

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: :
 :
Forest City Washington - : Case No.
Text Amendments to the Yards : 14-05
West :
 :
-----:

Thursday, October 16, 2014

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

The Public Hearing of Case No.
14-05 by the District of Columbia Zoning
Commission convened at 6:32 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, Chairman
MARCIE COHEN, Vice Chair
MICHAEL G. TURNBULL, FAIA,
Commissioner (AOC)
PETER MAY, Commissioner (NPS)
ROBERT MILLER, Commissioner

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OFFICE OF ZONING STAFF PRESENT:

SHARON S. SCHELLIN, Secretary

OFFICE OF PLANNING STAFF PRESENT:

JOEL LAWSON

BRANDICE ELLIOTT

The transcript constitutes the
minutes from the Public Hearing held on October
16, 2014.

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T-A-B-L-E O-F C-O-N-T-E-N-T-S

PAGE

Welcome by Chairman Anthony Hood	4
Case No. 14-05, ANC 6D, Request of Forest City, Washington - Text Amendment to the Yards West	7
Continued until November 24, 2014	52
Adjourn	56

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

2 (6:32 p.m.)

3 COMMISSIONER MAY: Good evening,
4 Ladies and Gentlemen. This is a Public Hearing
5 of the Zoning Commission for the District of
6 Columbia, for October the 16th, 2014. We're
7 located in the Jerrily R. Kress Memorial
8 Hearing Room.

9 My name is Anthony Hood. Joining
10 me are Vice Chair Cohen, Commissioners Miller,
11 May, and Turnbull. We're also joined by the
12 Office of Zoning Staff, Ms. Sharon Schellin, as
13 well as, the Office of Planning Staff, Mr.
14 Lawson, and Ms. Elliott.

15 This proceeding is being recorded
16 by a court reporter and is also Webcast live.
17 Accordingly, we must ask you to refrain from any
18 disruptive noises, or actions, in the hearing
19 room, including displaying of any signs or
20 objects.

21 Notice of today's hearing was
22 published in the D.C. Register and copies of

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1 that announcement are available to my left, on
2 the wall, near the door.

3 The hearing will be conducted in
4 accordance with the provisions of 11 DCMR 3021,
5 as follows: preliminary matters, presentation
6 by the Petitioner, reports of the other
7 government agencies, if applicable, report of
8 the ANC, organizations and persons in support,
9 organizations and persons in opposition.

10 This evening's ANC is ANC 6D. The
11 following time constraints will be maintained
12 in this hearing, the Petitioner has requested
13 15 minutes, the organization is five minutes,
14 the individual is three minutes.

15 All persons appearing before the
16 Commission are to fill out two witness cards.
17 These cards are located to the left, on the
18 table near the door.

19 Please turn off all beepers and cell
20 phones at this time, so not to disrupt these
21 proceedings. At this time, the Commission
22 will consider any preliminary matters.

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1 MS. SCHELLIN: None.

2 CHAIRMAN HOOD: Okay. The staff
3 has no preliminary matters, and of my
4 colleagues have any preliminary matters?

5 (No Response.)

6 CHAIRMAN HOOD: Okay, Mr.
7 Avitabile, we will get started. Sorry, it was
8 off up here. You should be good now.

9 MR. AVITABILE: Good. Thank you,
10 very much. Good evening, Chairman Hood, and
11 Members of the Commission. Again, David
12 Avitabile, from Goulston & Storrs, here tonight
13 on behalf of Forest City, Washington.

14 We'll be brief. We are here
15 tonight to request some changes to the text of
16 the Southeast Federal Center Overlay District,
17 to allow for a small amount of additional bonus
18 height and density, to encourage residential
19 development in the area, and provide some
20 consistency with the surrounding zoning from
21 the West and to the South.

22 With that, I would like to ask

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1 Ramsey Meiser, from Forest City, Washington, to
2 briefly discuss the reasons for the request.

3 MR. MEISER: Good evening,
4 Chairman Hood, and Members of the Commission.
5 My name is Ramsey Meiser, Senior Vice President
6 of Development at Forest City. Thank you for
7 the opportunity to speak in favor of the
8 proposed Text Amendment.

9 As the Commission is aware, Forest
10 City's development of the Yards is well
11 underway. The emerging neighborhood now
12 features a world class park, restored and
13 re-purposed historic buildings, and a variety
14 of new residential and retail uses, including
15 a soon to open Harris Teeter grocery store, and
16 more is underway.

17 A total of 715 residential units
18 have been delivered, or under construction, of
19 these, 142 units are affordable for families
20 earning up to 50 percent of the area median
21 income.

22 Having focused to date on the core

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1 of the Yards neighborhood, Forest City is now
2 turning our attention of the western portion of
3 the Yards, which we call Yards West.

4 As the Commission knows,
5 considerable high density development is
6 underway, or has been approved for this area,
7 because of its proximity to the Navy Yard Metro
8 Station and the Nationals ballpark.

9 The existing Yards West zoning
10 predates the ballpark and it limits height to
11 110 feet and 6.0 FAR. Meanwhile, the zoning
12 that was put into place in the mid-2000s, to
13 permit the ballpark and surrounding
14 development, allows heights of 130 feet and
15 densities of 7-8 FAR.

16 Forest City seeks to amend the Yards
17 West zoning to align with surrounding zoning,
18 capitalize on the strategic transit-oriented
19 location, and promote the creation of
20 additional housing opportunities.

21 Specifically, Forest City seeks an
22 additional 1.0 FAR of bonus density for

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1 residential use, and an additional 20 feet of
2 height to help achieve that bonus density.

