counsel that it  
23 would be better from a public interest standpoint if they  
24 were set aside now, because then the District wouldn't have  
25 to track those units for 40 years, and, potentially, lose the

**NEAL R. GROSS**

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

1 IZ units if we don't track it, and then avoid the issue.  
2 What happens to those tenants in place in 40 years when the  
3 LIHTC units covert to IZ units, with, potentially, different  
4 tenant selection for the area.

5           But, as long as they are set aside one way or the  
6 other, and that's made clear in the order, I think the IZ's  
7 interest will be satisfied. But, if you are able to set  
8 aside them now, without disturbing your financing, that might  
9 be better from the District's perspective, according to the  
10 advice we've received.

11           I don't have you had any comment. You don't need  
12 to comment if you don't. Okay.

13           So, we -- I appreciate all the changes and  
14 refinements that you, that the Applicant you've made since  
15 I guess in set down or since the application was first filed  
16 as a result of OP, Office of Planning comments, and Zoning  
17 Commission comments, including the design changes, using  
18 colors, and to try to break up the massing, although I think  
19 OP had some other massing suggestions. But, you have broken  
20 up the massing with the way the colors play out, and the  
21 design.

22           And, the increase of the Juliet balconies,  
23 converting just decorative to at least being able to walk out  
24 onto them with between the eight inch and the 18 inch is  
25 appreciated. I always like residential buildings to have

**NEAL R. GROSS**

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

1 residential look to them which balconies give. And, in this  
2 day and age private outdoor space is more important than  
3 ever. So, that's a good thing.

4 And, the commitment to LEED Gold and the solar  
5 panels, and adding the community garden, I think all those  
6 were changes. How much square footage is the community  
7 garden, do you know?

8 Does anyone know, the community garden, how big  
9 it is?

10 MR. MROCZKOWSKI: I believe it was somewhere in  
11 the 2,500 square foot range.

12 VICE CHAIR MILLER: So, that's a very important  
13 amenity as well, and I think that's adjacent to other land  
14 use pieces, is there a club room or something out there?

15 MR. MROCZKOWSKI: Fitness center.

16 VICE CHAIR MILLER: Fitness center. So, that's  
17 good, that's all good.

18 And, we appreciate your partnership with the  
19 tenant association, all these features and the opportunity  
20 to return will, particularly, how many of the original 61  
21 units, households that were there on this -- that were  
22 formerly there on this site, are you still around or in your  
23 new buildings, and you think might come back?

24 MR. FENNEL: When we got involved with the  
25 bankruptcy court, there were 13 families that were still

**NEAL R. GROSS**

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

1 associated with the project. As Sarra said, one was living  
2 in the hotel, and then there were 12 on site. And, we  
3 relocated all 13. We've kept in contact with the entirety  
4 of the group, and as Sarra said, we continue to have dialogue  
5 with them, and they continue to remain supportive.

6 And, it's our hope that we can find a path forward  
7 that builds the projects and gets them back on site. That  
8 has been our original thought, and we stay focused on that.

9 VICE CHAIR MILLER: And, we appreciate the number  
10 of two and three bedrooms that are also included in the  
11 project.

12 So, thank you. I wish you good luck going forward  
13 with alternative financing.

14 CHAIRMAN HOOD: Okay, thank you. I'm going to ask  
15 my questions, I don't have a lot.

16 Again, we don't have to put it back up, but you  
17 heard me express my interest in the different colors. I know  
18 I heard from the Vice Chair he likes all what's being  
19 presented.

20 And, I also understand, Mr. Fennel and others,  
21 that it's a difficult situation that you had. So, for me  
22 it's about the balance. I want to balance some of that. I  
23 don't want to put too much pressure, because I don't -- I  
24 definitely don't want you to walk away from this important  
25 project. It's very important to the City, and, especially,

**NEAL R. GROSS**

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

1 the respite side.

2 I understand that, too, when I'm making my  
3 comments. I went back and looked at what was considered at  
4 set-down versus what came back. For me, and I'm not sure  
5 where others are, for me it was somewhere, as far as colors  
6 and material, I was somewhere in between.

