

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:           :
                               :
OLD POST OFFICE BUILDING,   : Case No.
Map Amendment to Establish  : 12-07
Initial Zoning on Square   :
323, Lot 800 and Parcels 1, :
2, and 3 for the Old Post  :
Office Building           :
=====⌋

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Thursday,
December 6, 2012

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

The Public Hearing of Case No. 12-07 by the District of Columbia Zoning Commission convened at 6:30 p.m. in the **Jerrily R. Kress Memorial Hearing Room** at 441 4th Street, N.W., Washington, D.C., 20001, Anthony J. Hood, Chairman, presiding.

ZONING COMMISSION MEMBERS PRESENT:

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

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OFFICE OF ZONING STAFF PRESENT:

SHARON S. SCHELLIN Secretary

OFFICE OF PLANNING STAFF PRESENT:

JENNIFER STEINGASSER, Deputy
Director, Development Review &
Historic Preservation
ARTHUR JACKSON

DISTRICT DEPARTMENT OF TRANSPORTATION STAFF
PRESENT:

JAMIE HENSON

This transcript constitutes the
minutes from the Public Hearing held on December
6, 2012.

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

WELCOME:

Anthony Hood, Chairman 4

ZC CASE NO. 12-07 - MAP AMENDMENT: 4

PRELIMINARY MATTER:

TOPP, LLC Request Party Status 8

VOTE: 4-0-1 to Grant Party Status 15

OFFICE OF PLANNING:

Arthur Jackson 15

DDOT:

Jamie Henson 18

BOARD QUESTIONS OF OP/DDOT: 20

PARTY IN SUPPORT TESTIMONY:

Trump Old Post Office, LLC:

Kinley Bray, Arent Fox 37

Ellen McCarthy, Arent Fox 40

BOARD QUESTIONS: 43

MOTION TO APPROVE PROPOSED ACTION: 51

VOTE: 4-0-1 TO APPROVE 52

ADJOURN:

Anthony Hood, Chairman 54

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

2 6:32 p.m.

3 CHAIRMAN HOOD: Good evening,
4 ladies and gentlemen. This is the Public
5 Hearing for the Zoning Commission for the
6 District of Columbia for Thursday, December 6,
7 2012.

8 My name is Anthony Hood. Joining
9 me this evening are Commissioner Miller, May
10 and Turnbull.

11 We are also joined by the Office of
12 Zoning staff, Ms. Sharon Schellin; Office of
13 Planning staff, Mr. Jackson; and the District
14 Department of Transportation, Mr. Henson.

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
18 any disruptive noises or actions in the hearing
19 room.

20 The subject of this evening's
21 hearing is Zoning Commission Case No. 12-07.
22 This is a request by the Office of Planning for

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1 approval of a Map Amendment for property known
2 as the Old Post Office.

3 Notice of today's hearing was
4 published in the DC Register on October 12, 2012
5 and copies of that announcement are available
6 to my left on the wall near the door.

7 The hearing will be conducted in
8 accordance with the provisions of 11 DCMR 3022
9 as follows:

10 Preliminary matters, Office of
11 Planning's case, report of other Government
12 agencies, report of the ANC, in this case it's
13 2F, organizations and persons in support,
14 organizations and persons in opposition,
15 rebuttal and closing by the applicant.

16 The following time constraints will
17 be maintained in this meeting:

18 Organizations five minutes,
19 individuals three minutes.

20 All persons appearing before the
21 Commission are to fill out two witness cards.

22 These cards are located to my left on the table

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1 near the door. Upon coming forward to speak
2 to the Commission, please, give both cards to
3 the reporter sitting to my right before taking
4 a seat at the table.

5 When presenting information to the
6 Commission, please, turn on and speak into the
7 microphone, first, stating your name and home
8 address. When you are finished speaking,
9 please, turn your microphone off, so that your
10 microphone is no longer picking up sound or
11 background noise.

12 Please, turn off all beepers and
13 cell phones, at this time, so as not to disrupt
14 these proceedings.

15 Would all individuals wishing to
16 testify, please, rise to take the oath?

17 Ms. Schellin, would you, please,
18 administer the oath?

19 MS. SCHELLIN: Yes. Please, raise
20 your right hand.

21 (Whereupon, witnesses were sworn.)

22 MS. SCHELLIN: Thank you.

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1 CHAIRMAN HOOD: Okay. At this
2 time, the Commission will consider any
3 preliminary matters.

4 Does the staff have any preliminary
5 matters?

6 MS. SCHELLIN: Yes, sir. We have
7 received the Affidavit of Maintenance. The
8 property was properly maintained. And we have
9 one party status application that was filed by
10 the Trump Old Post Office, LLC, party status
11 request in support.

12 CHAIRMAN HOOD: Okay. Thank you,
13 Ms. Schellin.

14 Let me ask, is there anyone here in
15 opposition to this Map Amendment and to this
16 case? Okay.

17 All right. Let's go to -- we have
18 also been joined by Mrs. Steingasser from the
19 Office of Planning.

20 Okay. Mr. Jackson?

21 MS. SCHELLIN: Are you going to
22 entertain the party status request?

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1 CHAIRMAN HOOD: Oh, that's right.
2 Let's go to the party. Is the party here?
3 So you are the -- Ms. Bray, you are the party
4 -- hold on, let me see what the name of the party
5 is.

6 Trump Old Post Office, LLC.

7 MS. BRAY: That's correct. Kinley
8 Bray with Arent Fox.

9 CHAIRMAN HOOD: Okay. Okay.
10 Commissioners, we have a request as a party.
11 Commissioner Turnbull?

12 COMMISSIONER TURNBULL: Mr. Chair,
13 although at one point I would say that I have
14 no objection to the party status, it has been
15 we have nothing from Ms. Bray, your office, from
16 GSA that says that they have been proffered as
17 the preferred developer.