3 Under the proposed change, the
4 Zoning Commission would have design review over
5 any buildings, utilizing this bonus density in
6 height, to ensure that the development is
7 consistent with the overall planning goals and
8 policies.

9 Forest City also seeks to amend the
10 zoning to allow for the potential reallocation
11 of ground floor retail uses to align with
12 updated planning priorities and respond to the
13 continued evolution of this portion of the new
14 neighborhood.

15 Again, any changes would require
16 special exception approval and would be
17 reviewed by the Commission, in connection with
18 the building.

19 We have reviewed the OP Report and
20 we agree with all of their recommendations.
21 Regarding the ANC Report, we appreciate their
22 continued support, and we will address their

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1 interest in larger units when we bring forward
2 each building, based on market demand and
3 building type.

4 These amendments will further the
5 District's goals for additional market rate and
6 affordable housing, transit-oriented
7 development, and urban design. Therefore, we
8 respectfully request that the Commission
9 approve the purposed changes. Thank you.

10 MR. AVITABILE: And that's it.
11 Thank you.

12 CHAIRMAN HOOD: Okay. Thank you,
13 for the very brief and succinct presentation.
14 I also think the record also covers a lot of what
15 the issues are tonight before us. Let's see if
16 we have any questions. Questions, or
17 comments?

18 (Off the record comments.)

19 CHAIRMAN HOOD: Okay. Vice Chair
20 Cohen.

21 VICE CHAIR COHEN: You have seen
22 the ANC's Report, I presume, and --

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1 MR. MEISER: Yes, ma'am.

2 VICE CHAIR COHEN: -- could you
3 respond to their concerns about the additional
4 units being for larger families?

5 MR. MEISER: At this point, it's
6 difficult to respond, specifically, based
7 upon, you know, we're not at the point where
8 we're moving forward with any one specific
9 building.

10 You know, what we're saying is that
11 we're happy to address those issues at the point
12 when those buildings move forward and we bring
13 those buildings to the Commission.

14 So we understand their concern,
15 we're willing to consider it, but it's
16 difficult for us to commit, at this point, based
17 upon not knowing any specifics about any one
18 particular building.

19 VICE CHAIR COHEN: However, I think
20 you have some idea, with regard to what the
21 breakout of units will be, at this point. I
22 mean, that's how your performers are probably

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1 developed, and you know what you can and can't
2 do, to make the deal work.

3 MR. MEISER: Actually, we go
4 through on a very specific
5 building-by-building analysis to determine
6 unit mix. Like for example, right now, we're
7 moving forward with the design of Parcel O, and
8 we've had meetings to discuss what is the
9 allocation of units of that building.

10 So it, literally, is a
11 building-by-building determination, based
12 upon the product type, the demographic of the
13 renter that we're pursuing, and the market at
14 that particular point in time.

15 The Yards, you know, being such a
16 large project, is unique where we're going to
17 have over 2,000 residential units in the
18 project when we're done. So it's important for
19 us to make sure that we're just not replicating
20 the same buildings, and every building has to
21 be unique and speak to a different customer, so
22 that's why it, literally, is an analysis each

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1 time we start a new building.

2 VICE CHAIR COHEN: Now I certainly
3 understand that, but I think you could make a
4 greater commitment for larger units. This
5 particular, I mean, you're asking the Zoning
6 Commission for something, and the ANC believes
7 that you should be giving back to the community
8 something that they want, which is families,
9 and I think you could make that commitment
10 stronger than what you're proposing right now,
11 or not proposing, you're not really proposing
12 to address it, you're going to give it some
13 consideration.

14 MR. MEISER: Yes, ma'am.

15 VICE CHAIR COHEN: Okay.

16 CHAIRMAN HOOD: Okay, Commissioner
17 Miller.

18 COMMISSIONER MILLER: Thank you,
19 Mr. Chairman. Well, just to follow-up with the
20 Vice Chair's question, and your own testimony,
21 you said that there are 715 residential units
22 that are either completed, or under

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1 construction?

2 MR. MEISER: Yes, sir.

3 COMMISSIONER MILLER: And I
4 appreciate that 20 percent, or about 142, are
5 affordable to 50 percent AMI, I think that's
6 great. But what is the breakout, in terms of
7 studio, one-bedroom, two-bedroom, for the 715
8 that are either completed, or under
9 construction?

10 MR. MEISER: Well it, sorry, it
11 varies from building to building, so --

12 COMMISSIONER MILLER: But do you
13 have, or if you can provide that for the record?

14 MR. MEISER: We can certainly
15 provide that information.

16 COMMISSIONER MILLER: But there
17 are, I assume, there are some two bedrooms among
18 that 715?

19 MR. MEISER: Oh, definitely.

20 COMMISSIONER MILLER: Yes.

21 MR. MEISER: Right. For example,
22 I know that Boundary Lofts, which was our first

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1 building, it has 107 units, it has a 60/40 split
2 between ones and twos, so 40 percent of those
3 units were two bedrooms.

4 I don't remember the exact split in
5 1212, which is the building that was just
6 delivered, and then, Parcel N, which is under
7 construction now.

8 COMMISSIONER MILLER: Okay.

9 MR. MEISER: But we can certainly
10 provide that information.

11 COMMISSIONER MILLER: Yes, I think
12 that's helpful, because there may not be a
13 widespread knowledge in the community.
14 Certainly, I didn't know what the mix is, that
15 there were that many --

16 MR. MEISER: Yes.

17 COMMISSIONER MILLER: -- two
18 bedrooms in that one parcel that you mentioned.
19 Thank you.

20 CHAIRMAN HOOD: Okay. Any other
21 questions? Commissioner May?

22 COMMISSIONER TURNBULL: Yes.

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1 CHAIRMAN HOOD: Oh, I'm sorry,
2 Commissioner Turnbull, go ahead.

