

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: :

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Carr Properties OC, LLC : Case No.

1st-Stage and Consolidated : 15-27B

PUD Mod. of Significance :

and 2nd-Stage PUD @ Sq. 3587 :

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Monday,

July 6, 2020

Video Teleconference

The Public Hearing of Case No. 15-27B 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:

BRANDICE ELLIOTT

DISTRICT DEPARTMENT OF TRANSPORTATION STAFF PRESENT:

AARON ZIMMERMAN

The transcript constitutes the minutes from the
Public Hearing held on July 6, 2020.

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

4:00 p.m.

1
2
3 CHAIRMAN HOOD: Good afternoon, ladies and
4 gentlemen. We are convening a broadcast of this public
5 hearing by video conferencing.

6 My name is Anthony Hood. Joining me, Vice Chair
7 Miller, Commissioners Shapiro, May, and Turnbull. We are
8 also joined by the Office of Zoning Staff, Ms. Sharon
9 Schellin, and Mr. Paul Young, who is operating all of our
10 virtual operations.

11 Copies of today's virtual public hearing notice
12 are available on the Office of Zoning's website.

13 Please be advised that this proceeding is being
14 recorded by a court reporter, it's also webcast live, which
15 includes WebEx and YouTube Live. The video will be available
16 after this proceeding.

17 As we move forward, if you experience any
18 difficulty accessing WebEx or with your telephone call, we
19 ask that you call out OZ hotline number at 202-727-5471 to
20 sign up or to receive WebEx log in or call in instructions.

21 All persons planning to testify, either in favor
22 or in opposition, in our virtual hearings are encouraged --
23 we encourage you to sign up in advance. At the time of sign
24 up, all participants complete the oath or affirmation
25 required by Subtitle Z408.7.

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1 If you wish to file a written testimony or
2 additional supporting documents during the hearing, then
3 please be prepared to describe and discuss it at the time of
4 your testimony.

5 The hearing will be conducted in accordance with
6 provisions of 11Z DCMR Chapter 4 as follows, preliminary
7 matters, Applicant's case, they have up until 60 minutes I
8 believe, they said 10 or 15 minutes, we'll see how that goes,
9 report of the Office of Planning and District Department of
10 Transportation, Report of Other Government Agencies, report
11 of the ANC, testimony or organizations, which will be five
12 minutes, testimony of individuals, which will be three
13 minutes. And, we will take them in this order, support,
14 opposition and undeclared. Then we will have rebuttal and
15 closing by the Applicant.

16 While the Commission reserves the right to change
17 the time limits for presentations if necessary, it intends
18 to adhere to the time limits as strictly as possible, and no
19 time shall be ceded.

20 I would ask others when you come on if you would
21 identify yourself at the appropriate time. Again, the OZ
22 Hotline number is at 202-727-5471, for any outstanding issues
23 during this hearing.

24 At this time, the Commission will consider any
25 preliminary matters. Does the staff have any preliminary

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1 matters.

2 MS. SCHELLIN: Preliminary Matters, we have a
3 couple experts to accept. John Crump and Chris Woody, of the
4 Smith Group for architecture. Mr. Woody will not be
5 presenters, but he'll be available for questions. So, his
6 resume is at Exhibit 15b, if you want to accept him.

7 The other three have previously been accepted,
8 that would be Lauren Brandes for landscape architecture, Erin
9 Andres, for Transportation Engineering, and Shane Dettman,
10 for Land Use, Planning and Zoning.

11 So, there's really only one that has not -- well,
12 and Chris Woody, both of them have not been accepted before
13 there was the Smith Group, in architecture.

14 CHAIRMAN HOOD: So, Commissioners, we have three
15 who have already been accepted. Unless I hear from others,
16 I think we'll continue that status.

17 So, we are looking at either John Crump or Chris
18 Woody. Who is going to be presenting again, Ms. Schellin?

19 MS. SCHELLIN: John Crump if the Commission ends
20 up wanting to see the presentation. I don't think they are
21 going to, actually, show it. They are going to do a ten-
22 minute presentation, Ms. Bloomfield and I believe Mr.
23 Holderness, the Applicant's representative. So, the experts
24 are more or less going to be available for questions if
25 needed.

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1 CHAIRMAN HOOD: Okay. So, Commissioners -- thank
2 you, Ms. Schellin.

3 MS. SCHELLIN: So, they both need to be accepted.

4 CHAIRMAN HOOD: So, Commissioners, the two that --
5 and I want to hear from others -- the two that will possibly
6 not be presenting, are asking for expert status -- let me,
7 I'd ask -- we are getting feedback from somewhere, so if
8 everybody could mute. Okay, all right. So, do you still
9 hear the feedback, because I don't hear it now. Okay. So,
10 let me hear from others.

11 Commissioner May?

12 COMMISSIONER MAY: I would just note that Mr.
13 Woody, I don't see anything in the resume that we have --
14 licensed architect --- to qualify --- So if it's just not
15 shown there, I don't know. It may not be a point --

16 COMMISSIONER SHAPIRO: Commissioner May, I can't
17 hear you. The feedback makes it impossible to hear you. I'm
18 sorry.

19 CHAIRMAN HOOD: Mr. May, I think maybe it's you,
20 because every time you unmute, so you need to log on again
21 and turn something off.

22 COMMISSIONER MAY: Okay. I'll -- come back to me,
23 I'll try again.

24 CHAIRMAN HOOD: Okay. Commissioner Shapiro.

25 COMMISSIONER SHAPIRO: I don't have any concerns,

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1 but I look forward to hearing what my colleagues have to say.

2 CHAIRMAN HOOD: Okay. Commissioner Turnbull?

3 COMMISSIONER TURNBULL: I don't have any concerns
4 right now. I'm still trying to pull up his resume.

5 CHAIRMAN HOOD: Okay. Well, we'll hold off on
6 that.

7 Vice Chair Miller?

8 VICE CHAIR MILLER: I'm good.

9 CHAIRMAN HOOD: Okay. I'll tell you my concern
10 is, not hearing from him, I really don't believe -- I mean,
11 I would really want to hear from others, but I really don't
12 think, if they are not going to be presenting anything to us.
13 And, I understand their resume can stand on its own.