7 If I keep staring at it, if I keep staring it long  
8 enough maybe I'll -- it will grow on me, but I just see a lot  
9 of stuff, and I don't understand it. Maybe this is not  
10 giving me a true picture of exactly the colors, because it's  
11 a monitor as opposed to on paper, or having the material  
12 directly in front of us.

13 Maybe this is not giving a true representation,  
14 but I will tell you that for me it's somewhere in between.  
15 But, I'm saying that with the caveat, don't change a whole  
16 lot, but let's see if we can look at this, and see if we can  
17 somewhere in between. I'm not sure if others buy into it or  
18 not. That's just coming from this Commissioner.

19 The other thing is, Mr. Tummonds, I don't know if  
20 you mentioned early on about the DDOT report, some of the  
21 things that DDOT had. Did you accept everything that they  
22 recommended, or was there some disagreement?

23 MR. TUMMONDS: Yes. We accepted -- they had two  
24 conditions which were really like reporting out, because it  
25 tends to talk about how we satisfy it. We just made a minor

**NEAL R. GROSS**

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

1 tweak that said, yes, we will do that, but as opposed to  
2 having DCRA, you know, provide some information on it, we'd  
3 rather just have it all be information that we can provide  
4 because it is based on what we do. And so, we said that,  
5 yup, we will give you all the information you need, and we  
6 will provide it to DDOT and provide it to OZ. And, based on  
7 the feedback we got from DDOT staff, they were fine with the  
8 minor tweaks that we made to their proposed conditions.

9 CHAIRMAN HOOD: Okay. All right. And, the Office  
10 of Planning as well?

11 MR. TUMMONDS: I think the concerns they had I  
12 think Mr. Mroczkowski addressed. I think sort of the main  
13 concerns they had were those below grade units.

14 CHAIRMAN HOOD: Right.

15 MR. TUMMONDS: Which we pulled out, and then I  
16 think some of the questions that Mr. Miller alluded to, about  
17 whether the -- you know, the differentiation of massing that  
18 we really address through colors, was that sufficient.

19 CHAIRMAN HOOD: I realize the different colors to  
20 try to break the mass. I think the structure, and I think  
21 the incline and all that, I think that works well. I think  
22 it looks great. I'm just trying to figure out those colors,  
23 I really am. But, I don't want to sacrifice walking away  
24 from the project. I'm just asking you.

25 The other thing is, Mr. Fennel, the -- what is it,

**NEAL R. GROSS**

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

1 CBE?

2 MR. FENNEL: ELA CBE and First Source.

3 CHAIRMAN HOOD: First Source, that's it. The  
4 First Source is always the issue. I don't know if you've  
5 watched me over the years, I'm a stickler for that.

6 MR. FENNEL: I know it was a set up for me. I  
7 said, uh-oh, you better put me in a bullet proof vest,  
8 because it's going to get tough.

9 CHAIRMAN HOOD: But, you know, I was sitting here  
10 thinking, to sacrifice that for the folks to have the  
11 beautiful places there, a nicer place to increase their  
12 quality of life. I'll have to give on this, but I was looking  
13 for the next one.

14 MR. FENNEL: And, I think you shouldn't have to  
15 do that.

16 CHAIRMAN HOOD: But, I understand the  
17 circumstances, we're going through this at a difficult time,  
18 nobody predicting any of this. Hopefully, it won't happen  
19 again, but if it's another 100 years they'll have to adjust  
20 then as well.

21 But, you know, I'm stickler for that. I just want  
22 to put that on the record. But, I will balance that with  
23 making sure residents have an increased quality of life.

24 So, I'm hoping you don't walk away from the  
25 project. Anything that I've said about materials may put a

**NEAL R. GROSS**

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



1 lot of strain on you. Just bring it back, and, you know,  
2 there's always a way to work it out. I'm just asking you.

3 I think the most important thing for me, though,  
4 is that residents have increased quality of life.

5 Okay. Now, Commissioner May he has a few  
6 questions. I'm going to ask them exactly how he wrote them.  
7 So, you want to make sure you respond, because I'm sure he's  
8 going to review it, and we want to make sure he's satisfied  
9 with the responses.