18 So we really need some
19 documentation, I think, for the record for that.

20 I mean, although it has been in the media, the
21 press, I think for our records, I think, we would
22 really need some type of official notification

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1 from -- you probably have it.

2 MS. BRAY: Sure. I would be happy
3 to supplement the record. I don't have anything
4 with me this evening that I could submit into
5 the record, but we would be happy to submit for
6 the record a confirmation that the Trump Old
7 Post Office, LLC, has been selected as the
8 preferred developer.

9 COMMISSIONER TURNBULL: Yes. I
10 think it's just a formal submission that we need.

11 MS. BRAY: Right.

12 COMMISSIONER TURNBULL: Okay.

13 CHAIRMAN HOOD: I actually was
14 looking at this and I wasn't sure how we -- I
15 thought we should handle this, because, for me,
16 unless my colleagues disagree, I don't know if
17 we -- maybe, Ms. Bray, since you are at the table,
18 you can help me understand.

19 I didn't see where Questions 5 and
20 6 were answered of the form.

21 MS. BRAY: As to the interest of the
22 Trump Old Post Office, LLC?

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1 CHAIRMAN HOOD: I didn't see it.

2 MS. BRAY: We answered in our
3 letter. We simply stated for the record that
4 Trump is more distinctively impacted than the
5 general public, because they are, as the
6 preferred developer and as a potential long-term
7 lessee of the property, going to be the party
8 responsible for complying with not only the
9 general -- laws of general applicability on the
10 property, including the zoning of the District
11 of Columbia, but also any conditions that might
12 be imposed by the Zoning Commission in
13 connection with the zoning of the parcel.

14 CHAIRMAN HOOD: But what I'm
15 looking at is we have here three conclusions.
16 This is your answer to both 5 and 6?

17 "Trump is uniquely affected by the
18 proposed development as the private entity
19 selected by GSA, which goes back to Mr.
20 Turnbull's point, for long-term lease and
21 control of the Old Post Office, the only property
22 subject to the instant petition.

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1 Accordingly, we respectfully
2 request that this Board grant the request for
3 party status."

4 MS. BRAY: That's correct. It's
5 paragraph 2 of my November 20th letter to you.

6 Uniquely aware which -- the portion that you
7 read, but in particular, "Because the subject
8 property will remain in federal hands, it will
9 be subject to the long-term lease to a
10 non-federal actor.

11 In order to be consistent with the
12 Laws of the District of Columbia, the property
13 needs to be zoned as pointed out in the OP report
14 in this case. And it will be Trump's
15 responsibility to comply with any conditions
16 of approval that might be imposed in connection
17 with the zoning of the parcel."

18 That is the interest, in fact, and
19 the impact of the requested relief on the
20 organization I represent.

21 CHAIRMAN HOOD: Okay. And also,
22 you need 30 minutes to present?

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1 MS. BRAY: We do not.

2 CHAIRMAN HOOD: Okay.

3 MS. BRAY: We do not. In fact --

4 CHAIRMAN HOOD: You have no
5 opposition.

6 MS. BRAY: -- Commissioner Hood, we
7 are prepared to stand on the record tonight.
8 We filed this, obviously, some time ago before
9 the record was full in this case. And in an
10 abundance of caution, said 30 minutes might be
11 the most that we would need.

12 CHAIRMAN HOOD: Okay. Let me see
13 if anybody else has any comments other than Mr.
14 Turnbull. Any comments?

15 COMMISSIONER MAY: No. I would
16 just suggest, I mean, I understand why they would
17 be uniquely affected and party status is
18 warranted in this case. Assuming, of course,
19 we get the piece of paper that proves that, in
20 fact, this is the preferred developer.

21 COMMISSIONER MILLER: I would
22 concur with Mr. May.

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1 CHAIRMAN HOOD: Okay. I'm not
2 really saying it's not warranted. I'm just
3 saying I'm looking for it. Normally, for me,
4 five and five, you know, when you look at the
5 Sheet 5 and I look up here five, not five and
6 two, you know.

7 I don't know, maybe it's just me.
8 Now, let me ask you this, are we going to grant
9 party status? We're going to have to do
10 something tonight. We are going to grant party
11 status and wait on your piece of paper. The
12 notice you asked for.

13 COMMISSIONER TURNBULL: Yes, I
14 would think we could follow or go through with
15 everything tonight. I mean, I think it is a
16 formality.

17 CHAIRMAN HOOD: Okay.

18 MS. BRAY: Mr. Chairman, might I
19 suggest that the Zoning Commission take
20 administrative notice of the fact that for
21 tonight's purposes that Trump has been selected
22 as the preferred developer and then we would

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1 submit something pending final decision of this
2 case.

3 CHAIRMAN HOOD: We're going to go
4 ahead and move forward. We try not to
5 contaminate ourselves with the media and stuff.
6 We try to be subject to the hearing room.

7 So anyway, let me do this. I would
8 move that we approve party status as a proponent
9 to -- is this what you all want to call
10 yourselves, the Trump Old Post Office?