14 I would rather -- I would rather, particularly,
15 hear from them when they are going to be presenting, and
16 grant them that status at that time, because, you know, we
17 may have a lot of potential questions. And, it might not
18 make sense, but I just don't believe that this is appropriate
19 to do that.

20 I know their resume stands for itself, stands on
21 its own, but I would rather give them party status and let
22 them talk about the case. We don't believe we want to hold
23 a whole lot, and I'm not in favor of doing that, but either
24 way. You know, I'm not -- it's not a hard fast rule.

25 Okay, let me go back to Commissioner May.

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1 COMMISSIONER MAY: So, I'm not sure what I just
2 missed. Do you want to fill me in?

3 CHAIRMAN HOOD: Actually, Commissioner May was not
4 in favor of granting party status. I don't know if we are
5 going to have a whole lot of architectural questions. And,
6 I know their resume stands on its own. I just, just let me
7 say I'm here, and the resume is here, but I think if we have
8 some new architectural persons, and we've really need to get
9 into it, I would be inclined to do it.

10 But, I think also their resume stands on its own.
11 I want to hear from the Office of Zoning now.

12 COMMISSIONER MAY: First of all, are you getting
13 feedback from me?

14 CHAIRMAN HOOD: Yes, we are still getting
15 feedback, yes.

16 MR. YOUNG: It sounds like there's like wind
17 blowing.

18 COMMISSIONER MAY: How's that?

19 CHAIRMAN HOOD: Okay, all right.

20 COMMISSIONER MAY: That's interesting,
21 because I need that fan to keep my computer cool enough to
22 stay on these calls.

23 Anyway, all right. So, let's see, for Mr. -- I
24 was trying to make the point before that for Mr. Woody we
25 don't -- it does not say that's he's, actually, a licensed

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1 architect.

2 I would, you know, there may be questions -- you
3 know, there may be architectural questions, I would not have
4 any objection to accepting Mr. Crump as an expert for that
5 purpose, but hold off on Mr. Woody, unless, you know, he's
6 the one who is going to answer the questions and, actually,
7 is licensed.

8 CHAIRMAN HOOD: Okay. Commissioner Shapiro, do
9 you want to add to that? You might want to turn your fan
10 back on, Commissioner May.

11 Commissioner Shapiro, do you want to comment on
12 that?

13 COMMISSIONER SHAPIRO: I have nothing to add, Mr.
14 Chair.

15 CHAIRMAN HOOD: Okay. Commissioner Turnbull?

16 COMMISSIONER TURNBULL: In hindsight I would agree
17 with Commissioner May.

18 CHAIRMAN HOOD: Okay. Vice Chair Miller?

19 VICE CHAIR MILLER: Nothing.

20 CHAIRMAN HOOD: I'm going to agree also with
21 Commissioner May's way of moving forward.

22 Ms. Schellin, we will give expert status to Mr.
23 Crump, and we will hold off on Mr. Woody, for the reasons
24 cited. Okay, anything else? Any other preliminary matters?

25 MS. SCHELLIN: There are no other preliminary

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1 matters that I can see.

2 CHAIRMAN HOOD: I have a quick preliminary matter.
3 As you all probably know, I'm sure Commissioner Miller knows,
4 and Howard Croft who passed a couple days ago. He was a
5 Zoning Commission member, he, actually, came on -- he,
6 actually, left when I was getting ready to come on. And,
7 Angel Clarens, and Jerrily Cress, and I, had our confirmation
8 hearings at the same time. And, Angel replaced Howard.

9 He was well known. He did, from what I understand
10 what I've read about it, because we've probably seen some
11 orders with his name in it, he was an advocate for the City.
12 He was well known. He was very balanced from everything.

13 And, his biggest case, one of the bigger cases I
14 saw that he did was Opera House. So, I just wanted to take
15 a moment of silence. One thing about it, the Zoning
16 Commissioner is not a club, but you are part of the
17 organization, and I would like for us to just take a moment
18 of silence, all those listening take a moment silence for our
19 former Commissioner.

20 He did a lot more than just this, but this is one
21 of the things he did. So, if we could take a moment of
22 silence.

23 I don't know, wait a minute, Vice Chair do you
24 want to add something, because you probably have been through
25 this confirmation hearings and others.

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1 VICE CHAIR MILLER: Thank you, Mr. Chair, no, I
2 just would echo everything that you said. Thank you.

3 CHAIRMAN HOOD: Okay. Anybody else?

4 Okay, let's just take a moment of silence.

5 (Moment of silence.)

6 CHAIRMAN HOOD: Okay, thank you.

7 All right, Ms. Schellin, do we have anything else?

8 MS. SCHELLIN: No, sir.

9 CHAIRMAN HOOD: Okay. Ms. Bloomfield, we'll turn
10 it over to you.

11 MS. BLOOMFIELD: Good evening, everyone. Can you
12 all hear and see me okay?

13 CHAIRMAN HOOD: Yes.

14 MS. BLOOMFIELD: Okay, wonderful. It's nice to
15 see you all.

16 Thank you for accepting John Crump as our expert.
17 Our intent was only to proffer him as the expert, so that
18 ended of landing where we were hoping. So, thank you for
19 that.

20 In addition to the experts, we have our entire
21 project team here tonight to be able to respond to any
22 questions. That includes Chip Glasgow, Shane Dettman, also
23 from Holland & Knight, Austen Holderness and John Kilborne
24 from Carr, representing the Applicant. We have John Crump
25 and Chris Woody from Smith Group, the architects for the

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1 project. Erwin Andres, from Gorove Slade, our expert in
2 Transportation. Lauren Brandes from Oculus, and that's our
3 team.

4 So, if you have any questions for any of them,
5 they are all here to respond and get you what you need.

6 We are here this evening to present an application
7 for a second-stage PUD and a modification to the approved
8 first-stage PUD, to convert the primary use of building C2
9 from residential to office, and a modification to the
10 approved consolidated PUD for Buildings C1, to permit bar and
11 restaurant uses in the penthouse.

12 Both of these buildings are on separate ANT lots
13 but they will be considered a single building for zoning
14 purposes, and that has always been the intent.