10 So, here's the first question. In the Applicant's  
11 presentation, I see that the IZ, and he may have asked this  
12 and what you answered to him -- in the Applicant's  
13 presentation I see that the IZ three-bedroom unit is no  
14 longer on an outside corner of the building, but is now shown  
15 on the inside corner. That means one of the bedrooms is  
16 landlocked. And, he has in parentheses, no window to the  
17 outside. I don't think that is permissible, and we should  
18 certainly not approve this.

19 I recognize the building is affordable now, so  
20 this does not become an issue for 40 years, but I wanted to  
21 flag it.

22 Any response? But, here's the other thing, let  
23 me say this, Mr. Fennell, before you respond. He didn't hear  
24 the first information. I don't believe he -- he wasn't privy  
25 to that information, so that may change some of his thinking,

**NEAL R. GROSS**

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

1 too. Let's see.

2 Okay, can somebody respond to that?

3 MR. FENNELL: I think we can take that back under  
4 advisement, and file a response to it.

5 CHAIRMAN HOOD: Okay. All right, that will be  
6 good.

7 And, next -- he only has three -- the next  
8 question is, I am not fond of black speckled -- hold on a  
9 second, let me look this up so I can tell you what is,  
10 because I didn't even know what it was, but I know now --  
11 concrete masonry unit, okay, CMU. I am not fond of black  
12 speckle concrete masonry units product use on the base of the  
13 face of the facade. Can they investigate other materials  
14 that do not look as cheap as CMU.

15 I know that they have a nice version of CMU, but  
16 it is still a CMU. Take that under advisement, again, I  
17 wasn't privy to that information. So, see what you can do  
18 with that.

19 And, he and I both, I'm sure he and I both share  
20 this next one, and I do know that we have a letter. He said,  
21 I did not see an actual ANC report, but there are a couple  
22 of letters from SMD reps. Can we get a full ANC report?

23 Mr. Tummonds.

24 MR. TUMMONDS: So I can talk on that. ANC 8E has  
25 had quorum issues. ANC 8E had their first virtual meeting

**NEAL R. GROSS**

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

1 this past Monday, July 6th. Prior to that, ANC 8E had not  
2 met since February.

3 Sarra Mohamed did a fantastic job working with  
4 Chairman Slaughter to try and get them to get a quorum, and  
5 we have presented to their executive committee in the last  
6 month, their ANC.

7 I'd love to be able to do that. I'm just not sure  
8 that that ANC is going to have the ability to have a quorum  
9 in a virtual setting.

10 CHAIRMAN HOOD: Okay. We just want to make sure  
11 we get them all the opportunity.

12 What about 8B?

13 MR. TUMMONDS: Sarra, do you want to talk about  
14 your discussions with Commissioner Abdulmalik?

15 MS. MOHAMED: Yes. I have spoken to Commissioner  
16 Abdulmalik on several occasions. I've, actually, met with him  
17 once around -- about the project. But, we spoke today, and  
18 I sent him the log-in information. He's been supportive.  
19 He says this is a great project. And, I have shared with him  
20 that I have presented to ANC 8E, and that they're support,  
21 as well as the tenants association partnership. And, he says  
22 this sounds like a great project, and he doesn't see why he  
23 would object if the Agency SMD is in support.

24 CHAIRMAN HOOD: Okay. Well, for our purposes, we  
25 just want to try to make sure that they had -- Mr. Tummonds

**NEAL R. GROSS**

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

1 know this, they get great weight. But, we really appreciate  
2 it, and we will take all that under advisement.

3 I understand sometimes it's difficult, because our  
4 ANC commissioners in the City are volunteers. We appreciate  
5 all the work that they do, even if they do have quorum issues  
6 from time to time, we still appreciate all their work.

7 And, I'll end on this note. We appreciate the  
8 work that this Applicant has done throughout the City. I  
9 don't want to start off by me feeling like I was on my way  
10 to a funeral. But, I appreciate the work that this company  
11 has done in this City over the years. It's remarkable, and  
12 I think Vice Chair and others have already mentioned that.