11 MS. BRAY: Trump Old Post Office,
12 LLC.

13 CHAIRMAN HOOD: To the Trump Old
14 Post Office, LLC and ask for a second.

15 COMMISSIONER TURNBULL: Second.

16 CHAIRMAN HOOD: It has been moved
17 and properly seconded. Any further discussion?

18 All those in favor?

19 ALL: Aye.

20 CHAIRMAN HOOD: Not hearing any
21 opposition of those present, Ms. Schellin, would
22 you, please, record the vote?

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1 MS. SCHELLIN: Yes, staff records
2 the vote 4-0-1 to grant party status in support
3 to the Trump Old Post Office, LLC. Commissioner
4 Hood moving, Commissioner Turnbull seconding.
5 Commissioners May and Miller in support.
6 Commissioner Cohen not present, not voting.
7 And I guess that's it.

8 CHAIRMAN HOOD: Okay. And you can
9 just hold a seat right there at the table, Ms.
10 Bray.

11 Okay. Mr. Jackson?

12 MR. JACKSON: Good evening, Mr.
13 Chairman and Members of the Commission. My name
14 is Arthur Jackson and I will present a summary
15 of the Office of Planning's report on the
16 proposed proposal to establish District Zoning
17 Jurisdiction over the site of the Old Post Office
18 at 1100 Pennsylvania Avenue.

19 The facts of this application have
20 not changed. What you have before you is the
21 report that --

22 COMMISSIONER MAY: Mr. Jackson, I'm

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1 sorry, can you pull the microphone a little
2 closer because I can barely hear you.

3 MR. JACKSON: Is that better?
4 Okay. The facts of this application have not
5 changed. The historic property is on the
6 National Register and it is current planned on
7 -- under federal control.

8 The General Service Administration
9 which manages the property is currently
10 negotiating a long-term lease that would -- to
11 -- for the building insight for a major private
12 business development.

13 Because the property will no longer
14 be used as a federal public building or for
15 public use, it will shift to private business
16 on properly required zoning.

17 DD/C-4's zoning is recommended
18 because the C-4 Zone is designed to accommodate
19 high-density residential and mixed-use
20 developments. And the DD Overlay would
21 encourage the inclusion of arts and cultural
22 uses to help protect the historic character of

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1 the property and provide necessary design
2 guidance for future redevelopment.

3 The rezoning itself would be in two
4 -- would take -- would have two steps. One is
5 to amend the official Zoning Map to indicate
6 DD/C-4 on the property. And the other would
7 be to amend sections of provision 1700.1 of the
8 Downtown Development Overlay District as
9 identified in your report.

10 We note that while the existing
11 building conforms to allowable lot occupancy
12 and floor area ratio, it also exceeds the
13 allowable height under the -- under zoning by
14 about 5 feet. As such, the existing building
15 would be nonconforming for height.

16 That concludes the summary of the
17 Office of Planning's report and we are available
18 to answer questions.

19 CHAIRMAN HOOD: Okay. Can we just
20 go right on to the DDOT report and we'll ask
21 our questions of both? Okay. That's okay?
22 Mr. Henson?

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1 MR. HENSON: Great. Jamie Henson
2 with DDOT. I'll do my best to be actually pretty
3 quick and instead of talking about the results
4 of what was found from a transportation study,
5 talk a little more about process. I think
6 process may be a little more important on this
7 one than actual results.

8 If you glance through our report,
9 we ended up treating this site as almost like
10 a PUD. Took a development project, evaluated
11 the development project, talked about the
12 impacts that we saw and frankly didn't see.
13 This is a Map Amendment.

14 It's not typically the way we would
15 do a Map Amendment, but the basic idea of our
16 approach is that we don't think that the Old
17 Post Office is going to be torn down and rebuilt
18 into an office building. And so we felt like
19 that the development program that is being
20 proposed was reasonable to assume, as the worst
21 case scenario that would happen on this site.

22 If there is any other development,

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1 if this proposal was to fall through, GSA would
2 have to go back and come up with another
3 proposal. GSA would then be responsible in the
4 EA for evaluating it. Frankly, it's hard to
5 imagine that there is going to be that many more
6 transportation impacts of another program than
7 what is being shown here.

8 So we are quite comfortable with the
9 analysis that was performed by GSA and that we
10 have reviewed. We worked with GSA on the
11 scoping, the analysis and we looked at their
12 results and we think, basically, in summary,
13 that there is just very little impact from this
14 rezoning.

15 There is already many -- a good
16 amount of trips coming in and out of this site.

17 While there will be more trips potentially
18 coming in and out, it's not significantly more.

19 And so with that, I'll stop and
20 answer any questions.

21 CHAIRMAN HOOD: Okay. Thank you.

22 Thank you both, Mr. Jackson and Mr. Henson.

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1 Commissioners, any questions of
2 either one, Office of Planning or DDOT? Mr.
3 Turnbull?

4 COMMISSIONER TURNBULL: Thank you,
5 Mr. Chair. Mr. Jackson, on page 2 of the report
6 under ' 3 Zoning, you have the revised language.

7 And, you know, you talk -- eventually you go
8 down and you say this Map does not include Square
9 0323, Lot 800, Parcels 1, 2, 3, which all street
10 locations in the Overlay District are in the
11 Northwest Washington.

12 And I have skipped some of the words
13 along the way, but is that whole area there as
14 we get into it and you talk about the Map, that
15 somebody can view the Map, but certain things
16 weren't in it? And I'm just thinking for the
17 record, in this case, we ought to have, I think,
18 a better Map.

19 In fact, in your Maps that were
20 provided in the OP report, the parcels in that
21 are not identified in the lots. I mean, it is
22 just blank. I mean, you say the property

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1 proposed for zoning, which is 0323, but I would
2 like for the record to have a better Map
3 submitted that actually identifies the lots,
4 the parcels and exactly shows what -- just for
5 our standpoint that somebody wants to come and
6 look at the record, if they read this, I think
7 it would be confusing.