15 The overall PUD was approved in 2017, with,
16 approximately, 1.5 million square feet of mixed-use
17 development, containing a range of residential, retail,
18 office, and hotel uses. The PUD included three buildings in
19 the consolidated approval, and three buildings in the first-
20 stage approval.

21 Since then, the three consolidated buildings are
22 all under constructions with occupancies initially
23 anticipated the beginning of next year.

24 One second-stage PUD has already been approved.
25 That was Building A2, approved last summer. The second

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1 second-stage PUD building is Building C2, which we will
2 discuss tonight, and the final, the third and final second-
3 stage PUD is Building D, which will come before you tomorrow
4 night.

5 The application for Buildings C1 and C2 have been
6 thoroughly reviewed and supported by the relevant District
7 agencies, including the Office of Planning and DDOT, as well
8 as other agencies who submitted comments to the Applicant
9 through the Office of Planning, and to which we have
10 responded in our filings.

11 The OP report, which is at Exhibit 28, states its
12 full support for the application with no conditions.

13 The DDOT report, which is Exhibit 27, also stated
14 its full support with three conditions, which I will state
15 for the record now that we agree with all of them. Those
16 conditions included implementing the loading management plan
17 as was set forth by the Applicant, which we agreed to. The
18 second was to comply with the TDM plan set forth by the
19 Applicant, which we also agreed to. And, the third was to
20 make a minor revision to the cycle track design in the alley,
21 to pull back a portion of the concrete barrier at the
22 intersection with Neal Place, and that was to allow
23 pedestrians flow across the alley. And, in our Power Point
24 this evening we have updated that landscape plan to show the
25 change.

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1 DDOT made a few other very minor comments to the
2 street scape plan, and all of those have been incorporated
3 and are reflected on that new sheet, which is in the Power
4 Point and was submitted to the record today.

5 We are also pleased to have support from ANC 5D,
6 the affected ANC in this case. We presented the application
7 for Buildings C1 and C2 a couple of times to them, and we
8 have a letter of support from them unanimous with no
9 conditions at Exhibit 18.

10 With that, we are happy to rest on the record.
11 We believe that the case record is full with all the filings
12 and drawings that we have previously submitted, and again,
13 our entire team is here to respond to any questions, and I
14 will close with that.

15 Thank you so much.

16 CHAIRMAN HOOD: Okay, thank you, Ms. Bloomfield.
17 Before we go to questions, let me just ask, when you
18 presented to the ANC, they were aware of all the changes
19 which you've asked for, so everything that you have here
20 before us was presented to the ANC.

21 MS. BLOOMFIELD: Yes, that's correct.

22 CHAIRMAN HOOD: Okay. All right.

23 All right, let's see if we have any questions,
24 comments, or need anything else.

25 Commissioner May?

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1 COMMISSIONER MAY: Believe it or not, I have
2 nothing to say. No questions, no comments.

3 CHAIRMAN HOOD: Man, make sure we put that down
4 for the record.

5 COMMISSIONER MAY: I might have had something to
6 say if I could have touched the material for it, but I can't
7 touch the material for it.

8 CHAIRMAN HOOD: All right.
9 Commissioner Shapiro?

10 COMMISSIONER SHAPIRO: No, Mr. Chair, I have
11 nothing.

12 CHAIRMAN HOOD: Okay. Commissioner Turnbull?

13 COMMISSIONER TURNBULL: The only thing I have is,
14 there was some notes raised by OAG, Mr. Chair, if you want
15 to get into that.

16 CHAIRMAN HOOD: Yes, I'll touch on it, but you can
17 start off, and we'll pick up the rest.

18 COMMISSIONER TURNBULL: Okay. The PUD was
19 approved with a range residential GFA between 720,394 square
20 feet, and 1,091,201 square feet, to account for the
21 flexibility granted in the original order to develop
22 Buildings A2 and D for non-residential uses. See Condition
23 No. A.8.C in the original order.

24 However, the original order also notes that the
25 project shall be developed with 1,091,201 square feet of

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1 residential GFA condition No. A2, and further proffered this
2 same amount of residential GFA as a public benefit of the
3 project, Condition No. B.1A.1, A.I, without any language
4 indicating that this number could be reduced if Buildings A2
5 and/or D were developed for non-residential purposes.

6 Further, Condition No. B.1 stipulates that the
7 Applicant shall set aside no less than 11 percent of the
8 residential GFA equaling not less than 120,036 square feet,
9 as inclusionary units.

10 This 120,036 represents, approximately, 11 percent
11 of the originally proffered 1,091,201 square feet set of
12 residential GFA. While the Applicant has indicated that they
13 will contain to maintain the 11 percent IZ proffered, they
14 will no longer meet the minimum square footage requirement,
15 and will provide only 98,594 square feet, Exhibit 26 at 4.

16 These changes will consider reconsideration of the
17 balancing tests, since the Applicant is reducing previously
18 proffered housing benefits, and if approved will require
19 additional changes to the conditions of the original order.

20 There's more to, Mr. Hood, maybe you can carry on
21 with that.

22 CHAIRMAN HOOD: Okay. So, Ms. Bloomfield, keeping
23 in the spirit of what Commissioner Turnbull was mentioning,
24 some of the things that we are going to need clarification
25 on, and this also comes from our legal counsel as well, and

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1 some of the things we need to see. And, I, actually, would
2 like to see this in a submission. I don't think I would --
3 I don't know what others -- they might want to hear it
4 tonight, if you can opine on it.

5 But, the total residential GFA being proffered for
6 the overall PUD, total, and I'm sure the Vice Chair will
7 probably get into this, but total IZ square footage for the
8 overall PUD and justification for no impact on the PUD
9 balancing tests are reducing both the overall residential GFA
10 and IZ GFA.

11 Where the original benefits so much more than the
12 requested development initiatives relief and mitigating
13 potentially adverse impact, so that replacing the residential
14 uses with the office uses, and loss of the IZ units have no
15 impact on the PUD balancing tests.

16 So, I don't know if you want to get all this, Ms.
17 Bloomfield, as we are reading it. But, I would suggest that
18 you reach out to Ms. Schellin, and make sure that if my
19 colleagues would agree that before we take any type of action
20 that these be answered, so that we can have a chance to
21 really look at them.