13 Any other follow-up questions or comments,  
14 Commissioners?

15 Commissioner Shapiro.

16 COMMISSIONER SHAPIRO: Thank you, Mr. Chair. Just  
17 two brief ones.

18 The sheet that we were looking at before, Sheet  
19 217, with that sort of an elevation from up above. I just  
20 want to make sure that I'm understanding the color palette  
21 on that. Can we pull that up real quick? Well, actually,  
22 let me just ask the question. Maybe it's obvious. On the  
23 left side of it it's yellow, and on the right side of it it  
24 looks kind of gray. Is that just the lighting or are they,  
25 literally, two different colors?

**NEAL R. GROSS**

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

1 MR. MROCKOWSKI: It is just the lighting.

2 COMMISSIONER SHAPIRO: Okay.

3 COMMISSIONER SHAPIRO: This is a twilight unit,  
4 so getting some sunset views from the south.

5 COMMISSIONER SHAPIRO: Okay, because that,  
6 actually, might even address Chairman Hood's issues about  
7 there's just a lot going on, but some of that lot going on  
8 is just different lighting on two different sides.

9 Okay, that's helpful for me.

10 The other question I have is, I wonder if there  
11 is a way on the First Source CBE, Can we -- if we were to  
12 approve this, is it possible to condition it in such a way  
13 that if you do get Housing Production Trust Fund funding,  
14 then you will go the normal route?

15 MR. FENNEL: Absolutely. I addressed that in my  
16 comments. I mean, you are not going to get Housing  
17 Production Trust Fund and not do the First Source and the  
18 CBE, and that would be a fine condition from my vantage  
19 point.

20 MR. TUMMONDS: I think what we'd like to do, if  
21 possible, we will submit in our footprints here we address  
22 the colors. We'll also, you know, submit proposed conditions  
23 that would address just that type of thing, Commissioner  
24 Shapiro.

25 COMMISSIONER SHAPIRO: Okay.

**NEAL R. GROSS**

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

1 MR. TUMMONDS: And, make it all clear in one  
2 package.

3 COMMISSIONER SHAPIRO: That's great, and that's  
4 all I have, Mr. Chair.

5 CHAIRMAN HOOD: Okay, thank you.

6 Any other follow up from any other Commissioners?  
7 Okay. All right.

8 Let's move along. Again, do we have anybody  
9 online, a representative for 8E or 8B, for any cross  
10 examination? I don't think -- not hearing.

11 So, let's go on to the Office of Planning's  
12 report, Office of Planning and DDOT, I believe it's Ms. Myers  
13 or Mr. Cochran. Okay, Mr. Cochran, and Mr. Zimmerman, DDOT.

14 MR. COCHRAN: Thank you, Mr. Chair. It is Mr.  
15 Cochran, representing the Office of Planning on this Case 19-  
16 19.

17 OP remains very supportive of the project and the  
18 concept. Our quick look at the changes that were submitted  
19 yesterday indicates the project is still not inconsistent  
20 with the Comprehensive Plan, and would significantly further  
21 the Mayor's Housing Order.

22 Although the number of two and three-bedroom units  
23 look to be public benefit to the project will remain, the  
24 section of those that you discussed earlier today.

25 But, to be sure that OP has been given the time

**NEAL R. GROSS**

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

1 to look at the revised proposal and adequately analyze it,  
2 we'll be submitting a supplemental report analyzing the  
3 changes and the project as it was overall submitted yesterday  
4 afternoon.

5 And, of course, we'll be working with the  
6 Applicant to respond to these other issues, comments that  
7 you've already expressed today.

8 That concludes our testimony today.

9 CHAIRMAN HOOD: Okay, thank you, Mr. Cochran.

10 I think from DDOT we are going have Ms. Vacca.  
11 We are going to come back and ask all of our questions for  
12 the Office of Planning and DDOT once both of them are  
13 finished.

14 I'm sorry, Ms. Vacca is working DDOT.

15 MR. ZIMMERMAN: Good evening. I'm Aaron Zimmerman  
16 with DDOT. I'd like to introduce to you the newest member  
17 of our team, Kimberly Vacca, who will be giving the DDOT  
18 report this evening.