8 MR. JACKSON: We understand that
9 concern. And the original application --
10 original report, I believe, included a plat that
11 was provided by the applicant that showed the
12 actual dimensions and numbers of the lots.

13 We can submit that. We can either
14 submit the original plat that was provided by
15 the applicant or a revised version of this Map
16 that shows the numbers of the lots that are
17 actually involved, whichever the preference of
18 the Board -- of the Commission is or we can do
19 both.

20 COMMISSIONER TURNBULL: Well, why
21 don't you do both then and we will go from there.

22 MR. JACKSON: Certainly.

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1 COMMISSIONER TURNBULL: Yes, that
2 was -- I mean, I guess what -- I guess I'm just
3 saying for clarity for the record, instead of
4 having any confusion from someone looking at
5 something and not being able to find it, if they
6 go to our record, they will see the Map and they
7 will know exactly what it is. Thank you.

8 COMMISSIONER MAY: Can I follow-up
9 on the same point? I mean, that was the one
10 thing I found confusing about this whole thing
11 is that the -- you know, you site this Map and
12 you state -- you modified the reference to it
13 to state that the Map in the -- in Case 89-25
14 was as originally approved.

15 And then you go on to say that it
16 does not include these other things. The Map
17 does not include those other things, but it
18 doesn't say definitively that the DD shall
19 include that square and those lots. I mean,
20 that's sort of implied, but it doesn't say it.

21 So I mean, I would think the language
22 itself also needs to be corrected to say

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1 explicitly it's included, unless I'm missing
2 something.

3 MS. STEINGASSER: Well, this was
4 the language that OAG felt addressed the issue
5 and we are happy to work with them to make sure
6 that the Maps -- Map A, basically, does no longer
7 really exist.

8 COMMISSIONER MAY: Right.

9 MS. STEINGASSER: And so it was
10 difficult to amend that Map.

11 COMMISSIONER MAY: Okay.

12 MS. STEINGASSER: So what we did to
13 make the record continuous was to say the Map
14 existed. It didn't include these lots, but
15 these lots are now part of the DD. That's what
16 it is attempting to get at.

17 COMMISSIONER MAY: Right.

18 MS. STEINGASSER: And if that is--
19 we can work with OAG to make that language more
20 clear.

21 COMMISSIONER MAY: Yes. I think it
22 is just the, you know, but these are now included

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1 in the DD. It's not stated here. It just says
2 that these -- you know, these are not shown on
3 that Map. Well, I imagine there are lots of
4 square that are not shown on the Map. Are they
5 all -- you know, I mean, I just -- the language
6 just seems sort of strange.

7 I also don't understand why there
8 is a reference to it being previously under
9 federal control. I mean, that just seems
10 superfluous. But I'll let you work it out with
11 OAG.

12 So thanks.

13 CHAIRMAN HOOD: Commissioner
14 Miller?

15 COMMISSIONER MILLER: Thank you,
16 Mr. Chairman. I wasn't here for the set down
17 hearing, because I wasn't on the Commission
18 then, although I did review the transcript.

19 I saw in OP's, I think it was in,
20 report, or somewhere, the discussion about why
21 C-5 wasn't selected as the -- but I'm wondering
22 if you could just -- and I saw that you said

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1 that it's because the -- originally it was just
2 the north side of Pennsylvania that was
3 envisioned by Congress in the Pennsylvania
4 Avenue Development Plan to be in that special
5 zone.

6 But I'm just wondering why we --
7 maybe you can give me just a little bit more
8 information about whether you -- I think
9 consideration was given to making it C-5, just
10 because you usually do like both sides of the
11 street to be compatible with each other.

12 MS. STEINGASSER: Yes, sir.

13 COMMISSIONER MILLER: And in this
14 case, it would allow, I think, for the height
15 to be not in the nonconforming kind of status.

16 I think there might be incentives that allow
17 it to go higher than would be met by this project.

18 MS. STEINGASSER: Well, the C-5 is
19 written only to implement the Pennsylvania
20 Avenue Development Plan. And when you read it,
21 it correlates almost directly with that plan.

22 And so there was no way to extend it across

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1 the street without doing all kinds of amendments
2 to the C-5 to exempt this property from all the
3 other requirements of the C-5, which were
4 reflected through the Pennsylvania Avenue
5 Development Plan.

6 So that's why we felt that it was
7 more consistent and clean for the development
8 in a matter-of-right context to put it in the
9 C-4 with the DD Overlay.

10 The C-5 is just very prescribed.
11 I mean, you read it, it even states it's purpose
12 is to implement the Pennsylvania Avenue
13 Development Corporation. So they are so
14 intertwined.

15 COMMISSIONER MILLER: And so what
16 will be the status of the extra height? Is it
17 within the -- I saw there is some 5 percent
18 allowance above.

19 MS. STEINGASSER: It would
20 absolutely be considered, you know, legally
21 nonconforming if it is habitable space. But
22 the Height Act is -- does allow, you know, the

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1 extension of towers, spires, domes, minarets
2 and it would be also consistent with that.

3 COMMISSIONER MILLER: But it's
4 legal status would be nonconforming at the 135
5 height?

6 MS. STEINGASSER: If it were
7 determined to be habitable space that area
8 above. And I'm just not sure. I have never
9 been to the top of that tower, so I don't know
10 what -- whether that would be considered
11 habitable under the Height Act or not. Probably
12 not. I wouldn't think so.

13 COMMISSIONER MAY: I haven't been
14 up there in a while, but I don't think that there
15 is -- that it's habitable.

16 COMMISSIONER MILLER: I thought the
17 tower was above the 135 height, like a couple
18 hundred feet almost above that.

