

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Zoning Commission

Regular Public Meeting
1468th Meeting Session [19th of 2017]

6:50 p.m. to 7:37 p.m.
Monday, September 11, 2017

Jerrily R. Kress Memorial Hearing Room
441 4th Street, N.W., Suite 220 South
Washington, D.C. 20001

OLENDER REPORTING, INC.
1100 Connecticut Avenue NW, #810, Washington, DC 20036
Washington: 202-898-1108 • Baltimore: 410-752-3376
Toll Free: 888-445-3376

1 Board Members:

2 ANTHONY HOOD, Chairman

3 ROBERT MILLER, Vice Chair

4 PETER MAY, Commissioner

5 MICHAEL TURNBULL, Commissioner

6 PETER SHAPIRO, Commissioner

7

8 Office of Zoning:

9 SHARON SCHELLIN, Secretary

10

11 Office of Planning:

12 JENNIFER STEINGASSER

13 JOEL LAWSON

14 MATTHEW JESICK

15 ELISA VITALE

16 MAXINE BROWN-ROBERTS

17

18 Office of the Attorney General:

19 ALAN BERGSTEIN

20 JACOB RITTING

21 CHRISTOPHER COHEN

22

23

24

25

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

2 CHAIRPERSON HOOD: Okay, this meeting will
3 please come to order. If you can't hear us, we have
4 new mics, so work with us. If you can't hear us,
5 just raise your hand. I understand that you have to
6 do certain things a little differently from what we
7 had previously. So, if you can't hear us, just
8 please raise your hand, or if we're too loud, just
9 raise your hand. Work with us as we get used to
10 these new mics.

11 This meeting will please come to order. Good
12 evening, ladies and gentlemen. This is the public
13 meeting of the Zoning Commission for the District of
14 Columbia. My name is Anthony Hood. We're located in
15 the Jerrily R. Kress Memorial Hearing Room.

16 Joining me this evening are Vice Chair
17 Miller, Commissioner Shapiro, Commissioner May, and
18 Commissioner Turnbull. We're also joined by the
19 Office of Zoning staff, Ms. Sharon Schellin, as well
20 as the Office of Attorney General, Mr. Bergstein, Mr.
21 Cohen, and Mr. Ritting. Office of Planning, Ms.
22 Steingasser and Mr. Lawson, Mr. Jesick, Ms. Vitale,
23 and Ms. Brown-Roberts. I can't believe I just
24 rattled all those names off after being out a whole
25 month.

1 So, also, I want to welcome everyone back to
2 the Zoning Commission and to the hearings as we
3 continue to do the work of the city.

4 Copies of today's meeting agenda are
5 available to you and are located in the bin near the
6 door. We do not take any public testimony at our
7 meetings unless the Commission requests someone to
8 come forward. Please be advised that this proceeding
9 is being recorded by a court reporter and is also
10 webcast live. Accordingly, we must ask you to
11 refrain from any disruptive noises or actions in the
12 hearing room, including the display of any signs or
13 objects. Please turn off all electronic devices.

14 Does the staff have any preliminary matters?

15 MS. SCHELLIN: No, sir.

16 CHAIRPERSON HOOD: Okay. Now, let's proceed
17 right with our agenda. Okay. First, let's go to
18 advanced party status on Zoning Commission Case No.
19 16-26. Ms. Schellin.

20 MS. SCHELLIN: Yes. I'd first like to see if
21 Mr. Lowrey is present. Okay. So, this is a request
22 from Bruce Lowrey. He's requesting advance party
23 status and opposition in Case No. 16-26, Wisconsin
24 Owner, LLC. He's made his submissions and they are
25 located Exhibits 14. And then they've been

1 supplemented by 15, 19, and 24. The hearing for this
2 case is scheduled for September 28th, and neither the
3 ANC or the applicant pursuant to Subtitle X, Section
4 404.9 have filed opposition to his request. So, we'd
5 ask the Commission to consider his party status
6 request this evening.

7 CHAIRPERSON HOOD: Okay. Again, we don't
8 have any objections so I believe -- first, let me
9 see. Commissioners, you want to consider this party
10 status? Any objections?

11 MR. TURNBULL: Yes. No, I think he meets the
12 qualifications for it.

13 CHAIRPERSON HOOD: Right. And we didn't get
14 anything from the applicant or the ANC, so therefore
15 we will grant you party status in opposition.

16 Is the applicant here as well? Well,
17 hopefully they will continue to -- hopefully, they
18 will continue to work together and maybe that may
19 change. Now, that came from me. That wasn't in the
20 rules or regulations or anything else. That came
21 from me.

22 Okay. Anything else on that?

23 MS. SCHELLIN: You need to vote on that.

24 CHAIRPERSON HOOD: Oh, we need to vote?

25 MS. SCHELLIN: Yeah.

1 CHAIRPERSON HOOD: Okay. All right. I move
2 that we grant Mr. Lowrey his party in opposition on
3 Zoning Commission Case No. 16-26, Wisconsin Owners --
4 well, Zoning Commission Case No. 16-26 and ask for a
5 second.