19 She came to us from Arlington County's Community  
20 Planning Group, and has a lot of excellent experience. We  
21 are glad to have her on board. She's been doing a great job  
22 these last two months, so you'll be seeing her more here at  
23 the Zoning Commission in the future.

24 So, I'll turn it over to Kim.

25 CHAIRMAN HOOD: So, let me just welcome Ms. Vacca,

**NEAL R. GROSS**

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

1 let me welcome her to the Zoning Commission of the District  
2 of Columbia. I'm not sure how our day is going to be today,  
3 but if you get off easily, it doesn't normally go that way,  
4 but we want to welcome you to the Zoning Commission of the  
5 District of Columbia.

6 You may begin, Ms. Vacca. Welcome.

7 MS. VACCA: Thank you, Aaron. Thank you, Chairman  
8 Hood and Commissioners. For the record, my name is Kimberly  
9 Vacca with the District Department of Transportation.

10 DDOT is supportive of the redevelopment proposal.  
11 The project provides the necessary transportation amenities  
12 while accommodating the significant grade changes on the  
13 site, and enhancing the site's adjacent public space.

14 Staff notes that additional public space review  
15 will be needed to address the proposed curb cut, driveway,  
16 and other elements in public space.

17 DDOT has no objection to the approval of this  
18 Consolidated Planned Unit Development with the two conditions  
19 contained in our June 30, 2020 report, which are the TDM and  
20 loading management plans.

21 The Applicant has agreed to these in Exhibit 27  
22 on the record.

23 We'd be happy to answer any questions that you may  
24 have. Thank you.

25 CHAIRMAN HOOD: Okay, thank you, Mr. Cochran and

**NEAL R. GROSS**

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



1 Ms. Vacca.

2 Colleagues, any questions? Let me go to  
3 Commissioner Shapiro, any questions for either office?

4 COMMISSIONER SHAPIRO: No questions, Mr. Chair.

5 CHAIRMAN HOOD: Commissioner Turnbull?

6 COMMISSIONER TURNBULL: Same here, no questions.

7 CHAIRMAN HOOD: Vice Chair Miller?

8 VICE CHAIR MILLER: Thank you, Mr. Chairman.

9 Thank you, Mr. Cochran, for your report, and I  
10 guess we'll look forward to your supplemental report that you  
11 indicated you'd be providing, is that correct?

12 MR. COCHRAN: Yes, sir.

13 VICE CHAIR MILLER: Yes, so when I commended the  
14 Applicant on the number of two and three bedrooms, I was  
15 basing it on I guess the original number, which I guess I had  
16 it, of the 130 it was 65 bedrooms, 54 two bedrooms, and 11  
17 three bedrooms. What are the two and -- so 54 two bedrooms  
18 and 11 three bedrooms, what --

19 MR. COCHRAN: Here's the comparison.

20 VICE CHAIR MILLER: Okay.

21 MR. COCHRAN: It was 65 one bedrooms. Yesterday  
22 they proposed 71 one bedrooms. It was 54 two bedrooms and  
23 two baths, and it's now 55. It was 11 three bedroom, two  
24 bath units, it's now four of those units.

25 VICE CHAIR MILLER: It's now four.

**NEAL R. GROSS**

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

1 MR. COCHRAN: It's the same.

2 VICE CHAIR MILLER: It's now four three bedrooms?

3 MR. COCHRAN: Correct.

4 VICE CHAIR MILLER: And, still one of the three  
5 bedrooms is still an IZ unit, although Commissioner May had  
6 a question about its location.

7 MR. COCHRAN: I believe so.

8 VICE CHAIR MILLER: So, one is still an IZ unit?

9 MR. COCHRAN: I'm sorry. I believe so, but I want  
10 to be sure, because we -- we first knew about these changes  
11 less than 24 hours ago, about 24 hours ago.

12 VICE CHAIR MILLER: Okay, I missed those changes,  
13 so I appreciate you bringing them up, and I look forward to  
14 your supplemental report. Thank you.