19 MS. STEINGASSER: It is. And the
20 Height Act allows for extensions above the 130
21 feet if they are for architectural
22 embellishment, such as towers, minarets, domes

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1 and spires. And this would qualify as that.

2 I think this is the second tallest
3 building in the city. The third tallest
4 structure. So there are -- it's almost there.

5 COMMISSIONER MILLER: Right.
6 Okay. Well, I would have been more comfortable
7 if it was a zone that would just allow what is
8 there as a matter-of-right.

9 But be that as it may, for DDOT, the
10 TDM measures that you are recommending or that
11 -- some of which are in the applicant -- the
12 party's transportation TIS and some of which
13 you also recommend further.

14 How will you -- if they are not part
15 of our -- if they are not part of the Zoning
16 Order, how will they be required and enforced
17 as part of your public space permitting process?

18 MR. HENSON: So that's one method
19 or that's one way to do it. It is part of the
20 public space permit. One of the things I didn't
21 mention is this is the same report or at least
22 a version almost identical will go to GSA. And

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1 this will be their EA, which they will need to
2 respond to and we will ask them to ask the
3 applicant to commit to these things as well.

4 I don't think, quite frankly, any
5 of these are all that onerous, truth be told.

6 Things -- most of these are the types of things
7 that the vast majority of folks are already doing
8 anyway.

9 COMMISSIONER MILLER: So that could
10 be part of the -- one of the options? It could
11 be part of the disposition agreement that the
12 party reaches with GSA?

13 MR. HENSON: That could be one way
14 of doing it. Again, as you mentioned earlier,
15 it could be part of the permit, although we tend
16 to like to try to keep the permit as clean as
17 possible.

18 COMMISSIONER MILLER: Okay. And I
19 just had one question for the party, Mr.
20 Chairman, if that's appropriate, at this time?

21 CHAIRMAN HOOD: What we're going to
22 do is we're going to finish this up.

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1 COMMISSIONER MILLER: Okay.

2 CHAIRMAN HOOD: We're going to give
3 Ms. Bray her stand on the record, either that
4 or her 30 minute presentation. And then it will
5 be a time that we can ask questions. Okay.
6 Because she has to cross, too.

7 Any other questions up here of
8 either one? Any cross-examination?

9 MS. BRAY: No, sir.

10 CHAIRMAN HOOD: Okay. Let's go to
11 the report of any other Government agencies.
12 Do we have an ANC report? Okay. No ANC report.

13 Do we have any -- let's go to the -- well, didn't
14 I give you a chance to cross? Oh, okay.

15 That's all right. Thanks for
16 helping me. I need all the help that I can get
17 sometimes.

18 Let's go to the party in support.

19 Do we have any other person who is here who
20 would like to testify in support? Okay.

21 COMMISSIONER TURNBULL: Mr. Chair,
22 could I go back once to the Office of Planning

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1 on something?

2 CHAIRMAN HOOD: Sure, let's go back
3 to the Office of Planning. Hold tight, Ms.
4 Bray.

5 COMMISSIONER TURNBULL: And this is
6 sort of an indirect question that comes up
7 through the DDOT report where they talk about
8 parking and you talk about the annex. There
9 is no parking on the site. And you talk about
10 what is going to be provided in the, what is
11 assumed to be, new annex building.

12 I'm assuming the new annex building
13 will be subject to HPRB review, because it's
14 in the historic area?

15 MS. STEINGASSER: It will be
16 subject to the Commission of Fine Arts review.

17 COMMISSIONER TURNBULL: Okay.

18 MS. STEINGASSER: And it will be
19 reviewed through ' 106 through the State
20 Historic Preservation Office function.

21 COMMISSIONER TURNBULL: Okay. And
22 we are looking to provide -- I mean, this is

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1 something we didn't have, but in your report
2 it says 150 parking spaces.

3 MS. STEINGASSER: Because it's an
4 historic structure, it wouldn't be required to
5 provide parking --

6 COMMISSIONER TURNBULL: Parking,
7 right.

8 MS. STEINGASSER: -- for it's use,
9 unless it increases its area by 50 percent, which
10 I don't think that is the case here.

11 COMMISSIONER TURNBULL: Well, the
12 report gets into unbundling parking and I'm
13 assuming it's valet parking then in adjacent
14 buildings.

15 MR. HENSON: Well, the 150, the way
16 we understood it, would be on-site. And we
17 actually see --

18 COMMISSIONER TURNBULL: On-site,
19 right.

20 MR. HENSON: Right. And so we
21 generally see that as --

22 COMMISSIONER TURNBULL: It's below

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1 the minimum that --

2 MR. HENSON: Yes.

3 COMMISSIONER TURNBULL: It's way
4 below what is required.

5 MR. HENSON: I would assume that.

6 I can't remember off the top of my head. But
7 we generally see that. We know there are going
8 to be lots of vehicle trips to a high-end hotel.

9 When they actually have somewhere to park
10 on-site, it keeps them from coming in and going
11 out and going to another place. And so it,
12 basically, halves the trips.

13 COMMISSIONER TURNBULL: Right.
14 You've got a Metro Station right there.

15 MR. HENSON: You've got a Metro
16 Station which serves probably not too many of
17 the patrons, but an awful lot of the employees.

18 COMMISSIONER TURNBULL: Right.

19 MR. HENSON: And then by allowing
20 them to have the parking on the site or by them
21 having the parking on the site, it should reduce
22 at least some of the trips, so they don't have

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1 to come in, circle and then drop their stuff
2 off and then go to another place and park by
3 valet.

4 COMMISSIONER TURNBULL: The only
5 question I had and I forgot to mention it. When
6 you -- one of the main entrances is going to
7 be on Pennsylvania Avenue?