6 MR. MILLER: Second.

7 CHAIRPERSON HOOD: It's been moved and
8 properly seconded. Any further discussion?

9 [Vote taken.]

10 CHAIRPERSON HOOD: Ms. Schellin, would you
11 record the vote?

12 MS. SCHELLIN: Yes. Staff records the vote
13 five, to zero, to zero to approve party status in
14 opposition to Mr. Bruce Lowrey, Commissioner Hood
15 moving, Commissioner Miller seconding, Commissioners
16 May, Shapiro, and Turnbull in support.

17 CHAIRPERSON HOOD: Okay. All right, next,
18 let's go to consent calendar. Minor modification and
19 technical correction in Zoning Commission Case No.
20 08-34G. Ms. Schellin.

21 MS. SCHELLIN: Yes. The applicant is
22 proposing to add penthouse habitable space to the
23 east and west buildings of the north block, and to
24 adjust the layout of some of the features on the
25 rooftop. OP submitted a report at Exhibit 5 in

1 support of this request, and ask the Commission to
2 consider this request for a minor modification.

3 CHAIRPERSON HOOD: Okay, Commissioners, any
4 objections of this being a minor mod? Considering
5 this is a minor mod?

6 No objections. And we do have a report from
7 the -- a report in support from the Office of
8 Planning as well. And let me see, the ANC 6E. Is it
9 6E? Wait a minute. Am I on the wrong case? I
10 thought it was six -- I'm on the wrong case? Okay.

11 I've got so much new stuff in front of me.
12 Where is it?

13 [Pause.]

14 CHAIRPERSON HOOD: Okay. I just wanted to
15 make sure we give both ANCs the credit. We have ANC
16 2C, as well as ANC 6E. Oh, three. Okay. Hold on
17 for a second.

18 [Pause.]

19 MS. SCHELLIN: I think what happened,
20 Chairman Hood, if I might? The applicant initially
21 served 2C and 6C, and I think that when -- it may
22 have been either our office, or maybe they figured it
23 out themselves, that there was a third ANC that was
24 within 200 feet, and under the new rules they are an
25 affected ANC. And so, the third ANC, which is 6E,

1 the applicant served them, also, a copy of the
2 application.

3 CHAIRPERSON HOOD: Okay. I'm more concerned
4 now about the other one, because you said it was
5 three.

6 MS. SCHELLIN: Yes.

7 CHAIRPERSON HOOD: 6E supports, 2C supports.
8 Do we know about the other ANC? Do they -- just
9 shake your head. Do all ANCs support?

10 MS. SCHELLIN: We don't have any reports from
11 the ANCs, I don't think.

12 CHAIRPERSON HOOD: This says, in support.

13 MS. SCHELLIN: Oh, okay. Yes, the one.

14 CHAIRPERSON HOOD: Two. There are two. But
15 now I'm hearing there's three, but I don't see
16 anything from the third one.

17 Can you come forward? What a way to start
18 off, looking like my football team last night.

19 Could you identify yourself and help us get
20 clear? I want to make sure that we give all the ANCs
21 their due diligence.

22 MS. BLOOMFIELD: Hi. Good evening. This is
23 Jessica Bloomfield from Holland and Knight, for the
24 record.

25 ANC 2C submitted a letter in support. It's

1 at Exhibit 1E. That was unanimous support.

2 We also served 6C and we have e-mail
3 correspondence with them that's not in the record,
4 where they indicated, we don't need to be involved.
5 We want ANC 2C to make this decision. We can submit
6 that if you'd like, but we have confirmation from
7 them that they didn't want to deal with this minor
8 modification.

9 ANC 6E has never been involved in this
10 project. And because up until the new regulations,
11 they were not considered an affected ANC. So, under
12 the new regulations, they are an affected ANC, and we
13 served them, and we actually realized it late as
14 Sharon said, so we served them separately on August
15 2nd, and that's at Exhibit 4. So they were notified
16 and had over 30 days to respond, and they did not get
17 involved. I think mostly because they haven't been
18 throughout the many years that this project has been
19 going on.

20 CHAIRPERSON HOOD: Okay. I see that they say
21 that they were not original -- party to the original
22 proceedings.

23 Okay. So, really, the validity goes to 2C.
24 Is that a correct statement? And 2C supports it,
25 okay, from what we have. All right. Thank you for

1 that clarification.

2 Okay. Any other comments or questions? So,
3 does anyone want to make a motion?

4 MR. TURNBULL: Mr. Chair, I would move that
5 we approve the minor modification to Zoning Case No.
6 08-34G, Capitol Crossing 1, LLC, request for a minor
7 modification at Square 564, and look for a second.

8 CHAIRPERSON HOOD: Okay. It's been moved and
9 properly seconded. Any further discussion?

10 [Vote taken.]