22 And also, the Applicant will need to also provide
23 an updated IZ chart showing the current IZ status by unit
24 numbers and breakdowns, square footage and breakdown by each
25 building of the consolidated and first-stage PUD.

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1 So, for me, when I received this, and when I was
2 looking to see if I was looking to see about things, and
3 making some changes and you are trying to go through some
4 changes going through the second stage and all that. But,
5 it seemed to me like everything is moving in different
6 places. So, we want to make sure we try to bring it
7 together.

8 So, we will understand, we just don't approve
9 things just by people bringing it to us, we want to make sure
10 we understand what we are approving, and that we have a good
11 solid foundation to even move forward.

12 So, I'll let somebody else take care -- I think
13 Mr. Turnbull and I, basically, got, if somebody wants to
14 speak to the loading they can. If not, Ms. Schellin will
15 share those, but let me go to Vice Chair Miller next, and
16 then I'll come back to you, Commissioner Shapiro.

17 VICE CHAIR MILLER: Thank you, Commissioners
18 Turnbull and Chairman Hood for bringing up those legal
19 counsel concerns, which, actually, somehow I didn't get to
20 see. It's my fault. But, it sounds appropriate that we
21 should get from the Applicant's representative a response to
22 that.

23 Is this a one vote or two vote -- I would only
24 need that additional submission in response before final
25 action. But, is this final action on this particular case?

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1 Yes, it is, okay, I see Ms. Bloomfield nodding, so, yes, it
2 would helpful to have that information.

3 I do note, if Ms. Bloomfield wants to say anything
4 right now, but there is the -- I don't know if we mentioned
5 it that there is the \$1.5 million Contribution to the Housing
6 Production Trust Fund. But, having -- for the housing
7 requirements that are triggered in this case by the
8 particular application, so that's significant, and we
9 appreciate that as well.

10 So, yes, I think it would be -- I would agree with
11 you, Chairman Hood and Commissioner Turnbull on your points.

12 CHAIRMAN HOOD: Okay. Commissioner Shapiro, did
13 you want to do another round? Did you have something?

14 COMMISSIONER SHAPIRO: Not on this. I just want
15 to make sure that the information related to loading was
16 also included.

17 I'm curious, Ms. Bloomfield, does she have an
18 answer? I want to give her the space to have, if she does
19 have an answer to the questions that we have, the concerns
20 that we have, about GFA, and, you know, maybe the issue is
21 resolved. But, it doesn't appear to be at this point. So,
22 and Mr. Chair, I'd go for the loading questions that general
23 counsel has suggested as well that we have.

24 So, the basic points, Ms. Bloomfield, we want to
25 direct you to is to answer these questions. How many loading

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1 spaces are being provided in each building, if there's a
2 question about what was in the original order versus what we
3 have before us. So, how many loading spaces to be provided
4 in each building, and to have some kind of clear drawing
5 showing the loader facilities at both buildings prior to our
6 final decision.

7 And also, our questions about access rights to the
8 loading facilities, loading facilities to be preserved for
9 each building after construction is completed should likely
10 or may be separately owned.

11 Does that make sense?

12 MS. BLOOMFIELD: Yes. I would like to respond to
13 both of those. I don't know if you want me to do it now, or
14 if you want to wait until you all are done with your
15 comments.

16 CHAIRMAN HOOD: I think you can respond now, Ms.
17 Bloomfield, but also, we still want to -- we want it
18 memorialized so that we can look at it again, having it in
19 one place. But, go ahead.

20 MS. BLOOMFIELD: Absolutely. Okay.

21 So, I will start with affordable housing. We
22 asked Commissioner Turnbull what sort of, reading from what
23 we heard from the Office of the Attorney General, we do
24 believe that a range of housing and affordable housing would
25 be in the PUD. The total range was created based on the fact

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1 that the Commission approved the use of Buildings A2 and
2 Building D, to be either residential or office, or hotel in
3 the case of Building D. So, there was an assumed range,
4 because those buildings could have, without requesting from
5 the Commission, gone from residential to office use.

6 Building C2 was the only second-stage building
7 that was given that flexibility. So, what we are doing is,
8 we are just shifting those uses, because Buildings A2 --
9 Building A2 has already been approved as a residential
10 building. And, Building D has been submitted, and you have
11 the hearing tomorrow on it, as a residential building.

12 So, what ends up happening, and the numbers are,
13 actually, already in the record, we submitted them in our
14 supplemental pre-hearing filing. They were also in our
15 original pre-hearing filing, but the numbers changed just a
16 little bit. So, we updated them. That's Exhibit 26A, at
17 Sheet 203.

18 The numbers of the total residential and the total
19 units, and all of the different growth floor areas for all
20 of the different uses in the overall PUD are shown in that
21 chart, and I can just say them to you. The range that was
22 approved by the Commission in the original PUD was,
23 approximately, 720,000 square feet of residential use to 1
24 million, just over 1 million square feet of residential use.

25 What we are proposing now is just under 900,000

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1 square feet of residential use. So, we are right in the
2 middle of that range that was approved by the Commission.
3 For affordable housing, 11 percent was approved half at 50
4 percent NFI and half 80 percent NFI. That same percentage is
5 still being put forward in the consolidated buildings as well
6 as in the buildings that are coming in for their second-stage
7 approvals.

8 The range of affordable housing was,
9 approximately, 79,000 to 120,000 square feet, and what we are
10 proposing now is over --almost 100,000, 98,000, over 98,000
11 square feet of affordable housing.

12 And so, that's also right smack in the middle of
13 that range that was approved by the Commission previously.
14 That information is in our drawings, and it's also in our
15 supplemental pre-hearing submission, Exhibit 26. We filed
16 all of that already, because we anticipated this exact
17 conversation.

18 So, point number one is, we believe, and the
19 Office of Planning in several locations in their report,
20 supported the fact that this range was approved and we are
21 well within in on housing and affordable housing.

22 All that to be said, we are removing,
23 approximately, 23,000 square feet of affordable housing units
24 that would have been in Building C2. Now, they are going in
25 Buildings A2 and D, but we are removing them. We are

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1 converting from a residential building to an office building.