15 CHAIRMAN HOOD: Okay. Any other questions?

16 Let's see, does the Applicant have any questions  
17 for either the Office of Zoning or DDOT? And again, we don't  
18 have anyone representing either of the ANCs.

19 So, thank you very much, Mr. Cochran and Ms.  
20 Vacca. We appreciate it.

21 All right. So, let's go to, do we have any Other  
22 Government Reports? I don't believe so, other than -- no --

23 COMMISSIONER SHAPIRO: Did DOEE have an actual  
24 report? I know there were comments.

25 CHAIRMAN HOOD: Do you want to talk about those,

**NEAL R. GROSS**

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

1 it may have been in an Office of Planning report?

2 COMMISSIONER SHAPIRO: I'd have to pull it up, but  
3 I think they were -- I think the comments said they were  
4 quite supportive and recognized that -- they shared the LEED  
5 Gold certification, and the solar array.

6 I think DOEE was, actually, asking them to see if  
7 they could explore a bit more energy usage, is there a way  
8 to get -- I don't think they were asking for a net-zero  
9 project, that seemed a bit expensive, right.

10 But, there was something in the OP report around  
11 that.

12 CHAIRMAN HOOD: Okay. Mr. Tummonds, if you can  
13 help us along with that. But, I can tell you, probably when  
14 DOEE asked that, they probably didn't get the information  
15 that we got today. I feel like I sort of --

16 COMMISSIONER SHAPIRO: I would agree, Mr. Chair.

17 CHAIRMAN HOOD: Okay. So, I will pass that,  
18 unless somebody wants to opine on that or speak to that, I  
19 think we can go past that.

20 We appreciate DOEE and I'm sure they can work that  
21 out with that, and, especially, with the financial situation.

22 Okay. Let's go to any organizations or persons  
23 in support, opposition, or undeclared, do we have anybody out  
24 there, Ms. Schellin?

25 MS. SCHELLIN: Nobody had registered to testify,

**NEAL R. GROSS**

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

1 and I just checked again just to make sure. So, there was  
2 no one who registered.

3 CHAIRMAN HOOD: Okay. Now, I want to go back to  
4 the ANC report.

5 We've heard, while we may have a slight problem  
6 getting something that meets our requirement for great  
7 weight. But, we do have some letters, and I want to  
8 acknowledge them from the Single District Commissioner who  
9 wrote that letter, as soon as I can find it.

10 But anyway, it's in the record. If someone can  
11 tell me the exhibit number. I see it right here, Exhibit  
12 20C, I believe, hold on one second. And, we want to thank  
13 Commissioner -- oh, no, no, no, no, that's the BZA case.

14 All right. Either way, I saw a letter in support  
15 for our case. Hold on. Okay. I know I read it, but the  
16 report just said the PUD. So, it may have been tied in with  
17 this letter. I'm not sure.

18 Commissioner Shapiro.

19 COMMISSIONER SHAPIRO: Thank you, Mr. Chair. I  
20 did see the note. So, one thing that may be possible is that  
21 DOEE was recommending that the Applicant provide electric  
22 vehicle charging equipment, or at least the capability in the  
23 future. Having considered that, it's not a particularly  
24 significant expense. I don't know where you are with that,  
25 if it's in your plans or not.

**NEAL R. GROSS**

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

1 MR. TUMMONDS: That would be another thing we'll  
2 address in our post hearing submission.

3 COMMISSIONER SHAPIRO: Okay, thank you.

4 Thank you very much, Mr. Chair.

5 CHAIRMAN HOOD: Okay. Vice Chair Miller.

6 VICE CHAIR MILLER: Yes. Mr. Chairman, maybe you  
7 were just recalling Exhibit 29, the letter from Stephen  
8 Slaughter, dated July 6, 2020, the SMD 8E0 -- SMD 8E07  
9 supported the project on this PUD.

10 CHAIRMAN HOOD: That was exactly what I was  
11 looking for. So, thank you, Vice Chair, I appreciate that.

12 Again, that's exactly it. Okay.

13 All right, so anything else, Commissioners?

14 All right. Well, Mr. Tummonds, I hope we end on  
15 a better note than we started off. I hate to keep going back  
16 to that, but that was just -- it just took me right on down  
17 through the mud.