11 CHAIRPERSON HOOD: Ms. Schellin, would you
12 record the vote?

13 MS. SCHELLIN: Staff records the vote five,
14 to zero, to zero to approve final action in Zoning
15 Commission Case No. 08-34G, Commissioner Turnbull
16 moving, Commissioner Shapiro seconding, Commissioners
17 Hood, May, and Miller in support.

18 CHAIRPERSON HOOD: Okay, next. Let's go to
19 Zoning Commission Case No. 15-18A. This is technical
20 correction on minor modification to Order No. 15-18
21 at Square 11-94, Ms. Schellin.

22 MS. SCHELLIN: Yes. The applicant is asking
23 for either a technical correction or a minor
24 modification to the previously approved PUD order.
25 The PUD was approved under both the 1958 and 2016

1 regulations. However, an appeal was filed with the
2 D.C. Court of Appeals to satisfy the party that filed
3 the appeal, and the applicants -- actually, to
4 satisfy the party that filed the appeal, the
5 applicant has filed this application asking the
6 Commission to make the change approving the -- or
7 making it only approved under the 2016 regs. OP
8 filed a report at Exhibit 4, and they are in support
9 of this request and would ask the Commission to
10 consider whether this is a technical correction or a
11 minor mod, and whether they would approve. Thank
12 you.

13 CHAIRPERSON HOOD: Okay. Let me ask first,
14 does anyone see that this needs to come off as is
15 stated?

16 [No audible response.]

17 CHAIRPERSON HOOD: Okay. Commissioners, what
18 is your pleasure?

19 MR. MAY: I think this is a minor
20 modification. It has no real substantive effect on
21 the project overall. It changes some of the wording
22 in the order, and I mean, ordinarily it seems like an
23 odd thing for us to consider, but I don't have any
24 problem with approving this as a minor modification.

25 CHAIRPERSON HOOD: Okay. Any other comments?

1 Okay. I'll leave it at that. Somebody like to make
2 a motion? I think we all agree.

3 MR. MILLER: Mr. Chairman, I would move that
4 the Zoning Commission approve a minor modification
5 for Zoning Commission Case No. 15-18A, Initio, LP at
6 Square 1194, and ask for a second.

7 MR. SHAPIRO: Second.

8 CHAIRPERSON HOOD: It's been moved and
9 properly seconded by -- seconded, Commissioner
10 Shapiro.

11 Any further discussion?

12 [Vote taken.]

13 CHAIRPERSON HOOD: Ms. Schellin, would you
14 record the vote?

15 MS. SCHELLIN: Staff records the vote five,
16 to zero, to zero to approve final action in Zoning
17 Commission Case 15-18A, Commissioner Miller moving,
18 Commissioner Shapiro seconding, Commissioners Hood,
19 May, and Turnbull in support.

20 CHAIRPERSON HOOD: Okay. Next, we have
21 Zoning Commission Case No. 08-30D at 25 M Street
22 Holdings, LLC, modification of consequence to design
23 review at Square 700. Ms. Schellin.

24 MS. SCHELLIN: The applicant is requesting a
25 modification of consequence in which the

1 modifications address four areas. The ground floor
2 to accommodate the increased distance between curb
3 cuts on Van Street, the second floor windows along
4 Half Street, the floor and terrace railings, and the
5 proposed location and size of digital signage at 25 M
6 Street, the office building.

7 OP submitted a report at Exhibit 5 in support
8 of the application. Would ask the Commission to
9 consider first whether this is indeed a modification
10 of consequence, and if so, to set a schedule for the
11 parties to make submissions.

12 CHAIRPERSON HOOD: Okay, first, let me ask,
13 colleagues, anyone thinks this needs to come off? Do
14 we all agree that this is a modification of
15 consequence?

16 I'm not seeing any objections. Ms. Schellin,
17 would you set the schedule?

18 MS. SCHELLIN: Okay. So the Commission
19 doesn't need any additional filings in this case.
20 Then I would -- because I know the ANC is -- my
21 understanding from the applicant is the ANC has taken
22 this case up this evening at their meeting, so if we
23 could have the ANC's report by September 18th, and
24 then we can put this on the September 25th meeting
25 for consideration, deliberation by the Commission.

1 Okay. We ready to move on?

2 MS. SCHELLIN: Yes.

3 CHAIRPERSON HOOD: Okay. Let's go to Zoning
4 Commission Case No. 16-18B, Georgetown University
5 request for modification of consequence to campus
6 plan at Square 1223. Ms. Schellin.

7 MS. SCHELLIN: Yes. For this case, the
8 applicant is requesting a modification of consequence
9 to allow them to convert the use of the greenhouse
10 from residential campus life to use -- for
11 academic/administrative use. OP and ANC 2E have
12 submitted reports in support at Exhibits 5 and 6.
13 So, I'd ask the Commission once again, to first
14 decide whether it is indeed a modification of
15 consequence and then set a schedule.