2 And so, what means is, we have proffered an
3 additional benefit. We have redone that balancing test, and
4 because we've removed that affordable housing we are
5 proffering an additional \$1.5 million to the Affordable
6 Housing Trust Fund.

7 In addition to that, we are also proposing that
8 both of these penthouses in Buildings C1 and C2 will have
9 habitable penthouse space, which was not previously proposed
10 or approved. And so, what that means is, when we did the
11 approximate calculations as of today that's another about
12 \$400,000 going into the Affordable Housing Trust Fund, which
13 amounts to just under \$2 million. So, in our view, the
14 balancing test is still balanced, because although we've
15 removed housing and affordable housing, we have made this
16 additional proffer.

17 And, I would note again the Office of Planning
18 supports this position. I will leave it at that, and I will
19 move to loading quickly, and then I'd like to turn it over
20 to a couple of others on our team. But, it looks like
21 there's a question.

22 CHAIRMAN HOOD: There's a question, Commissioner
23 Shapiro?

24 COMMISSIONER SHAPIRO: Thank you Mr. Chair.

25 Just while we are on the GFA, the IZ issue. So,

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1 according to OAG condition B.1.A.2 stipulates that the
2 Applicant shall, set aside no less than 11 percent of the
3 residential GFA, equaling not less than 120,036 square feet
4 as IZ units, as inclusionary units.

5 So, I hear you loud and clear that in one piece
6 of it there's a range, and you are coming up in the middle
7 of the range. But, this is saying that you were, actually,
8 not meeting what you were required to meet.

9 So, the way that you are doing this, again, you
10 are saying you are applying the balancing tests, and by
11 adding the additional contribution to the Housing Trust Fund,
12 that's the way that you are going to make up for not meeting
13 the 120,000 square feet, because I'm hearing two different
14 things from you.

15 The first one doesn't make sense, the second one
16 does make sense.

17 MS. BLOOMFIELD: So, I don't quite agree. We
18 believe that we are well within what was approved. If you
19 look at Decision A.8.c gives us the flexibility, and that's,
20 specifically, in the decision section of the order grants
21 flexibility to develop Building A2 in hotel usage, develop
22 Building D with hotel or office spaces. So, the order allows
23 for this reduction in the housing and affordable housing in
24 those buildings.

25 COMMISSIONER SHAPIRO: So --

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1 MS. BLOOMFIELD: In addition --

2 COMMISSIONER SHAPIRO: -- I'm sorry, go ahead.

3 MS. BLOOMFIELD: I'll just quickly -- we do
4 believe we are within what the order permits. And, in
5 addition to that, we are also offering this additional
6 housing benefit.

7 COMMISSIONER SHAPIRO: Thank you for that.

8 So then, you are saying that there was an inherent
9 conflict in the order?

10 MS. BLOOMFIELD: There was a conflict in the
11 order, but it was very clear throughout the record of the
12 initial PUD from the very beginning that those two buildings
13 could have been developed in either residential or non-
14 residential. It's on every drawing.

15 COMMISSIONER SHAPIRO: Yes, but I don't think
16 there's any question about that. It's that does this then
17 trigger a duty to take up the balancing test, the PUD
18 balancing test again.

19 You are saying you don't have to, but you are
20 doing it anyway.

21 MS. BLOOMFIELD: No. I'm agreeing with you that
22 we are going to rebalance, and in our rebalancing that's what
23 the \$1.5 million is.

24 COMMISSIONER SHAPIRO: Well, why are you
25 rebalancing? It's a generous and wonderful thing, but why

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1 are you doing that? Are you doing it because you are
2 required to do it?

3 MS. BLOOMFIELD: Because we are removing 23,000
4 square feet in Building C2, which is what this application
5 is.

6 COMMISSIONER SHAPIRO: Okay. Okay, all right.
7 Thank you, Mr. Chair.

8 MS. BLOOMFIELD: If the discussion -- if you would
9 like to continue the discussion I'd like to turn it over to
10 Shane Dettman, who can provide a more detailed discussion if
11 that's what you want.

12 CHAIRMAN HOOD: I think, Ms. Bloomfield, I'm
13 looking here, and I think this discussion is -- you said you
14 all had already covered it in your submission. Is that on
15 page four of your submission?

16 MS. BLOOMFIELD: Bear with me for just a second.

17 CHAIRMAN HOOD: Yes, I just want to make sure I'm
18 looking at the right thing.

19 COMMISSIONER SHAPIRO: Which --

20 CHAIRMAN HOOD: Hold on, let me go back. I lost
21 my place there.

22 MS. BLOOMFIELD: On page three to four on Exhibit
23 26.

24 CHAIRMAN HOOD: That's it. That's it. Okay. I
25 just wanted to make sure.

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1 MS. BLOOMFIELD: And then 26, the drawing
2 submitted with 26, if you go to page 203 of that, that's the
3 drawings, and there's a very detailed chart showing what was
4 originally approved for every one of the buildings, and what
5 is currently approved, currently proposed. And, it shows the
6 range, and where we landed within the range.

7 CHAIRMAN HOOD: So, which exhibit is that, where
8 is that at?

9 MS. BLOOMFIELD: That's at, I believe it's 26A,
10 it's the drawing submitted with the supplemental pre-hearing
11 statement.

12 CHAIRMAN HOOD: Okay. And, which, is that 105?
13 No, okay, all right.

14 MS. BLOOMFIELD: 203.

15 CHAIRMAN HOOD: 203, okay, thank you. Okay. I
16 see it.

17 All right. You wanted to touch on loading you
18 said.

19 MS. BLOOMFIELD: So, loading, we have evaluated
20 loading based on Buildings C1 and C2 being a single building.
21 So, we, technically, meet the requirement under zoning.

22 I'd like to turn it over to Erwin to provide the
23 exact loading facility that is being provided in each
24 building. But, we did work with DDOT on this, and based on
25 the loading that we are proposing we developed a detailed

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1 loading management plan, which we have agreed to. And, that
2 was submitted with our supplemental pre-hearing submission
3 as well, which is Exhibit 26C is where that is, and then I'll
4 turn it over to Erwin. I'm not sure we can do that, but he's
5 on the line and can provide the rest of the answers to that
6 question.