18 MR. TUMMONDS: And, I feel bad, because I think,  
19 you know, at the end of the day this is an exciting project.  
20 This is a great thing, but I think, you know, we will be able  
21 to address the coloration we think of the building, and to  
22 address Commissioner Turnbull's concerns about the appearance  
23 of the back of the building, but its core, which is 130 units  
24 of affordable housing on a site that has had a color history,  
25 the ability to bring the residents back, a project that has

**NEAL R. GROSS**

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

1 the significant support of, not only those former residents,  
2 but the surrounding community, the ANC.

3           And, I think as Mr. Fennell and Ms. Mohamed tried  
4 to stress today, the goal is to make this happen. And, we  
5 want to make this happen. And, when we do make this happen,  
6 I think it will be even that much sweeter, because of the  
7 hurdles that will have to be overcome.

8           And, with that, we appreciate your indulgence,  
9 both the Zoning Commission and the Office of Planning,  
10 regarding the modifications that we had to make at this late  
11 date, and we will provide the additional information that you  
12 requested.

13           Commissioner Shapiro, I saw you raised your hand.

14           COMMISSIONER SHAPIRO: Mr. Chair?

15           So does -- I guess this is a political question --  
16 would our approval, if we were to approve this, actually,  
17 help you, the DHCD, or is it irrelevant?

18           MR. FENNELL: I can't give you the weight that it  
19 carries. I can tell you that it, certainly, is additive to  
20 the story in terms of the preparedness, the readiness.

21           If we get through you, we'll go straight into the  
22 plans, and if we can get the permits than time that with a  
23 DHCD solicitation, absolutely, we are in a better position  
24 to try to secure those funds.

25           COMMISSIONER SHAPIRO: Great, thank you for that.

**NEAL R. GROSS**

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

1 Thank you, Mr. Chair.

2 CHAIRMAN HOOD: Okay. Thank you, and thank you,  
3 Mr. Fennell for that as well.

4 So, Mr. Tummonds, are you complete?

5 MR. TUMMONDS: Yes, I am.

6 CHAIRMAN HOOD: Okay. Commissioners, any follow-  
7 up questions or anything for Mr. Tummonds or anybody?

8 Okay, not seeing anybody. Okay.

9 Ms. Schellin, could you give us some dates?

10 MS. SCHELLIN: Yes, sir.

11 Mr. Tummonds, Can you guys provide the additional  
12 documents by July 23rd?

13 MR. TUMMONDS: Yes.

14 MS. SCHELLIN: Okay. The only reason why I ask  
15 is, in order to put this on for September 14th, this allows  
16 seven days for the ANC to respond to --

17 MR. TUMMONDS: Oh, because, yes, yes, perfect.

18 MS. SCHELLIN: -- and then you still have to go --  
19 you still need to go through the proffer and conditions  
20 process. And, you know that the ANCs don't meet in August.  
21 But, I think that you can do your part of that, working with  
22 OAG, and then we can allow the ANC to provide their response  
23 to the proffers and conditions by, if you can relay this to  
24 them when you speak with them, if they could provide their  
25 responses, you know, up until say noon, you know, even on the

**NEAL R. GROSS**

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

1 14th, the day of the meeting, preferably before then, by  
2 Friday.

3 But, worst case, if they provide a revised report.  
4 I mean, first of all we need a report from them. I mean, it  
5 would be best to have a report from them. But, if they have  
6 a response to the proffers and conditions they could provide  
7 those, you know, as late as they can. But, you know, we  
8 prefer it sooner in September, but we understand that they  
9 don't meet in August.

10 CHAIRMAN HOOD: Ms. Schellin, can you hold all  
11 that for one moment?

12 MS. SCHELLIN: Yes.

13 CHAIRMAN HOOD: I want to ask Mr. Young if you can  
14 let Mr. May into the meeting?

15 MS. SCHELLIN: And --

16 CHAIRMAN HOOD: Ms. Schellin, can you hold one  
17 second.

18 MS. SCHELLIN: Sure. Sure.

19 CHAIRMAN HOOD: Just hold one second. You are  
20 probably going to have to start all over again. I just want  
21 to make sure.