16 CHAIRPERSON HOOD: Okay, commissioners.
17 Again, does anyone see that this needs to come off as
18 a modification of consequence?

19 Okay, not seeing anything. Ms. Schellin,
20 would you set the schedule?

21 MS. SCHELLIN: I'm going to look at Mr.
22 Avitabile. Have you been in touch with the other
23 parties that we might be able to set the schedule?

24 [No audible response.]

25 MS. SCHELLIN: Okay. So, I would have the

1 parties respond by 9/18 and put this on for 9/25.

2 CHAIRPERSON HOOD: All right. Are you ready
3 to move, Ms. Schellin? We ready to move on it?

4 MS. SCHELLIN: Yes.

5 CHAIRPERSON HOOD: Okay. Zoning Commission
6 Case No. 16-03B, Residential Hill East, LLC,
7 modification of consequence to design review at
8 Square 11-12E. Ms. Schellin.

9 MS. SCHELLIN: The applicant has stated the
10 primary purpose for the modification of consequence
11 in this case is for the approval of a revised
12 distribution of the 106 affordable dwelling units,
13 which result in a change in the decision paragraph
14 numbers 5 and 6 of the order.

15 OP submitted a report supportive of the
16 request at Exhibit 5. So once again, would ask the
17 commission to one, decide whether it is a
18 modification of consequence, and two, to set the
19 schedule.

20 CHAIRPERSON HOOD: Okay, commissioners, does
21 anyone see that this one needs to come off as a
22 modification of consequence? Commissioner May?

23 MR. MAY: I wouldn't say that it needs to
24 come off. I mean, I am a little bit uneasy about it.
25 I think this is a pretty substantial change to shift

1 so many of the affordable units from one building
2 into the other, and we're going to wind up with one
3 building being 80 some percent, and affordable, and
4 the other building being 10 or 15 percent affordable.

5 It's a pretty significant change, and you
6 know, I don't have any problem with continuing down
7 this path, but depending on what we hear from the
8 ANC, or the ANCs, because there are two involved, we
9 may want to take a different course. We may decide
10 that a hearing is necessary.

11 I know that when we've dealt with, you know,
12 issues of low-income housing tax credit buildings as
13 part of PUDs in the past, or in the part of larger
14 scale developments that clustering or concentrating
15 the affordable units in a single building has been an
16 issue with the neighborhood. So, I think we need to
17 be cautious.

18 CHAIRPERSON HOOD: Okay. Is anyone else in
19 line with that way of thinking or -- okay. We
20 have --

21 MR. TURNBULL: I would agree with --

22 CHAIRPERSON HOOD: Okay. All right.

23 MR. TURNBULL: I would agree with that. I
24 think that we could continue on with a modification
25 of consequence, realizing that if we feel at such a

1 point in time we get to a situation where we feel the
2 ANC has raised issues, or the whatever we're getting,
3 we can then opt to go for a hearing instead.

4 CHAIRPERSON HOOD: So, basically, we're going
5 to keep this on target, because I think we all agree,
6 as a modification of consequence. We're going to ask
7 input from the two ANCs. Ms. Schellin, could you all
8 reach out to the ANCs, and I guess we could move
9 forward after that takes place or --

10 MS. SCHELLIN: Yes.

11 CHAIRPERSON HOOD: Is that kind of in line,
12 Commissioner May, what you're thinking? Okay.

13 MS. SCHELLIN: Do you want this to set a date
14 of -- to have it come back at the end of September,
15 or are you looking at October?

16 CHAIRPERSON HOOD: We probably want to give
17 the ANCs -- I don't know when they meet. At least a
18 month.

19 MS. SCHELLIN: Okay. So, we could put it on
20 for October 16th, then?

21 CHAIRPERSON HOOD: Yeah, that's a month. So
22 if we notify them as soon as possible.

23 MS. SCHELLIN: Okay.

24 CHAIRPERSON HOOD: Like, maybe tomorrow.

25 MS. SCHELLIN: Okay. So, we could give them

1 until probably October 6th to submit -- make their
2 submission. That's pretty late. It's almost a whole
3 month.

4 CHAIRPERSON HOOD: Okay.

5 MS. SCHELLIN: Okay.

6 CHAIRPERSON HOOD: So, why don't we proceed
7 with that and we'll take that up at our October 16th
8 meeting.

9 MS. SCHELLIN: Yes.

10 CHAIRPERSON HOOD: Okay. All right.
11 Anything else on this one?

12 MS. SCHELLIN: No.

13 CHAIRPERSON HOOD: Okay. Let's go to final
14 action Zoning Commission Case No. 16-05, Ms.
15 Schellin?

16 MS. SCHELLIN: Yes. 16-05 -- sorry. At
17 Exhibits 48 through 49C, we have the applicant's
18 post-hearing submissions. Exhibit 50 is an OP
19 supplemental report. Exhibit 51 is an NCPC report
20 advising of no adverse impacts, and we'd ask the
21 Commission to consider final action.