3 COMMISSIONER TURNBULL: Yes, thank
4 you, Mr. Chair. Just for the record, to go back
5 over, of all the parcels, Parcel I, is the one
6 that doesn't go to 130, it's still going to be
7 at 110?

8 MR. AVITABILE: That's correct.
9 OP recommended that and we've agreed to that.

10 COMMISSIONER TURNBULL: Okay.

11 MR. AVITABILE: And that's the one
12 that's in the Southeast corner, it's closest to
13 the pump station.

14 COMMISSIONER TURNBULL: Right, and
15 the whole idea was that it mirror some of the
16 heights that are adjacent to it, so okay. Now,
17 the Department of Transportation has given a,
18 I don't want to call it, their okay, but that
19 they've given their consent that, they do
20 mention in their letter that for future
21 projects a comprehensive transportation
22 review, that they're going to be looking for

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1 some extensive information from you folks on
2 this.

3 MR. AVITABILE: Right. I think
4 that's their standard.

5 COMMISSIONER TURNBULL: Yes.

6 MR. AVITABILE: It's the standard
7 traffic study that we do on every project. We
8 go and we meet with them and scope out. And we
9 do that whether or not a project's going to the
10 Zoning Commission these days --

11 COMMISSIONER TURNBULL: Yes.

12 MR. AVITABILE: -- just to work it
13 through, so that didn't surprise me, and we
14 would, of course, do that anyway.

15 COMMISSIONER TURNBULL: Okay.
16 Yes, they talk about the public space permit and
17 everything else, and so although they're quote,
18 onboard, they still have some issues with
19 infrastructure issues and traffic in the
20 neighborhood, so there's going to be a lot of
21 questions that they're going to be asking, as
22 you go forward in this.

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1 MR. AVITABILE: Well, exactly, and
2 we understand that.

3 COMMISSIONER TURNBULL: Yes.
4 Okay, thank you.

5 CHAIRMAN HOOD: Okay, Commissioner
6 May.

7 COMMISSIONER MAY: Thank you. So
8 first of all, I would just note the humor in Mr.
9 Avitabile's presentation when he referred to
10 the small amount of bonus density, which is
11 264,000 square feet in additional GFA, which,
12 I guess, maybe, in a certain context, might be
13 a small amount, but --

14 MR. AVITABILE: It's a 1 FAR, 1 is
15 a small number.

16 COMMISSIONER MAY: Exactly, and 1
17 is a small number, right. It just happens to
18 be 264,000, quarter of a million square feet,
19 let's just call it that.

20 Okay, so going back to the ANC's
21 comment, they were actually, the way I read it,
22 they're looking for units with more than two

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1 bedrooms. So you cited one where there was a
2 60/40 split between ones and twos, how about
3 threes, are there threes anywhere?

4 MR. MEISER: No, not currently.

5 COMMISSIONER MAY: Nowhere in the
6 development?

7 MR. MEISER: No.

8 COMMISSIONER MAY: And do you think
9 any might be in the mix in the future?

10 MR. MEISER: There could be. I
11 mean, that's what I was saying, we look at each
12 building, specifically, and determine what is
13 the market demand for that particular building.

14 COMMISSIONER MAY: So out of the
15 total square footage of residential that might
16 be built, just off the top of your head, I mean,
17 have you built out 20 percent, 40 percent?

18 MR. MEISER: We --

19 COMMISSIONER MAY: What I'm trying
20 to do is find out how much is left --

21 MR. MEISER: Right, so we --

22 COMMISSIONER MAY: -- that might

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1 include three bedrooms?

2 MR. MEISER: At the end of the day,
3 we think there will be, roughly, 2,800
4 residential units at the Yards, and we're at
5 715, so is that a quarter, roughly, about a
6 quarter. Yes.

7 COMMISSIONER MAY: Right. And
8 then your estimate of 20, however, you didn't
9 look at the actual number of bedrooms were --

10 MR. MEISER: No.

11 COMMISSIONER MAY: Okay. You
12 know, I appreciate your willingness to look at
13 that and, you know, come back to us later on,
14 but as I recall, there's nothing in the language
15 of the Text Amendment that requires any
16 consideration of the unit mix.

17 MR. AVITABILE: No, there's
18 nothing in the text that does that, and it would
19 be rather, although, I don't think there's any
20 provision of the Zoning Regulations in any zone
21 that goes to size of units, or number of
22 bedrooms, so that would be something that --

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1 COMMISSIONER MAY: I don't
2 disagree, it's certainly something that we get
3 into in a PUD, but it's not something that would
4 be, you know, any normal regulation, or any of
5 these special overlay reviews, or anything like
6 that, it's just that, you know, you're offering
7 up, as if it's something that we could have a
8 say over, or have some discussion over next time
9 around, and in truth, you could walk in the door
10 and just say, here's what it looks like and
11 we're not going to tell you what the unit count
12 is, right?

13 MR. AVITABILE: That's correct. I
14 mean, we would be in here for design of the new
15 building.

16 COMMISSIONER MAY: I know you want
17 to do that, but --

18 MR. AVITABILE: We would certainly
19 be prepared to address the question.

20 COMMISSIONER MAY: But it would be
21 within the realm of what you could do. I find
22 the language, and maybe this is for the Office

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1 of Planning, who I think tweaked the language,
2 but the language in 1803.8, regarding
3 facilitating a metro entrance, I thought was
4 kind of confusing.