7 CHAIRMAN HOOD: Okay. Paul will take care of that
8 for us.

9 MR. YOUNG: He's in.

10 CHAIRMAN HOOD: Okay.

11 MR. ANDRES: Good evening, Chairman Hood, Members
12 of the Commission, Erwin Andres with Gorove Slade Associates.

13 With respect to the loading, we coordinated with
14 DDOT and, actually, the summary of the issue related to
15 loading are on page five of DDOT's review letter.

16 Essentially, the proposed office building is
17 required to provide three loading berths, a 20-foot delivery
18 space, and the necessary platforms.

19 The retail component of the project requires one
20 loading berth and one loading platform, and the office
21 loading docks are going to be shared with the retail use.
22 So, there are internal building connections.

23 We are providing, as part of this project, one 30-
24 foot berth, one 20-foot delivery space, and the platforms
25 with Building C2. And, we are planning to share the loading

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1 area with Building C1 to meet the remainder of the loading
2 demand.

3 And, because of that, and the fact that we are
4 backing in from the alley, which crosses over the proposed
5 cycle track, DDOT had required us to provide a loading
6 operation plan, which addresses, not only the number of
7 berths, but also the operations. So, we are complying with
8 DDOT's conditions to implement the loading there.

9 CHAIRMAN HOOD: Okay. Commissioner Shapiro, then
10 I, have a follow up.

11 Commissioner Shapiro?

12 COMMISSIONER SHAPIRO: Yes, and I appreciate that,
13 Mr. Andres, and DDOT does support what you are proposing.

14 But, can you touch, specifically, on how your
15 plans are aligned with what had previously been approved, and
16 any changes that you are making to what has previously been
17 approved, because that's more where we are coming from.

18 MR. ANDRES: Okay. So, with respect to C1, so,
19 unfortunately, I don't have that breakdown, Jessica, of
20 what's being provided as part of C1. All I have, the
21 information that I have available with me is everything that
22 we are providing for C2.

23 So, I'm guessing that's what the question is, is
24 coming from, Mr. Shapiro, the breakdown between C1 and C2.

25 COMMISSIONER SHAPIRO: You are providing two

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1 spaces.

2 MR. ANDRES: So, for C2 we are providing one 30-
3 foot space and one 20-foot space. For C1, I don't have that
4 available, and I'm not sure, Jessica, if you can provide some
5 insight.

6 MS. BLOOMFIELD: Yes. We are providing -- we are
7 not changing anything in C1. C1 was approved with two berths
8 and two platforms. And, that is not changing.

9 COMMISSIONER SHAPIRO: That addresses that, thank
10 you.

11 CHAIRMAN HOOD: Okay. Before I ask, any other
12 questions, Commissioner May or Commissioner Shapiro? Okay.

13 Commissioner Turnbull, any other questions, Mr.
14 Turnbull?

15 COMMISSIONER TURNBULL: I just had a question
16 getting back to the design. On the signage, there is signage
17 indicated at different locations on the building, and I think
18 it's the west facade shows at the top of the building there's
19 a band at the top.

20 There's three locations, each one is 60 feet long.
21 So, that's 180 feet of signage. Now, I don't know if you are
22 looking to have the option of to go into any one of those
23 three locations, or if you are having location signage in all
24 three locations.

25 MS. BLOOMFIELD: This is just saying where it may

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1 be. My understanding, it would just be in one of those
2 locations, but I will turn it over to our architect to
3 respond to that question. So, that would be John Crump.

4 MR. CRUMP: Good afternoon, Mr. Chairman and
5 fellow Commissioners.

6 Yes, as Jessica just said, yes, the intent is to
7 have one of those three options. It was really just sort of
8 identifying zones for future tenants in the building.

9 COMMISSIONER TURNBULL: Is the lettering back lit?
10 Is it active? Is it static lettering? I'm just curious what
11 kind of lettering it would be?

12 MR. CRUMP: Yes, again, we proposed some details,
13 there's some precedent images in the package. We don't,
14 actually, know until we have a tenant in place, but we will
15 work closely with the Zoning Commission and the tenant to
16 identify signage that's appropriate.

17 COMMISSIONER TURNBULL: But, you don't think it
18 would be moving letters, signage that's electronic or that
19 kind of thing?

20 MR. CRUMP: No. No, no, no.

21 COMMISSIONER TURNBULL: So, it's a static -- kind
22 of static lettering that's up there back lit or something.
23 Okay.

24 MR. CRUMP: Yes.

25 COMMISSIONER TURNBULL: All right, thank you.

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1 CHAIRMAN HOOD: Okay. Thank you.

2 Ms. Bloomfield, can you -- I didn't see it, can
3 you all provide us an update on the first source, or can you
4 let me know now what's going on with that, because I'd like
5 to see an update on how they are coming along with that.

6 MS. BLOOMFIELD: We agreed to first source for all
7 of the buildings in the original PUD. Austen Holderness can
8 probably provide the best update, I think, right now, and if
9 not we can provide it for the record.

10 CHAIRMAN HOOD: For the record, because I've
11 mentioned it in the Office of Planning report, I think --
12 yes, he can come on and give us a quick summation of it, but
13 I'd rather have it provided also for the record.

14 Mr. Holderness, if you can bring him on.

15 MR. HOLDERNESS: Good afternoon, Commissioners,
16 Chairman and Commissioners.

17 We are complying with first source in our Building
18 C1, which is under construction right. And, we will comply
19 with first source for this building as well.

20 CHAIRMAN HOOD: Okay. Can you give us some
21 documentation on this?

22 MR. HOLDERNESS: We have that with the contractor.
23 I don't have it in front of me right now, but we can provide
24 that to the Commission.

25 CHAIRMAN HOOD: Yes, because that's something I

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1 would rather have it in writing. So, that would be great.

2 MR. HOLDERNESS: Yes. We will work to provide
3 that for you.

4 CHAIRMAN HOOD: Okay, thank you.

5 And, the last question I think I have, Ms.
6 Bloomfield, I think you mentioned this earlier, but I need
7 to confirm. You all accepted all of DDOT's conditions,
8 correct? I think you said that early on.