22 CHAIRPERSON HOOD: Okay, Commissioners, this
23 is up for final action. Any comments? Anything that
24 was outstanding?

25 MR. MAY: Mr. Chairman. You know, I think

1 there were a hand full of questions. After we took
2 proposed action, and I believe that those have been
3 addressed to my satisfaction. I mean, we have
4 clarity on which IZ regulations apply. We have a
5 revised IZ proffer, we have the color ranges of the
6 materials being narrowed a bit because it was a
7 pretty wide range before. They provided more
8 information on the use, the operating hours, and then
9 of the roof terrace, and provided some drawings
10 related to that.

11 I think that, I mean, that resolved all the
12 questions that I had. I don't know if anybody else
13 had questions or I had, or that I wrote down that
14 others had. I don't know if anybody else had other
15 questions, but I thought it was a pretty thorough
16 response.

17 CHAIRPERSON HOOD: Okay. Any other comments?

18 MR. TURNBULL: Mr. Chairman.

19 CHAIRPERSON HOOD: Yes.

20 MR. TURNBULL: We do have a report from NCP
21 in the record at Exhibit No. 51, and they have
22 basically responded that there would be no adverse
23 effects to the federal interests.

24 CHAIRPERSON HOOD: Okay. Hold on a second,
25 please. Any other comments or questions on this?

1 I'm looking for my stuff. All right. So, if not,
2 like I said, we'll go and accept a motion.

3 MR. MILLER: Mr. Chairman, I would move that
4 the Zoning Commission take final action on Zoning
5 Commission Case No. 16-05. That's the case we're on,
6 right?

7 CHAIRPERSON HOOD: Yes.

8 MR. MILLER: Fifth and Morse L/Cal, LLC and
9 Sixth and Morse L/Cal, LLC consolidated PUD and
10 related map amendment at Square 3591, and ask for a
11 second.

12 MR. TURNBULL: Second.

13 CHAIRPERSON HOOD: Okay. It's been moved and
14 properly seconded. Any further discussion?

15 [Vote taken.]

16 CHAIRPERSON HOOD: Ms. Schellin, would you
17 record the vote?

18 MS. SCHELLIN: Staff records the vote five,
19 to zero, to zero to approve final action in Zoning
20 Commission Case No. 16-05, Commissioner Miller
21 moving, Commissioner Turnbull seconding,
22 Commissioners, Hood, May, and Shapiro in support.

23 CHAIRPERSON HOOD: Okay. Let's go to Zoning
24 Commission Case No. 17-06, Capital Vista Community
25 Partners and District of Columbia consolidated PUD

1 and related map amendment at Square 563N. Ms.
2 Schellin.

3 MS. SCHELLIN: At Exhibits 40 through 41A, we
4 have the applicant's post-hearing submissions,
5 Exhibit 42 NCPC report advising of no adverse
6 impacts, ask the Commission to consider final action.

7 CHAIRPERSON HOOD: Okay, Commissioners. Any
8 additional issues on this? I don't have any.
9 Anybody? Okay.

10 If I don't hear anything I guess we can --
11 somebody can make a motion. A lot of this probably
12 was hashed out during proposed.

13 MR. SHAPIRO: Mr. Chair, I would move that we
14 take final action on Case No. 17-06, Capital Vista
15 Community Partners at District -- and District of
16 Columbia consolidated PUD and related map amendment
17 at Square 563N, and look for a second.

18 MR. MILLER: Second.

19 CHAIRPERSON HOOD: Okay. It's been moved and
20 properly seconded. Any further discussion?

21 [Vote taken.]

22 CHAIRPERSON HOOD: So ordered. Staff, will
23 you record the vote?

24 MS. SCHELLIN: Yes. Staff records the vote
25 five, to zero, to zero to approve final action in

1 Zoning Commission Case 17-06, Commissioner Shapiro
2 moving, Commissioner Miller seconding, Commissioners
3 Hood, May, and Turnbull in support.

4 CHAIRPERSON HOOD: Okay. Okay. Next case,
5 Zoning Commission Case No. 14-07, CG Unit, LP, 1250
6 4th Street EDENS, LLC and 4th Street Northeast, LLC,
7 second-stage PUD at Square 3587, Ms. Schellin.

8 MS. SCHELLIN: Okay. On this case, Exhibits
9 29 through 32 and 33 through 36, we have the
10 applicant's post-hearing submissions, and we have an
11 OP report. Obviously, I wrote down the wrong exhibit
12 numbers. We have an OP supplemental report also in
13 the record, and we'd ask the Commission to consider
14 final action.