5 I mean, I think that's the right
6 section. So can you explain to me what it's
7 actually trying to say there, because it
8 doesn't really sort of --

9 MR. MEISER: I can. We've had just
10 preliminary discussions with the Office of
11 Planning, DDOT, and WMATA, about potential
12 opportunity to add a third entrance to the Navy
13 Yard Metro Stop on the Northeast corner of
14 Parcel A and G, which is First and, sorry, New
15 Jersey and M Street. And so --

16 COMMISSIONER MAY: So it's sort of
17 just across the street from E? Isn't there one
18 now on the North side --

19 MR. MEISER: Correct.

20 COMMISSIONER MAY: -- of New
21 Jersey?

22 MR. MEISER: Right. And there's

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1 interest in adding another entrance on the
2 South side of M Street, on our parcel, and
3 that's something that we are supportive of.

4 COMMISSIONER MAY: Right, but
5 somebody else will have to pay for it?

6 MR. MEISER: We haven't had those
7 conversations.

8 COMMISSIONER MAY: But you're not
9 offering to pay for it, at this point?

10 MR. MEISER: No.

11 COMMISSIONER MAY: And you're
12 getting 264,000 square feet of additional GFA.
13 Gosh. Okay.

14 MR. MEISER: Only if you approve
15 our request.

16 COMMISSIONER MAY: I know. I
17 know. All right, thank you.

18 CHAIRMAN HOOD: Okay. Any
19 follow-up, Commissioner Miller?

20 COMMISSIONER MILLER: Yes. I
21 meant to mention, maybe you did mention, it's
22 certainly in your statement, in the OP's

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1 statement that the additional density will be
2 subject to the 20 percent affordability, so I
3 think that, and according to OP, it was 350
4 units that would be gained from the additional
5 density, and 70 would be affordable at the 50
6 percent AMI level --

7 MR. AVITABILE: Correct.

8 COMMISSIONER MILLER: -- if they
9 were rental.

10 MR. AVITABILE: Correct.

11 COMMISSIONER MILLER: So I
12 appreciate that. I think that is something.
13 We're getting more residents and more
14 residential units and more affordable
15 residential units, as well.

16 CHAIRMAN HOOD: Okay. Mr.
17 Avitabile, I want you to help me go down memory
18 lane.

19 MR. AVITABILE: Sure.

20 CHAIRMAN HOOD: When we did the
21 Southeast Federal Center Overlay, some years
22 back, one of the things that this Commission

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1 tried to achieve, and I think it was clear, and
2 I can't remember which way it was, it was
3 supposed to be stepping down in height, I didn't
4 know whether it went right to left, front to
5 back, do you recall any of that, or did I dream
6 that?

7 MR. AVITABILE: Yes. Well I think
8 the Overlay does, generally, provide for that.
9 It's a stepping down as you approach the water.

10 And so the parcels that are closest
11 to the water have the lowest height and the
12 parcels that are further away, as you get closer
13 to M Street, and closer to the Downtown city,
14 you know, obviously, get higher.

15 And I think the issue here was not
16 that the original Overlay, in proposing the 110
17 feet at height, proposed that as a step-down,
18 it was that, at the time, the entire overlay,
19 the tallest you could go, in most of the
20 overlay, was 110 feet.

21 And that was partly at the time the
22 general planning approach was 110 feet was

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1 about as high as people were comfortable going.
2 Since that time, I think, collectively, the
3 city has gotten more comfortable with a little
4 bit of additional height, making sure we're
5 best utilizing our land, particularly closest
6 to Metro.

7 So the Commission approved the
8 Southeast Federal Center Overlay in the early
9 part of the 2000s. By 2005, when you all were
10 approving the Capitol Gateway Overlay, which is
11 immediately across the street from the property
12 we're talking about, it is now 130 feet.

13 So I think what we're suggesting is,
14 let's bring the Southeast Federal Center
15 Overlay up to current, kind of, planning
16 approaches, which is capitalizing density
17 closest to Metro.

18 CHAIRMAN HOOD: I know that was the
19 intention of the Commission, at the time, and
20 I just wasn't sure whether we were looking at
21 going East, or West, as a step-down, going East
22 or West, or whether it's North to South, I

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1 guess, this anyway. I'm going to also
2 follow-up and ask the Office of Planning the
3 same question.

4 I know what you're trying to achieve
5 here. I know we specifically not talking about
6 any projects, we have Text Amendment before, so
7 I don't want to necessarily get into any other
8 issues, but I do think that my colleagues have
9 raised some points about the unit mix in the
10 units. So hopefully, that will be considered.

11 I know the ANC definitely has, this
12 ANC has worked hard over the years in all of the
13 development that's going on and definitely have
14 some concerns and some issues they would like
15 to see resolved.

16 And this support does not come
17 lightly. I'm sure they've worked hard to get
18 to this resolution, as unanimous with the
19 condition, and this Commission, it doesn't fall
20 lightly on this Commission, also. Okay, any
21 other questions?

22 (No Response.)

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1 CHAIRMAN HOOD: Okay. Okay, do we
2 have any other reports of any other government
3 agencies? I know Commissioner Turnbull spoke
4 about the Department of Transportation's
5 submission, anything else that I may be
6 missing?

7 (No Response.)

8 CHAIRMAN HOOD: Okay. We will
9 hear from the ANC. Oh, do you know what, I need
10 to go to the Office of Planning. We don't do
11 a whole lot of rule-making. Okay, Mr. Lawson,
12 or Ms. Elliott, please.

13 MS. ELLIOTT: Thank you, Mr.
14 Commissioner. You're spot on tonight. I
15 think Office of Planning would just like to
16 address a couple of issues that has been brought
17 up tonight, concerning the Text Amendment.