9 MS. BLOOMFIELD: Yes, we did.

10 CHAIRMAN HOOD: Okay, good.

11 That's all I have. Anybody else? Not seeing
12 anybody.

13 Let's go to -- do we have anyone from ANC, I
14 believe it's 5B, yes, 5B, cross examination on the line, and
15 that would be Chairman, or was it the Vice Chair. I don't
16 think we have them on the line.

17 Okay, so again, if we have anybody from the ANC
18 5B, either the Chair or Vice Chair, who would like to cross
19 examine, if you could let us know that you are there.

20 Not hearing anything from anyone, and not hearing
21 anything from Paul, I guess they are not there. So, that's
22 all for that.

23 Let's go to the Report of Office of Planning and
24 District Department of Transportation. I think we have Mr.
25 Zimmerman, I think, from DDOT, and I'm not sure who it is

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1 from the Office of Planning.

2 MS. ELLIOTT: Good evening, Mr. Chairman, Members
3 of the Commission. You have Brandice Elliott representing
4 the Office of Planning.

5 We are going to go ahead and stand on the record
6 in support of the application, but I'm happy to answer any
7 questions that you have.

8 CHAIRMAN HOOD: Okay, thank you very much, Ms.
9 Elliott.

10 You know what's good about this, I can look right
11 here and see you, and I cannot discuss -- I shouldn't say
12 that, but -- let's see if we have any questions of Ms.
13 Elliott, Commissioners.

14 Okay. Does the Applicant have any cross or any
15 questions of Ms. Elliott? And again, I don't see anyone from
16 ANC 5B.

17 So, Mr. Zimmerman, can you give us your report?

18 MR. ZIMMERMAN: Good evening, Chairman Hood and
19 Commissioners. I'm Aaron Zimmerman of the District
20 Department of Transportation.

21 DDOT stands on the record. We have no objection
22 to the approval of the applications, with the conditions that
23 were noted in Ms. Bloomfield's presentation. And, my
24 understanding is they've agreed to them, so we have no
25 objection.

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1 CHAIRMAN HOOD: Okay, thank you, Mr. Zimmerman.
2 I agree that on the record they've agreed to all of them.

3 Commissioners, any follow-up questions of Mr.
4 Zimmerman?

5 Vice Chair Miller? Oh, okay, anybody have any
6 questions.

7 Okay. Does the Applicant have any questions of
8 Mr. Zimmerman, DDOT.

9 And again, ANC 5B. I think I'm going to stop
10 calling ANC 5B for now. If they come on, if they can let us
11 know they are on.

12 Okay, thank you both.

13 Let's go to the Other Reports. One of the things
14 that I did see in I think maybe it was the Office of
15 Planning's report is that the Applicant continue to work with
16 District Department of the Environment. I think I saw that
17 written somewhere.

18 I'm not sure if there are any other reports. Maybe
19 my colleagues can help me if I missed some. If not, Report
20 of the ANC.

21 VICE CHAIR MILLER: Mr. Chairman?

22 CHAIRMAN HOOD: Yes.

23 VICE CHAIR MILLER: Yes. So, I just wanted to
24 make sure, during our public record, you probably all
25 mentioned this, you called out ANC 5B several times. But,

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1 their most recent submission on August 12, now I don't have
2 an exhibit number on that, but it does continue to support
3 unanimously the application that's before us to do all the
4 things that the application is doing, including calling out
5 the generation of contributions to the Housing Protection
6 Trust Fund, and the diversity of uses that will be
7 facilitated by this change from residential to office, and
8 the design of the building, and all of the public benefits.

9 And, I just want to make sure we stated that on
10 the record, even though it's in the record, obviously, and
11 you've probably already said that.

12 CHAIRMAN HOOD: I did not, but thank you, Vice
13 Chair, for giving that ANC report. That will serve your
14 comments from my standpoint, and our standpoint will serve
15 as a report from the ANC.

16 So, thank you so much for doing that.

17 Anything else on that?

18 I think the vote was unanimous, was it, Vice
19 Chair? Okay.

20 VICE CHAIR MILLER: Yes.

21 CHAIRMAN HOOD: All right. So, let's go to -- do
22 anyone on the line for organizations or individuals who would
23 like to testify either in support, or opposition, or
24 undeclared? I don't think we have.

25 MS. SCHELLIN: There were none who had signed up.

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1 CHAIRMAN HOOD: Nobody signed up, okay. So, let
2 the record reflect no one has signed up, and we have not
3 gotten any calls. So, it looks like we are sufficient for
4 us to go ahead to rebuttal.

5 Ms. Bloomfield, I don't know how much rebuttal you
6 -- you might have a little, but then we'll go to closing.

7 MS. BLOOMFIELD: Sure thing. Thank you so much
8 for the opportunity to present our case this evening.

9 I would like just to say again that the Office of
10 Planning report, pages three and nine, specifically, talks
11 exactly about the affordable housing issue that we went over,
12 that I explained.

13 They do support the fact that the PUD was
14 approved with a range of affordable and residential square
15 footage, and that we are not in that range, just as was
16 approved, and that the reduction of 23 -- approximately,
17 23,000 square feet of affordable housing in Building C2,
18 specifically, is the reason that we have provided the
19 additional proffer of \$1.5 million.

20 And, on top of that, we have, approximately,
21 \$400,000 of additional money going to the Affordable Housing
22 Trust Fund, which amounts to almost \$2 million for the trust
23 fund.

24 So, we do believe that we both meet the approval
25 in the original PUD, and also have a rebalance project for

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1 this particular second stage and modification PUD.

2 So, I just wanted to point you again to the Office
3 of Planning's report, and then ask that you provide us with
4 a really specific understanding of exactly what it is that
5 you still need us to submit on this issue.

6 And, I do want to make sure that we are very clear
7 on that, because we think we have provided a lot of that
8 already.

9 And then, the last thing I would like to say is
10 a procedural matter. If and when you decide to approve these
11 two applications, we would ask that you could permit them to
12 be issued in two separate orders. And, the reason for that
13 is because Building C2 is topped out. They are hoping to get
14 their certificate of occupancy in the beginning of next year.
15 And, they would like to be able to use that penthouse as it
16 was approved, as will be hopefully approved. And so,
17 procedurally we would like to separate those two orders.