15 CHAIRPERSON HOOD: Okay. Again,
16 commissioners, any comments or questions? I think we
17 asked for a few things and as far as I'm concerned,
18 the -- I think we asked the Office of Planning and
19 the applicant to respond. I think all the responses,
20 for me, were satisfactory in responses to both some
21 of the submissions that were submitted by residents,
22 because they were not a party, in particular,
23 residents. So, I'm satisfied with the answers. I
24 appreciate the applicant, the Office of Planning, and
25 the responses that were given back. So I'm ready to

1 move forward.

2 Any other questions, Commissioner May?
3 Comments?

4 MR. MAY: So, I -- there were a handful of
5 outstanding issues on this when we took our -- well,
6 we last considered the case, we didn't -- this is a
7 second stage so this is only a single vote. And I
8 think that they answered the questions that we had,
9 either at the previous meeting or since then, with
10 the additional submissions. We have the additional -
11 - excuse me, we have a commitment on the solar
12 panels. They addressed the parking questions that I
13 had.

14 I think there were some things where it was
15 still a little bit unclear when we last considered
16 having to do with the comprehensive plan and the
17 mapping of the site, as well as some of the broader
18 parking issues.

19 You know, I think that the applicant's
20 response was sufficient to cover those, and I think
21 that a lot of these things were decided at stage one.
22 So, I am okay with proceeding with this. I think
23 that you know, I don't have any remaining major
24 issues with this.

25 CHAIRPERSON HOOD: Okay. Any other comments?

1 All right. So, somebody like to make a motion? I
2 would just go ahead and make this one. I would move
3 approval of Zoning Commission Case No. 14-07B, and
4 ask for a second.

5 MR. TURNBULL: Second.

6 CHAIRPERSON HOOD: It's been moved and
7 properly seconded. Any further discussion?

8 [Vote taken.]

9 CHAIRPERSON HOOD: Ms. Schellin, would you
10 record the vote?

11 MS. SCHELLIN: Staff records the vote four,
12 to zero, to one to approve final action in Zoning
13 Commission Case No. 14-07B, Commissioner Hood moving,
14 Commissioner Turnbull seconding. Commissioners May
15 and Miller in support. Commissioner Shapiro not
16 voting, having not participated.

17 CHAIRPERSON HOOD: Okay, next, Zoning
18 Commission Case No. 16-17, EYA Development, LLC,
19 consolidated PUD and related zoning map amendment at
20 Square 39-17. Ms. Schellin.

21 MS. SCHELLIN: Yes. The applicant's post-
22 hearing submissions can be found at Exhibits 225
23 through 226A, and 228 through 228B-9. DDOT submitted
24 a supplemental report at Exhibit 227, and at Exhibit
25 229 we have an NCPD report advising of no adverse

1 impacts. Once again, would ask the Commission to
2 consider final action.

3 CHAIRPERSON HOOD: Okay. Commissioners, any
4 comments, additional follow-up on this one from
5 anyone?

6 I know we did an exhaustive overview again,
7 at proposed. But I will say -- let me -- Mr.
8 Turnbull.

9 MR. TURNBULL: Well, I would just say that
10 the supplemental report by the Department of
11 Transportation was in response to ANC 5B's letter
12 about making the alleys one-way, and I think the
13 final, the recommendation by Department of
14 Transportation is that they do not support the
15 proposal to convert two-way alleys to public alleys
16 in the 1,000 and 1,200 blocks between Varnum Street
17 and Taylor Street. And they go on to explain that.
18 And I think the explanation is clear, and I would
19 agree with them.

20 CHAIRPERSON HOOD: I would agree. I know I
21 had some traffic concerns but you know, as we get our
22 advice a lot from the subject matter experts, I'm not
23 a traffic expert, even though when I'm sitting in it
24 all the time and having problems, I feel like I am.
25 But I know that there are studies out there, and I

1 have to give credence where the educational levels
2 are, and I understand what ANC 5B was talking about
3 the alleys. I understand about Allison Street. I
4 pushed on that. I know there were some arrangements
5 to rearrange Allison Street once this development
6 happens.

7 But when I looked at all that, what I saw out
8 of this whole case was that the -- what I heard loud
9 and clear from the community, while they still had
10 some concerns, little concern about what's being
11 added, that St. Joseph's has been a good neighbor for
12 years. And this is their time of need. So to me,
13 that set precedent over everything else.

14 So hopefully other things will be worked out.
15 I'm sure that the applicant, as well as the
16 community, and even Providence Hospital didn't even
17 have any objections. So, I think this is a win/win.
18 I'm just hoping that once they get through all the
19 development it works out to where we won't go back
20 and regret what we did on Allison Street. So that's
21 kind of where I am. I'm going to go in favor of this
22 project and leave it at that.

23 Any other comments or questions?

24 MR. MILLER: I would concur with your
25 comments, Mr. Chair.

1 CHAIRPERSON HOOD: Okay. All right. So with
2 that, I would move to approve Zoning Commission Case
3 No. 16-17, and ask also thank DDOT for their
4 additional supplemental response to ANC 5B's concern
5 about the alleys, and ask for a second.