18 In regard to Section 1803.8,
19 Commissioner May's question, regarding the
20 third entrance and the provision of it. The
21 purpose, or the intention of that section is
22 that the developer just work with WMATA to

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1 provide the space, to allocate the space in
2 their development. So this Text Amendment
3 doesn't obligate them to any financial
4 commitment in doing so.

5 As far as we know, WMATA has not
6 determined that they will absolutely have the
7 third entrance. They have fully funded a
8 feasibility study, which hasn't commenced yet,
9 so pending that outcome, that is what the text
10 would require at this point.

11 There was also the question about
12 the development height stepping down towards
13 the river front, and I think that Mr. Avitabile
14 covered that rather, you know, he was complete
15 in his assessment of that, so I don't know that
16 there's really anything more for me to add, but
17 I'd be happy to address any other questions on
18 that matter.

19 And then, there's also the issue of
20 larger units. And as pointed out by the
21 Commission, there is a substantial amount of
22 FAR and gross floor, I'm sorry, not FAR, but

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1 gross floor area that would be achieved through
2 the additional FAR.

3 So we're certainly in support of the
4 Applicant continuing to work with the ANC to
5 provide larger units and, you know, that is
6 something that we can continue to work with
7 them, as they bring developments forward. So
8 with that, I'd be happy to answer any questions
9 you have.

10 CHAIRMAN HOOD: Okay. Thank you,
11 very much, Ms. Elliott. Any other questions,
12 or comments for Office of Planning?

13 COMMISSIONER TURNBULL: Yes, Mr.
14 Chair.

15 CHAIRMAN HOOD: Commissioner
16 Turnbull.

17 COMMISSIONER TURNBULL: I just had
18 one question for Ms. Elliott. When you talk
19 about in 1803.8, it says, A says, "facilitate
20 the provision of a public entrance to the Navy
21 Yard Metro Station."

22 It doesn't really, clearly, call

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1 out the space, per say, it just says facilitate
2 the provision, and I'm just wondering, if there
3 is going to be, it's going to be space that
4 they're not going to be able to be using for
5 gross floor, I mean, it's going to be provision.

6 I'm just wondering, if that could be
7 worded a little stronger? Maybe, my
8 colleagues, I don't know how they feel about it,
9 but I'm just concerned that just saying,
10 facilitate the provision of a public entrance,
11 doesn't give enough working room with WMATA to
12 see what the potential is for actually doing
13 this.

14 MS. ELLIOTT: Sure, we could
15 certainly work on the wording and see if we
16 could come up with stronger language.

17 COMMISSIONER TURNBULL: Okay.

18 MS. ELLIOTT: Or work with OAG and
19 the Applicant on that.

20 CHAIRMAN HOOD: Okay, Commissioner
21 May.

22 COMMISSIONER MAY: Yes, I would

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1 just want to second that point. I think that
2 something more specific, facilitate the
3 provision just means that, okay, they might
4 design for it, but then, you know, WMATA would
5 have to, in effect, buy the space from them, or
6 buy an easement.

7 I mean, I think we need something a
8 little bit stronger than this. This is an
9 issue that's come up in other locations in this
10 city, and I'm always sympathetic, but I'm also
11 understanding that the metro station entrances
12 are tremendously expensive.

13 But then again, you know, there's
14 264,000 square feet of area potentially added
15 to this project. I understand that that comes
16 with a cost, as well, potentially, but that's
17 all bonus density for preferred uses, right?

18 MS. ELLIOTT: The bonus density
19 would only apply to residential uses.

20 COMMISSIONER MAY: Right.

21 MS. ELLIOTT: So --

22 COMMISSIONER MAY: But I mean,

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1 they're getting that bonus, if what they're
2 building is housing.

3 MS. ELLIOTT: Correct.

4 COMMISSIONER MAY: Okay. And so
5 how is housing been selling down there?

6 MS. ELLIOTT: Well --

7 COMMISSIONER MAY: Pretty well,
8 right?

9 MS. ELLIOTT: I can't --

10 COMMISSIONER MAY: They're not
11 building office space, because they're so
12 interested in building housing.

13 MS. ELLIOTT: Correct.

14 COMMISSIONER MAY: I was talking to
15 somebody who's quite knowledgeable on this,
16 just today, he was saying that, you know, there
17 aren't enough office building down there to
18 absorb the need for evening parking, or evening
19 and weekend parking for sporting events.

20 So it's a little odd that we're
21 incentivizing something that's probably going
22 to get built anyway. So I mean, I feel like,

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1 I mean, I don't disagree, I think that it's okay
2 to go taller, and I think it's okay for there
3 to be additional density there.

4 But I'm not seeing the greater good
5 that comes out of this, because we're talking
6 about 264,000 square feet that's going to wind
7 up selling in the end, or being worth in the end,
8 I don't know, what is housing down there worth?
9 It's worth at least \$500 a square foot. It's
10 got to be probably worth a good bit more than
11 that, depending on where it is.

12 So I don't know, I think there needs
13 to be something more for the greater good, if
14 you will. I don't think I have any other
15 specific questions for the Office of Planning.
16 I think I understand now better what was written
17 in for the metro station, so thank you.

18 CHAIRMAN HOOD: Okay.
19 Commissioner Miller, I think you had a
20 question.

21 COMMISSIONER MILLER: Thank you,
22 Mr. Chairman. Ms. Elliott, just out of

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1 curiosity, do you know what the cost is to the
2 Metro, or what is the cost of the feasibility
3 study for an additional entrance?

4 MS. ELLIOTT: No, I don't have any
5 of that information.

6 COMMISSIONER MILLER: You
7 mentioned that it's fully funded in Metro's
8 budget, but you don't know what the cost is?

9 MS. ELLIOTT: Right. No. No I
10 don't.

11 COMMISSIONER MILLER: And do you
12 know what the cost is of an additional entrance?
13 This is coming off of another neighborhood
14 that's been cited?