8 MR. HENSON: Yes.

9 COMMISSIONER TURNBULL: So is there
10 going to be a parking lane on Pennsylvania
11 Avenue?

12 MR. HENSON: Oh, no, no.

13 COMMISSIONER TURNBULL: I'm just--

14 MR. HENSON: No, there will not be
15 a lay-by. They will actually turn in off of
16 11th Street, so 11th Street would be extended
17 down, that's what they are proposing. And so
18 there is, obviously, some --

19 COMMISSIONER TURNBULL: Okay. I
20 was going to say, you can't do it on Pennsylvania
21 Avenue.

22 MR. HENSON: No.

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1 COMMISSIONER TURNBULL: There is an
2 entrance on Pennsylvania Avenue, but it's not
3 a drop-off.

4 COMMISSIONER MAY: That's our
5 sidewalk, so they can't do that.

6 COMMISSIONER TURNBULL: They can't
7 do that, right.

8 COMMISSIONER MAY: Yes.

9 COMMISSIONER TURNBULL: So okay.
10 Thank you.

11 CHAIRMAN HOOD: Okay. Let's go to
12 the party. Are you proffering Ms. McCarthy as
13 an expert?

14 MS. BRAY: I am. We submitted with
15 our request for party status her rèsùmè and Ms.
16 McCarthy has been previously accepted many, many
17 times by the Commission, so we would ask that
18 she be treated as an expert in land use planning.

19 CHAIRMAN HOOD: Okay.

20 COMMISSIONER MAY: Well, we will
21 have to debate that for a while. No, I'm just
22 kidding.

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1 CHAIRMAN HOOD: Maybe we will put
2 Ms. McCarthy and Mr. Sher and we will grandfather
3 them in, so we won't have to go through that.

4 MS. BRAY: Okay.

5 CHAIRMAN HOOD: Okay. So we don't
6 have any objection. Let me just say that your
7 submission is complete.

8 MS. BRAY: Thank you. Chairman
9 Hood, we will be very brief.

10 I would like to introduce the
11 members of the team who are here, particularly
12 in case there are questions from the Commission.

13 Ellen McCarthy, obviously, is with me, Director
14 of Planning and Land Use with Arent Fox.

15 But behind me is Andrew Weiss, the
16 Executive Vice President of the Trump
17 Organization and Steve Dalton, who is one of
18 our development consultants on the project.

19 First, I would like to thank OP and
20 DDOT for its efforts to date. We agree with
21 both reports and recommendations.

22 A summary of the testimony that Mr.

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1 Weiss and Ms. McCarthy would be providing is
2 submitted in the handout that Ms. Schellin just
3 circulated, but as you can see, we intend to
4 be very brief, but we are willing to stand on
5 the record with one -- two clarifications.

6 One, I would like to clarify for the
7 record that the Map of the parcels that
8 Commissioner Turnbull had previously asked for
9 is actually attached as Exhibit 1 to Exhibit
10 1 in the record, which is the set down report.

11 It is a plat provided by the
12 applicant that shows Square 323, Lot 800 and
13 then Parcels 1, 2 and 3. So hopefully that
14 clarifies sort of which property we are talking
15 about here.

16 COMMISSIONER TURNBULL: Yes,
17 unfortunately, I didn't bring the set down
18 report.

19 MS. BRAY: I would be happy to hand
20 it up to you, if you would like to take a look
21 at it while I --

22 COMMISSIONER TURNBULL: No, that's

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1 okay. We can --

2 MS. BRAY: Okay.

3 COMMISSIONER TURNBULL: We will
4 just have it for the record.

5 MS. BRAY: And secondly, the other
6 issue that I wanted to address with respect to
7 the testimony that -- or the discussion that
8 has previously taken place is the Old Post Office
9 consists of both the Old Post Office, which was
10 constructed between 1892 and 1900 and -- or 1899
11 and the annex, which was constructed in 1992.

12 And so what we refer to as the annex
13 is the glass and aluminum structure that is
14 between the IRS building and the Old Post Office.

15 And so when we talk about the annex and when
16 OP's report and DDOT's report refer to the annex,
17 that is what they are referring to. They are
18 not necessarily referring to a new building that
19 is going to be constructed on the property that
20 is to be zoned.

21 With that, Commissioner Hood, I
22 really leave it to your discretion. If you

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1 would rather not hear from us tonight, because
2 the record is complete, I'm happy to have you
3 move on with your evening.

4 CHAIRMAN HOOD: Don't put it like
5 that. We always -- don't put it like that,
6 because we always want to hear from you. We
7 are just --

8 MS. BRAY: Okay.

9 CHAIRMAN HOOD: -- trying to
10 save --

11 MS. BRAY: Well, let me turn it over
12 to Ms. McCarthy then to address one point on
13 parking that was just raised as well.

14 MS. MCCARTHY: Okay. Thank you.
15 Mr. Hood, Members of the Commission, I'll skip
16 the first part of my testimony, which just
17 basically agrees with the Office of Planning's
18 excellent report about the consistency with
19 regard to land use, height and density of the
20 proposed zone.

21 And I just wanted to focus a little
22 bit on the questions that were raised about the

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1 DDOT report.

2 First of all, the report as Mr.
3 Henson said, their report is based on the work
4 that was done for the environmental analysis
5 in which DDOT was directly involved. That EA
6 which looked at a whole range of considerations
7 as all environmental analyses do is -- has now
8 been published for public comment with the
9 proposed mitigations that DDOT has included,
10 which the applicant or which the preferred
11 developer has already agreed to.