6 MR. MAY: Second.

7 CHAIRPERSON HOOD: It's been moved and
8 properly seconded. Any further discussion?

9 [Vote taken.]

10 CHAIRPERSON HOOD: Ms. Schellin, would you
11 record the vote?

12 MS. SCHELLIN: Was that Commissioner May who
13 seconded that?

14 MR. MAY: I think the Vice Chair just got it
15 in before I did.

16 MR. MILLER: Your hearing is better than
17 mine.

18 MS. SCHELLIN: I heard you, and I think the
19 Vice Chair has gotten a few tonight, so we'll give it
20 to you. How about that?

21 MR. TURNBULL: Well, we could arm wrestle
22 over this.

23 MS. SCHELLIN: So, staff records the vote
24 five, to zero, to zero to approve final action in
25 Zoning Commission Case No. 16-17, Commissioner Hood

1 moving, Commissioner May seconding, Commissioners
2 Miller, Shapiro, and Turnbull in support.

3 CHAIRPERSON HOOD: Okay. Next, let's go to
4 correspondence. Zoning Commission Case No. 16-23,
5 Valor Development, LLC, applicant's third request for
6 postponement. Ms. Schellin.

7 MS. SCHELLIN: Yes. As you stated, it is the
8 applicant's third request for postponement for 30 to
9 60 days to allow the community additional time to
10 review the recent changes made to the project, prior
11 to ANC --

12 CHAIRPERSON HOOD: Oh, I'm sorry. I was
13 playing with these buttons.

14 MS. SCHELLIN: Oops, I guess it would help.

15 CHAIRPERSON HOOD: I've been wanting to know
16 what that's -- I've been wanting to know what this --

17 MS. SCHELLIN: You turned me off.

18 CHAIRPERSON HOOD: I was just trying to see
19 what this button was all night. And I said, well,
20 let me try it. Nobody is really here. A lot of
21 people left. You all three are here, but okay, I'm
22 sorry.

23 MR. MAY: That's pretty good you can shut off
24 the secretary's mic.

25 MS. SCHELLIN: He can shut off anyone. Okay.

1 So, they're asking for a postponement of 30 to 60
2 days to allow the community additional time to review
3 recent changes to the project prior to ANC 3E taking
4 the case up for review or for consideration. This
5 case is currently scheduled for a hearing on October
6 23rd, and in the applicant's submission, you may have
7 noticed three dates that they ask that the case be
8 postponed to, but none of those dates are available
9 at this time. They've all been given to other
10 applicants, so.

11 MR. TURNBULL: Well, what would be the
12 closest?

13 MS. SCHELLIN: Huh?

14 MR. TURNBULL: What's the closest? What's --

15 MS. SCHELLIN: Let me see if I have anything
16 left this year. January. January 4th, January --
17 I'm sorry. January 4th, January 11th, January 18th,
18 22nd, or 25th.

19 CHAIRPERSON HOOD: I guess, so we're busy for
20 the rest of the year.

21 MS. SCHELLIN: Yeah.

22 CHAIRPERSON HOOD: Okay. So, I guess we have
23 to go to -- can you arrange that?

24 MS. SCHELLIN: Closest to what they want.

25 CHAIRPERSON HOOD: Closest -- what's the

1 closest date you have to what they want? January
2 4th?

3 MS. SCHELLIN: January 4th?

4 CHAIRPERSON HOOD: What's that, on a
5 Thursday?

6 MR. REPP: Can I speak here?

7 MS. SCHELLIN: You can come talk to me.

8 CHAIRPERSON HOOD: You can talk. Yeah. I
9 mean, you can have a seat. Yeah, have a seat. You
10 can speak. Yeah, so we can get to the -- come up to
11 the table and turn your mic on, and let me practice
12 with you.

13 Do you represent the applicant?

14 MR. REPP: No. We have filed for party
15 status.

16 CHAIRPERSON HOOD: Who are you with?

17 MR. REPP: We filed for party status last
18 week as opponents.

19 CHAIRPERSON HOOD: Okay, but let me ask you,
20 identify yourself.

21 MR. REPP: Shelly Repp from the Citizens for
22 Responsible Development. We are neighbors of the
23 project, 150 people in our group. There's
24 considerable opposition in the record already --

25 CHAIRPERSON HOOD: Okay, let me say what we

1 called you to the table. I thought you were part of
2 the applicant.

3 MR. REPP: Yeah.

4 CHAIRPERSON HOOD: And I thought you wanted
5 to have a date. But since who you are, no
6 disrespect, we're good for the night. We're fine.
7 We're waiting to see how we're going to deal with
8 this case. So, just listen and find out what date
9 we're going to have the case.

10 MR. REPP: Okay.

11 CHAIRPERSON HOOD: Okay?

12 MR. REPP: Yeah.

13 CHAIRPERSON HOOD: All right. Thank you.
14 Have we seen his party status application?

15 MS. SCHELLIN: Uh-huh.

16 CHAIRPERSON HOOD: Is that what we did
17 tonight? No, that was --

18 MS. SCHELLIN: I believe that they requested
19 advance party status to be considered sometime in
20 October, I believe.