15 MR. LAWSON: I wouldn't know the
16 exact cost, because it would vary from metro
17 station to metro station, considerably.
18 Certainly, with other ones, you're absolutely
19 right, we had some cost in the, you know, Tens
20 of Millions of Dollars to the Metros. I don't
21 know if that's the case here, but I would expect
22 that it would be in that range.

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1 CHAIRMAN HOOD: Okay. Any other
2 questions for OP?

3 (No Response.)

4 CHAIRMAN HOOD: Okay, not hearing
5 any, let's go to the ANC. Chairman Moffett, if
6 you want to, come forward and give us the ANC
7 report.

8 MR. MOFFETT: Are you ready for me?

9 CHAIRMAN HOOD: Yes, go right
10 ahead.

11 MR. MOFFETT: Good evening. Roger
12 Moffett, I'm Chair of the ANC 6D. And good
13 evening, Chairman Hood, and other
14 distinguished Commissioners of the Zoning
15 Commission of the District of Columbia, and
16 good evening, fellow citizens of the District
17 of Columbia. I'm here tonight to speak for on
18 behalf of the ANC 6D.

19 At a duly noticed public meeting on
20 Monday, September 9th, 2014, at which a quorum,
21 four being a quorum, of ANC Commissioners
22 attended. ANC 6D voted 6-0-0 to support Zoning

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1 Case Number 14-05, Text Amendment, to allow the
2 current height maximum of 110 feet and a maximum
3 6.0 FAR to be increased to 130 maximum feet and
4 density of 7.8 FAR for residential, with the
5 statement that the ANC strongly encourages the
6 Zoning Commission to require units have more
7 than two bedrooms, as a condition of this added
8 height and density.

9 Ordinarily, I might have filed ANC
10 6D's resolution for a text amendment, but I
11 believe this one can have major positive
12 ramifications for families who live, or wish to
13 live in the District, especially, larger
14 families.

15 For that reason, I'm here tonight to
16 advocate for larger housing units. The
17 justification is this, this land at issue has
18 already been purchased with belief that the
19 current density would be in place. Any
20 addition to that density will be an increase to
21 the value of the property, a windfall.

22 In return for that windfall is

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1 community benefits for the District of Columbia
2 should be included, the requirement for housing
3 to accommodate larger families.

4 The problem of finding presents
5 across all economic strata from the poor to the
6 affluent, there is, simply, none being built in
7 this area at present.

8 ANC 6D supports growing D.C. at a
9 larger population, but we don't want to exclude
10 families who have children from being able to
11 live in our section of the District.

12 We believe this is an issue, as time
13 has come, and we hope the Zoning Commission will
14 take the step in the right direction here
15 tonight.

16 Again, we strongly encourage you to
17 require units have more than two bedrooms, as
18 a condition for this added height and density
19 on ZC 14-05. Thank you for your time and for
20 your service to the District of Columbia.

21 CHAIRMAN HOOD: Okay. Thank you,
22 Chairman Moffett. Commissioners, any

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1 questions? Any questions? Vice Chair Cohen.

2 VICE CHAIR COHEN: Thank you for
3 your testimony, Mr. Moffett, and thank you for
4 your written comments, as well. I'm just
5 curious about, is there a school in your
6 district that would be available for family,
7 children?

8 MR. MOFFETT: Van Ness is in the
9 Southeast section. It's currently being
10 worked on, whether it's going to be reopened
11 again, and there's a Amidon-Bowen on the
12 Southwest side, and Jefferson Junior High is
13 also their middle school now. Sorry about
14 that. But anyway, Jefferson is also located in
15 Southwest.

16 VICE CHAIR COHEN: Okay.

17 MR. MOFFETT: And they all need
18 students.

19 VICE CHAIR COHEN: Okay, and the
20 ANC's position is to keep them all open, is that
21 correct?

22 MR. MOFFETT: Well, the Van Ness

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1 has currently been closed, and it may well be
2 opened back under, I'm not sure how it's going
3 to come out under what the School DDS is coming
4 up with, but I believe it is supposed to reopen,
5 but they will be able to accommodate more
6 students.

7 VICE CHAIR COHEN: Thanks.

8 MR. MOFFETT: Yes.

9 CHAIRMAN HOOD: Okay, anybody
10 else? Commissioner May?

11 COMMISSIONER MAY: Yes, I just want
12 to make it perfectly clear, you're talking
13 about three bedrooms and up, right?

14 MR. MOFFETT: Yes. Because after
15 they have sited their buildings, some two
16 bedrooms, but we believe there is a definitely
17 need for this.

18 We've got a large building in the
19 area, but there are no family-type, other than
20 the townhouses that are already built there,
21 and a few more to go on Arthur Capper.

22 CHAIRMAN HOOD: Okay, any other

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1 questions? Commissioner Turnbull.

2 COMMISSIONER TURNBULL: Yes, thank
3 you, Mr. Chair. Commissioner Moffett, I just
4 wanted to, I mean, the demographics in your
5 area, are you concerned that you're losing
6 families?

7 I mean, do you see a trend to more,
8 I don't want to call it yuppie, but that old
9 term, what I mean, single, I mean, just married
10 couples, maybe with one kid. I mean, are you
11 trying to build a more of an integrated
12 neighborhood where you have more families?

13 MR. MOFFETT: We believe our area
14 is being pushed as the area in D.C. to move into
15 right now, and when you only build a maximum two
16 bedrooms, the increase in population can only
17 be so much, it doesn't work for families.