12 When they agreed to those conditions
13 and, therefore, that indicates that any
14 potential adverse impacts are mitigated through
15 those conditions, and as Mr. Henson said, the
16 report, first of all, concluded there was next
17 to nothing in the way of adverse impacts.

18 But when they agree to that and that
19 is included in the EA, it is then codified or
20 ratified in an issuance of a finding of no
21 significant impact, a FONSI, which is what GSA
22 will issue if the mitigations are agreed to,

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1 the adverse impact is found to be minimal.

2 And so the Commission doesn't need
3 to worry about imposing that as a condition on
4 the Map Amendment, because it already will be
5 imposed as a condition for the environmental
6 assessment, which in turn is a condition to GSA
7 completing the lease, executing the lease with
8 the preferred developer.

9 The second thing I just wanted to
10 clarify about the parking, the 150 new spaces
11 will be put under the existing annex. And they
12 are not -- it is not for employees. It is only
13 for those who would be attending functions,
14 either in the annex or in the Old Post Office.

15 It will be all valet parking.

16 And generally, will only be used in
17 any kind of significant way if there is a special
18 event in the spaces that are in the annex or
19 if some hotel guests do bring their cars. But
20 given that this is a luxury hotel, the
21 expectation is people will be arriving by taxi
22 or Uber or limo. And so the space will be there

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1 if there is a large event and it's needed, but
2 as DDOT concluded in its environmental
3 assessment, it was not going to be used at a
4 point that would generate any adverse impacts.

5 COMMISSIONER TURNBULL: So the
6 existing annex building that is referred to in
7 the DDOT report is remaining and you are
8 excavating underneath the building?

9 MS. BRAY: That is correct.

10 COMMISSIONER TURNBULL: I see nods.

11 MS. McCARTHY: No, we are not
12 excavating under it. It already has the --

13 MS. BRAY: It already has parking.

14 MS. McCARTHY: -- lower level.

15 COMMISSIONER TURNBULL: But does it
16 currently accommodate 150 or could accommodate
17 150?

18 MS. BRAY: It could --

19 MS. McCARTHY: Right. That's --

20 MS. BRAY: -- accommodate a maximum
21 of 150.

22 MS. McCARTHY: -- the maximum it

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1 could accommodate.

2 COMMISSIONER TURNBULL: Oh, okay.

3 All right. It wasn't clear. So all right.

4 Thank you.

5 MS. MCCARTHY: And although this is
6 a rezoning or this is the application of rezoning
7 to the site, and we are not talking about design
8 tonight, we would probably want to hasten to
9 assure you that the annex, as it presently now
10 looks, will be transformed in the eventual
11 design process. So just in case you were
12 worried that approving the zoning might require
13 that that would remain. No.

14 COMMISSIONER TURNBULL: Aw,
15 shucks.

16 CHAIRMAN HOOD: Any other
17 questions? Okay. Commissioner Miller?

18 COMMISSIONER MILLER: Yes. I just
19 had a question on the estimated time table, at
20 this point in terms of the -- presuming you --
21 after you get the zoning, rezoning, what is the
22 estimated time table for further -- for the

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1 disposition process with GSA and then
2 development of the site?

3 This is a project that, as we all
4 know, has been a long time in the works and being
5 mostly in the thoughts, so it's good to see that
6 we are finally, like many other projects that
7 I have already sat on cases for in the short
8 time I have been here, coming to fruition, which
9 is very thankful.

10 What is your time table for
11 disposition?

12 MS. McCARTHY: Well, the very
13 extensive ' 106 consulting party process is,
14 basically, at a close. There is one more
15 meeting left in which the draft MOA and the final
16 details of the design will be presented, so that
17 should be concluded hopefully in December or
18 the very latest in early January.

19 The environmental assessment has
20 been published, that should be completed around
21 that same time frame. The hope is to sign the
22 lease between GSA and the preferred developer

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1 in February.

2 And would you like to comment, Andy,
3 on any of the other milestones?

4 MS. BRAY: You've got to be at the
5 mike.

6 MR. WEISS: Sorry.

7 CHAIRMAN HOOD: You can come up.
8 Just introduce yourself again.

9 MR. WEISS: Thank you. My name is
10 Andrew Weiss. We expect to have possession of
11 the building in, approximately, March or April
12 of 2014. It is currently still occupied, so
13 GSA still has to find places for the tenants
14 in the building.

15 And so we will start work as soon
16 as we receive the building and we are looking
17 at, approximately, 22 months for the
18 redevelopment until the project is complete and
19 the hotel is ready to open.

20 COMMISSIONER MILLER: One other
21 question, Mr. Chairman. Have you at this
22 juncture had the opportunity to do outreach with

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1 the downtown residential community or the ANC
2 or are there any plans to do so?

3 MS. McCARTHY: There was a very
4 extensive invitation list issued to be
5 consulting parties in the 106 process. The
6 Committee of 100 joined, the DC Preservation
7 League joined, but specific invitations were
8 sent to individual buildings as well as to the
9 ANC and other entities in the downtown.

10 They have not actually participated
11 in the ' 106 process, which is understandable,
12 maybe a little abstruse for most people, but
13 we do -- Trump and GSA already cooperated
14 together to use -- to provide the space in the
15 Old Post Office for the most recent meeting,
16 annual meeting of the DC Preservation League.

17 And the expectation is that we would
18 do a number of outreach events like that to reach
19 out to Penn Quarter, the Downtown Residents
20 Association and other groups in the downtown
21 area.

22 COMMISSIONER MILLER: Thank you,

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1 Mr. Chairman, that's it.