22 Okay, Commissioner May.

23 COMMISSIONER MAY: I'm here.

24 CHAIRMAN HOOD: Okay.

25 COMMISSIONER MAY: Finally, thank you.

**NEAL R. GROSS**

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



1 CHAIRMAN HOOD: So, I say your questions were  
2 asked, but if you want to go ahead now, so okay, go right  
3 ahead.

4 COMMISSIONER MAY: No, no, no, I had one ear on  
5 the NCPC meeting, and one ear on your meeting. So, I heard  
6 the responses, or you were asking the questions. So, I look  
7 forward to hearing the further responses.

8 Sorry for being late. This is the disadvantage of  
9 having 4:00 Zoning Commission meetings on Thursday, but I  
10 will not ask the Commission to start meeting at 6:30 again,  
11 at least not until we are, you know, there in person.

12 But anyway, I was trying to follow along in a lot  
13 of the discussion, and I got some of it. I will go back and  
14 listen to the whole thing again in order to participate in  
15 the decision making, but I appreciate you asking the  
16 questions, and I apologize for not being here.

17 CHAIRMAN HOOD: No problem. I appreciate it. I  
18 think the article said the most powerful man and nobody knows  
19 it. Anyway, I should -- Commissioner Shapiro.

20 (Simultaneous speaking.)

21 COMMISSIONER SHAPIRO: Mr. Chair, how come NCPC  
22 gets a tie from Commissioner May, and we always get a polo  
23 shirt?

24 (Simultaneous speaking.)

25 COMMISSIONER MAY: And, there are only a couple

**NEAL R. GROSS**

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

1 of us who wear ties at NCPC virtual meetings. I don't know  
2 why I do it.

3 COMMISSIONER SHAPIRO: Fair enough.

4 CHAIRMAN HOOD: All right, Ms. Schellin, can you  
5 finish up, or start all over.

6 MS. SCHELLIN: I'm going to -- so, I'll start  
7 over.

8 The additional submissions from the Applicant by  
9 July 23rd, 3:00 p.m. They are going to work with the ANC to  
10 get responses by 3:00 p.m., on 7/30, also try and get an ANC  
11 report, and also a draft order from the Applicant by 3:00  
12 p.m. on July 30th.

13 The OP/DDOT/DOEE, if they want to provide  
14 supplementals after the Applicant provides their additional  
15 submission, and then can submit those on July 30th by 3:00  
16 p.m.

17 And then again, if they will work with -- they  
18 have to start their proffers and conditions process would  
19 start -- they could start that seven days from today, even  
20 though we are not -- this is only a one vote, the OAG has  
21 asked that they go through that process. So, we'll just  
22 pretend that it was a two vote and proposed action was being  
23 taken tonight, even though that's not being done, we'd ask  
24 them to start that process one week from today.

25 So, if they would do that, Mr. Tummonds, if you

**NEAL R. GROSS**

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

1 and Mr. Ferris would do that.

2 MR. TUMMONDS: Yes.

3 MS. SCHELLIN: With the first submission being due  
4 next Monday. And then, if you work with the ANC to try to  
5 get them, if they choose to, a lot of times they choose not  
6 to respond to the proffers and conditions, but if they choose  
7 to that they know that they have up until our meeting  
8 September 14th. It is the only meeting we have in September.  
9 We will put this on for 4:00 p.m.

10 CHAIRMAN HOOD: Okay. Thank you very much, Ms.  
11 Schellin.

12 Does anybody have anything else?

13 So, with that this record is closed, unless there  
14 are things that we asked for.

15 Does anybody have any other comments?

16 Okay, not seeing any, this hearing is adjourned,  
17 and we will see, the Zoning Commission will be back in  
18 session on July 13th with alley lots.

19 So anyway, you all have a good weekend.

20 (Whereupon, the above-entitled matter was  
21 concluded at 5:26 p.m.)

22

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: Public Hearing

Before: DCZC

Date: 07-09-20

Place: teleconference

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



-----  
Court Reporter

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701