18 And there are studies that show that
19 families will move into areas and take up even
20 many of the one bedrooms, so that they can have
21 a place and it takes away the stock there, but
22 they shouldn't have to do that, and there are

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1 many who cannot do that.

2 This, actually, is not, we've
3 always been pushing for to make sure that
4 there's affordability included, but that would
5 be part of this, because there would be a
6 percentage there, but it's not just low income
7 it's, as I said, across all economic strata, we
8 do not have anything above a two bedroom and you
9 cannot have a large family, or even a smaller
10 family with that, maybe one kid, unless they're
11 the same gender.

12 COMMISSIONER MAY: Yes. Okay.
13 No, thank you.

14 CHAIRMAN HOOD: Okay, anyone else?

15 (No Response.)

16 CHAIRMAN HOOD: Okay, do we have
17 any organizations, or persons, who are here in
18 support?

19 (No Response.)

20 CHAIRMAN HOOD: Any organizations,
21 or persons, who are here in opposition?

22 (No Response.)

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1 CHAIRMAN HOOD: And, Mr.
2 Avitabile, I don't think we need you to do any
3 closing remarks, unless you just wanted to say
4 something?

5 MR. AVITABILE: No, I don't think
6 that we would want to say anything else at this
7 time.

8 CHAIRMAN HOOD: Okay.

9 MR. AVITABILE: Other than, you
10 know, request the Commission's support.

11 CHAIRMAN HOOD: Okay. All right,
12 thank you. And thank everyone for providing
13 the testimony in this particular case. Okay,
14 Commissioners, are we ready to deal with this
15 tonight, or are we going to find some dates, or
16 what is your pleasure?

17 COMMISSIONER MAY: Mr. Chairman, I
18 would suggest that we need to think about this
19 and, I think, maybe, the Applicant needs to
20 think about this.

21 I mean, as I said before, I think
22 that the idea of greater height and density here

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1 is perfectly appropriate and greater housing,
2 more housing would be appropriate, as well, but
3 I, you know, I wouldn't exactly call it a
4 windfall, as Commissioner Moffett had called
5 it.

6 But we are, essentially, granting
7 additional density, and only incentivizing
8 something that's probably going to be built
9 anyway.

10 And there are two things that are
11 kind of looming out there, one is a healthier
12 mix of units that would promote larger family
13 occupancy and, potentially, what could happen
14 with the Metro.

15 And I think that, you know, there
16 needs to be a little more work between the
17 Office of Planning and the Applicant and OAG,
18 and maybe come up with something that's a little
19 bit that, again, serves the greater good a
20 little bit more. And that's my gut reaction to
21 this.

22 CHAIRMAN HOOD: Okay.

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1 VICE CHAIR COHEN: Thank you, Mr.
2 Chairman. I concur with Commissioner May's
3 analysis. And in addition, I really believe
4 that families are being pushed out of the city,
5 that they don't have the choices.

6 There are new townhomes in the
7 neighborhood, but not everybody wants to own a
8 townhome, some people want to rent. And I
9 strongly would support more units with more
10 bedrooms for families.

11 And unless the Applicant can come up
12 with very compelling evidence that there is no
13 market and that there won't be a market when
14 this is built out, I really, again, strongly
15 believe that the ANC knows their neighborhood
16 very well, they know what they are lacking in
17 population diversity, so I would suggest that
18 we ask the Applicant to submit more information
19 to support their position that ones and twos are
20 the appropriate mix, as opposed to larger
21 units, and it can also include some financial
22 analysis.

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1 CHAIRMAN HOOD: Okay. Anyone else
2 want to comment? Commissioner Turnbull?

3 COMMISSIONER TURNBULL: Yes.
4 Thank you, Mr. Chair. I guess, I would go along
5 with Commissioner May on this one. I mean,
6 even if you look at a very basic, I mean, if
7 you're a small nuclear family of two kids and
8 you have a boy and a girl, you're looking at a
9 three-bedroom unit.

10 I mean, if you're looking, unless
11 you're going to have separate beds in the one
12 room for the boy and the girl, but, you know,
13 you're either looking at a three-bedroom unit,
14 really, to make things work.

15 And I think Commissioner Moffett
16 made a good point about the mix in the
17 neighborhood and trying to develop a sense of
18 community, and I think is something you got to
19 look at.

20 I mean, I don't really think, I
21 mean, neighborhoods are struggling and I think
22 that two children is not unreasonable for a lot

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1 of families, and so I would say that I would give
2 the Applicant to meet with OP, and resolve some
3 of these things, and OAG.

4 CHAIRMAN HOOD: Any other
5 comments? Okay, Commissioner Miller.

6 COMMISSIONER MILLER: Yes, I would
7 think Commissioner May's suggestion for the
8 Office of Planning to look at the language of
9 the metro entrance, and maybe possible language
10 to add to that section dealing with a certain
11 provision of the residential units with more
12 than two bedrooms, might be something to look
13 at with OAG.

14 It would be unusual for Text
15 Amendment, but so is the language in that
16 section, currently, so it could possibly fit in
17 there.

18 But I would like to just emphasize
19 again, that I don't think we, Commissioner May
20 said at the beginning of this, we don't have to
21 incentivize this residential, because we're
22 getting it anyway, well, we're not going to be

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1 getting these 315 units if they don't get the
2 additional density, and the city needs
3 residential units of all types, everywhere,
4 growing at 1,100 to 1,200 a month.

5 And 20 percent of them are going to
6 be satisfied at that 50 percent AMI level,
7 pursuant to the Development of Agreement that
8 the Applicant is operating under, so that's
9 much greater than the inclusionary zoning would
10 have required.