18 And, with that I will stop talking and thank the
19 Zoning Commissioners and Office of Zoning staff again for all
20 of their help and their time this evening.

21 Thank you very much.

22 CHAIRMAN HOOD: Okay, thank you, Ms. Bloomfield.

23 I will just say, and I'll let colleagues, my other
24 colleagues time, but I will say as far as what we asked for,
25 if you feel that it's in the supplemental, and I can go back

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1 and review that, and you feel there's the supplemental, I'm
2 not going to ask you anything else.

3 But, I will say that you want to make sure that
4 you've got it covered, you know. I know you all believe
5 that's sufficient, because what that will do in turn, if you
6 think that's it than that will in turn cause a delay as we
7 move forward.

8 But, I think -- if you think it's covered, I'm
9 fine, I know where it is now. But, I'm not sure what others
10 feel. So, that's my specificity to your response.

11 Let me go to Commissioner May, do you have
12 anything? Okay.

13 Commissioner Shapiro?

14 Commissioner Turnbull?

15 And also, Vice Chair Miller.

16 VICE CHAIR MILLER: Mr. Chairman, I'd agree with
17 your statement that we might not need anything.

18 But, Ms. Bloomfield, we might, because maybe I'm
19 missing something here. You were referencing the additional
20 contribution to the Housing Production Trust Fund on top of
21 the \$1.5 million, and you twice I think, or at least twice,
22 said \$400,000.

23 But, I think your supplemental statement in
24 Exhibit 26 refers to an additional \$170,000. So, if you
25 clarify on that point, or maybe I'm missing something between

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1 the \$170,000 and \$400,000. We certainly want the \$400,000.

2 MS. BLOOMFIELD: I can clarify it right now. The
3 \$170,000 is the approximate amount for Building C2. There's
4 an additional just over \$200,000 for Building C1, which is
5 also approved. I also think that that money is part of the
6 balancing tests, and just letting you know that that's --
7 that's for just for, for understanding how much more of a
8 contribution is being offered compared to what was approved
9 originally.

10 VICE CHAIR MILLER: Okay. Well, I think that
11 clarifies it for me at least. So, I would go with
12 Commissioner May's -- no questions, no further comments.

13 CHAIRMAN HOOD: Vice Chair, you almost got there,
14 but Commissioner May didn't say anything.

15 Commissioner Shapiro.

16 COMMISSIONER SHAPIRO: Yes, I just want you to
17 know, I'm just now I'm a bit confused again, because your
18 last statement is that you do not see the additional
19 contribution to the Housing Production Trust Fund as part of
20 the PUD balancing test.

21 MS. BLOOMFIELD: I'm sorry if I'm not saying this
22 clearly. Let me try again.

23 The \$1.5 million is an additional benefit. That
24 is separate from the \$400,000 that I mentioned. \$1.5 million
25 is what we are proposing as the additional benefit for

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1 Building C2 reduction in affordable housing.

2 The approximate \$400,000 will be generated based
3 on the fact that we are now going to have penthouse habitable
4 space in both of these buildings that was not previously
5 approved.

6 COMMISSIONER SHAPIRO: All right. So, that's not
7 a benefit, you are required to do that.

8 MS. BLOOMFIELD: No.

9 COMMISSIONER SHAPIRO: It's the \$1.4, okay, I'm
10 with you.

11 Thank you, Mr. Chair.

12 CHAIRMAN HOOD: Okay. Again, I think, Ms.
13 Bloomfield, you asked about the two orders I think we will
14 satisfy that requirement if we get to that point. I think
15 we will, I don't know, you never know around here. I think
16 your request for the two orders is not a problem.

17 Okay, Ms. Schellin, unless my colleagues have
18 anything else, Ms. Schellin, do you have anything that we
19 need to wrap up?

20 And again, Ms. Bloomfield, do you believe that
21 what you've submitted satisfies the questions, especially,
22 with our leading counsel, then we'll just go with that and
23 see what happens.

24 MS. BLOOMFIELD: We will -- we will think about
25 it, because either way we need to submit the first stage --

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1 I'm sorry, the first source employment agreement information
2 that you asked for. So, either way we need to be making
3 another submission. So, we will talk internally and decide
4 whether or not we need to -- we feel we need to submit
5 anything further, if that's all right.

6 CHAIRMAN HOOD: I'll be honest, I really think
7 that it's been clarified, but I'll leave it up to you. I
8 don't want to -- I don't want to argue your case. I think
9 it's been clarified, so I'll leave it up to you.

10 Okay. Commissioners, any other questions or
11 comments?

12 Ms. Bloomfield, did you give us your closing? Was
13 that your closing? Okay.

14 Ms. Schellin, could you tell us where we go from
15 here?

16 MS. SCHELLIN: Yes. So, with those additional
17 documents, and if they choose to follow up on those things
18 that the Commission started asking that OAG brought up, if
19 they could provide that response by say July 15th, along with
20 the draft order.

21 And then, the ANC, if they choose to respond to
22 the additional information, not the order, they can respond
23 by 3:00 p.m., on July 22nd, and we can put this on for the
24 July 27th public meeting.

25 CHAIRMAN HOOD: Okay.

1 MS. SCHELLIN: It's at 4:00 p.m.

2 CHAIRMAN HOOD: Okay, thank you, Ms. Schellin.
3 And, as Ms. Schellin has already mentioned, the Vice Chair
4 of ANC 5B submitted a letter to the Chairperson of the
5 Commission, they can respond if they want to.

6 Other than that, all the things we asked for, and
7 one of the things if Ms. Bloomfield and the Applicant chooses
8 to they can supply that. Other than that, everything else
9 in this record is closed.

10 Any other questions or comments?

11 All right. So, with that I'm going to close this
12 hearing and thank everyone for their participation. And, I
13 guess we'll see a lot of us tomorrow night. So, this hearing
14 is adjourned.

15 (Whereupon, the above-entitled matter went off the
16 record at 4:55 p.m.)

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: 07-06-20

Place: teleconference

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



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