2 CHAIRMAN HOOD: All right. Any
3 other questions? Okay.

4 I want to thank you all for your
5 presentation, Ms. Bray and Ms. McCarthy. We
6 appreciate the presentation.

7 Okay. Do we have anyone else here
8 who would like to testify?

9 You all can really stay at the table.

10 I don't think -- do we have anyone else who
11 would like to come and testify in support?

12 Do we have any organizations or
13 persons who are here in opposition? Do we have
14 anyone here who has any questions?

15 Okay. If you can come forward and
16 identify yourself? I guess I knew I was going
17 to hit somebody, I was just curious.

18 MR. EUWER: My name is Carey Euwer.

19 The company --

20 COMMISSIONER TURNBULL: You have to
21 be on a microphone.

22 CHAIRMAN HOOD: No, that's the

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1 light. The microphone is -- yes, there you go.

2 MR. EUWER: Carey Euwer,
3 Metropolitan Partnership. The question is --

4 CHAIRMAN HOOD: Is your light --

5 MR. EUWER: The green light is on.

6 COMMISSIONER MAY: No, it's not.

7 MS. BRAY: That button.

8 MR. EUWER: Okay. Carey Euwer,
9 Metropolitan Partnership. The question for the
10 Trump organization is is there any impediment
11 to completing the lease with GSA?

12 CHAIRMAN HOOD: Well, let me just
13 say this. That's something you probably can
14 talk off-line. I'm talking about pertaining
15 to our Map Amendment.

16 You can work that out with them.
17 They are here. And I was just curious of what
18 your question was and I think this is the
19 opportune time to ask the folks who are working
20 on the project. I don't know if they have an
21 answer.

22 But I mean anything, any questions

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1 pertaining to our Map Amendment process, the
2 zoning.

3 MR. EUWER: Yes, it had really to
4 do with timing, which was one of your questions,
5 too. So thank you.

6 CHAIRMAN HOOD: Are you satisfied
7 with that answer? But they are here. They are
8 in the room. You can get together with them.

9 MR. EUWER: Okay.

10 CHAIRMAN HOOD: You can be part of
11 the process that Ms. McCarthy just mentioned
12 and that will help you in the process.

13 MR. EUWER: Great.

14 CHAIRMAN HOOD: You can get in the
15 process.

16 MR. EUWER: Thank you.

17 CHAIRMAN HOOD: Okay. Good.
18 Thank you.

19 Anyone else? Okay. So with that,
20 any -- we don't do that, closing, rebuttal.
21 Oh, Office of Planning, rebuttal or closing?
22 I'm not used to doing this, but any rebuttal

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1 or closing?

2 MS. STEINGASSER: No, sir.

3 CHAIRMAN HOOD: Okay.

4 Commissioners, I think the record is complete
5 and I would move -- unless you want to have a
6 discussion, I think the discussion has been had.

7

8 I would move approval of Zoning
9 Commission Case No. 12-07 with the information
10 provided tonight and also in receipt of the
11 information that Mr. Turnbull asked for, which
12 is coming forward after this motion, but we will
13 receive it, and that's my motion. I'll ask for
14 a second.

15 COMMISSIONER MILLER: I second.

16 CHAIRMAN HOOD: It has been moved
17 and properly seconded. Any further discussion?
18 Are you ready for the question?

19 All those in favor?

20 ALL: Aye.

21 CHAIRMAN HOOD: Not hearing any
22 opposition, so ordered. Staff would you record

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1 the vote?

2 MS. SCHELLIN: Yes, staff records
3 the vote 4-0-1 to approve proposed action in
4 Zoning Commission Case No. 12-07. Commissioner
5 Hood moving, Commissioner Miller seconding.
6 Commissioners Turnbull and May in support.

7 If we could get a draft order in this
8 case, I'm sure that the Office of Planning may
9 work with the party and maybe they will come
10 up with a draft.

11 And I'm trying to think what's
12 today's date, the 6th. We will probably put this
13 --

14 MS. BRAY: We can't have it by
15 Monday.

16 MS. SCHELLIN: You can't have it by
17 Monday. If we could have this, I guess we will
18 let them have a holiday, by --

19 MS. BRAY: We could have it for the
20 first January meeting.

21 MS. SCHELLIN: The agenda is too
22 full, so we are not putting anything else on

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1 there, so it will go for the second meeting,
2 the 28th. So if we could have the draft order
3 by the 14th?

4 CHAIRMAN HOOD: Do we need to do--

5 MS. SCHELLIN: We have to allow OAG
6 time to review the order.

7 CHAIRMAN HOOD: Oh.

8 MS. SCHELLIN: So it still won't
9 matter.

10 CHAIRMAN HOOD: I thought maybe we
11 had --

12 MS. SCHELLIN: So we need --

13 CHAIRMAN HOOD: -- a volleyball
14 night we could put it on.

15 MS. SCHELLIN: No. So it will
16 still be the January 28th meeting. So if we
17 could have the draft findings of facts and
18 conclusions of law by January 14th, 3:00.

19 CHAIRMAN HOOD: Okay. And, Ms.
20 McCarthy, if you would, if you could follow-up
21 with the gentleman, you know, his concerns, his
22 conversation and maybe include him in the

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1 process when you all reach out to the Downtown
2 Neighbors and the Committee of 100 and
3 everybody. Okay?

4 MS. MCCARTHY: I will. Thank you,
5 Mr. Chair.

6 CHAIRMAN HOOD: Okay. Thank you.
7 Okay. Anything else?

8 I'll say with that, this hearing is
9 adjourned. Thank you everybody.

10 MR. EUWER: Thank you.

11 (Whereupon, the Public Hearing was
12 concluded at 7:14 p.m.)

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