11 So I don't think we should, you
12 know, just not treat that, I don't think we
13 should treat that lightly that we are getting
14 something that we would otherwise get, because
15 we won't get it without the density being there.

16 We might get it on some other
17 location in Southwest, or in Southeast. But I
18 would support more time to try to work something
19 out and explore this option.

20 CHAIRMAN HOOD: Okay. I would
21 agree with everything I heard. And, actually,
22 I take this sentiments about two bedrooms of two

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1 more units in an apartment across the city for
2 families. That's one of the things that I
3 think this Commission has been very, I'm not
4 going to call us derelict, because I'd be
5 calling myself derelict, too, but I think we
6 have not done more concentration, so I'm
7 hearing this tonight.

8 So I will remind us all that this
9 case when we start doing things in other parts
10 of the city, which we should start doing when
11 we look at people who want to have kids, since
12 now that that's something that's in the
13 development.

14 But I'm just not sure, I don't have
15 a problem with letting the Office of Planning
16 and the text of the Applicant will work it out
17 and come up with some more language to try to
18 get to where we're trying to achieve.

19 But I'm just curious of, and I'll
20 leave that up to them, but I'm just curious of,
21 you know, we're not going to vote on it tonight,
22 we're waiting on some things.

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1 And a lot of times when we do stuff
2 in that fashion, we basically see the same thing
3 in a couple of weeks that we're here tonight.

4 But I'm willing to let them go and
5 see if they can come back with some of the
6 requests that my colleagues have mentioned, but
7 sometime I think that it's just delayed, but I'm
8 just going to watch this one and let's see how
9 it comes back, and I'll leave it that.

10 But I want us to, it's just that
11 we're interested in the families, as this city
12 has been, we also need to start looking at that
13 in other projects across the city, not just over
14 here at this project, because there are other
15 families that might not want to live in this
16 area and want to live in other areas of the city.

17 So I too will go along with the
18 extension of time. I'll be frankly honest, I'm
19 not really sure what good it's going to do us,
20 but let's see. Make me wrong. I've been wrong
21 before. I thought the Giants were going to win
22 the other night, so, you know, I've been wrong

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1 quite a bit here lately, so let's see what
2 happens. Anything else?

3 (No Response.)

4 CHAIRMAN HOOD: All right, Ms.
5 Schellin, do we have any dates?

6 MS. SCHELLIN: Do you think you, do
7 you want to come back for the first meeting in
8 November, or the second, how much time do you
9 think you guys will need?

10 MR. AVITABILE: The first meeting
11 in November is --

12 MS. SCHELLIN: The 10th.

13 MR. AVITABILE: The 10th?

14 MS. SCHELLIN: So we would need you
15 to file something by the 28th of October. No.
16 The second meeting? Okay. So if we could have
17 a submission from you by November 10th, and then
18 the ANC would have until November 17th to file
19 any, you know, response to that. Come to the
20 table.

21 CHAIRMAN HOOD: We need to find out
22 their meeting, Chairman Moffett, will you come

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1 to the table? The Department might not be
2 meeting before then, or something.

3 MR. MOFFETT: Yes. Thank you for
4 allowing me to speak. I just wanted to let you
5 know that the ANC 6D meets on November 10th, so
6 if you've got something before then, I mean, on
7 that date, I don't know that we'd have time to
8 address it. But --

9 COMMISSIONER MAY: But you can
10 address it before we see it, you could be
11 meeting with the Applicant, as well, right?

12 MR. MOFFETT: All I'm saying is
13 that if there was a vote required it wouldn't,
14 we wouldn't have time to do that, but I don't
15 know that we really need to vote anything now,
16 because you all, it's in your hands, I guess.

17 CHAIRMAN HOOD: Well, on what comes
18 back.

19 (Off microphone discussion)

20 CHAIRMAN HOOD: It sounds like you
21 all are going to meet the same night we meet.

22 MS. SCHELLIN: We're not going to

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1 take this up until the November 24th meeting.

2 CHAIRMAN HOOD: Oh, November 24th.

3 MS. SCHELLIN: It's just, if they
4 want to respond to what the Applicant, or what
5 the Petitioner submits, the revised language.

6 CHAIRMAN HOOD: So they meet
7 November the 10th, we need to give them some
8 more time, I don't think anyone objects to that.

9 MR. AVITABILE: We could also
10 submit on November 3rd, instead of November 10,
11 and that would give ANC a week.

12 CHAIRMAN HOOD: That way we can
13 deal with it on November 10th, okay.

14 MS. SCHELLIN: Okay.

15 MR. MOFFETT: Thank you.

16 MS. SCHELLIN: Okay, so November
17 3rd for your submission, and then we could get
18 the ANC submission by November 17th, since they
19 meet on the 10th. And then we'll take this up
20 on November 24th. Does that work?

21 CHAIRMAN HOOD: So are we all on the
22 same page?

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1 (No Response.)

2 CHAIRMAN HOOD: Okay, great.

3 MS. SCHELLIN: And then, Office of
4 Planning, I understand is going to be working
5 with the Applicant, so their submission would,
6 they would be responding to what the Applicant,
7 so their submission would be due on the same day
8 the ANC's is due, which would be the 17th.

9 CHAIRMAN HOOD: Okay.

10 MS. SCHELLIN: Good?

11 CHAIRMAN HOOD: So do we have
12 everything, everybody's on the same page?

13 (No Response.)

14 CHAIRMAN HOOD: Okay. I want to
15 thank everyone for their participation
16 tonight. And Ms. Elliott, I'm going to get
17 your name right, eventually, before next year,
18 I promise. Okay with that, this hearing is
19 adjourned.

20 (Whereupon, the hearing in the
21 above-entitled matter was concluded at 7:16
22 p.m.)

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