21 CHAIRPERSON HOOD: Oh, that's right because
22 we've been postponing and postponing and postponing.

23 MS. SCHELLIN: This is the third request,
24 yes.

25 CHAIRPERSON HOOD: So, we're looking at some

1 time in January, right? January 4th is on a what?

2 MS. SCHELLIN: Yeah. And that's right after
3 the holidays.

4 CHAIRPERSON HOOD: Yeah, so let's look at
5 another date after that.

6 MS. SCHELLIN: Do you want the 11th, the
7 18th, 22nd, 25th?

8 CHAIRPERSON HOOD: Well, let's look at the
9 11th. If that's okay with everybody.

10 MS. SCHELLIN: The 11th?

11 MR. TURNBULL: Yes.

12 CHAIRPERSON HOOD: Yeah. Yeah.

13 MS. SCHELLIN: Okay.

14 CHAIRPERSON HOOD: Give us a break on the
15 4th.

16 MS. SCHELLIN: Yes. And I did kind of let
17 the applicant's attorney know that that was probably
18 going to happen.

19 CHAIRPERSON HOOD: Okay.

20 MS. SCHELLIN: And they're aware of it.

21 CHAIRPERSON HOOD: Okay. So this is their
22 third postponement?

23 MS. SCHELLIN: This is the third one.

24 CHAIRPERSON HOOD: Okay.

25 MS. SCHELLIN: Well I mean, you know, they

1 did it this time because the ANC asked them to.

2 CHAIRPERSON HOOD: Asked them to do it.

3 Okay.

4 MS. SCHELLIN: And the last time, I forgot.
5 They stated in their letter why.

6 CHAIRPERSON HOOD: And we also granted the
7 party in opposition. We granted them party status.
8 The gentleman who just left, they have party status,
9 right?

10 MS. SCHELLIN: Mr. Lowrey.

11 CHAIRPERSON HOOD: No, the gentleman tonight.

12 MS. SCHELLIN: No, they haven't been
13 considered yet. No.

14 CHAIRPERSON HOOD: Oh, they haven't been
15 considered.

16 MS. SCHELLIN: No. There is somebody who
17 requested party status in advance for October.

18 CHAIRPERSON HOOD: Okay.

19 MS. SCHELLIN: Another meeting.

20 CHAIRPERSON HOOD: All right. Okay. So
21 anyway.

22 MS. SCHELLIN: All right.

23 CHAIRPERSON HOOD: So, we'll look at January
24 11th?

25 MS. SCHELLIN: January 11th.

1 CHAIRPERSON HOOD: Okay. All right. Do we
2 have anything else?

3 MS. SCHELLIN: I have nothing else.

4 CHAIRPERSON HOOD: Does Office of Planning
5 have anything?

6 MS. STEINGASSER: Yes, sir. We just wanted
7 to kind of start to use our status report on the
8 agenda as an opportunity to talk with the Commission
9 about nonspecific, you know, it would be noncontested
10 cases. Some of the general things we're working on
11 in the office, get feedback from you on whether our -
12 - how our reports are -- you know, we've been, this
13 last I'd say six, eight months, have really caused us
14 to reformat how we write our reports, how we give
15 materials to you guys, how we present ourselves. So,
16 we wanted to start to get feedback in a non case-
17 specific way, and we thought we would start to use
18 what's now the status report as more of an OP report.

19 There's also the comp plan issues coming up,
20 small area plans, how those work together. Just use
21 this as an opportunity for more casual conversation
22 with the Commission. Obviously, beyond the record it
23 will be recorded. You know, won't be anything
24 contested, won't be -- won't violate any of the
25 regulations. But I just wanted to alert you to the

1 fact that we are going to start to use this more
2 regularly.

3 And probably the first one, we've been
4 working with DCRA. They've had a year now, working
5 with the new zoning regs. We've been meeting with
6 them on a weekly basis to start to look at how
7 they're using them and what works, what doesn't work.
8 They've had a lot of recommendations. We're going to
9 be bringing those back to you in these kind of large
10 chunks that are thematic in how we present the
11 materials. Instead of technical corrections, there
12 are going to be new cases now. So, we'll be looking
13 at things like the special exception relief, how has
14 that worked and what DCRA has found that they need
15 changes to. So, we'll be bringing those back in the
16 series of cases to you.

17 And then, again, we're going to look for --
18 want to talk to you, probably in October, get some
19 feedback on the set down reports because we've kind
20 of turned them over now where the bulk of the
21 analysis is up front in the set down, with the follow
22 up in the hearing report, and that's a little
23 different than how we've been doing them in the past
24 years, because of all these appeals and getting that
25 comp plan analysis up front.

1 So, it's just stuff like that and I just
2 wanted to give you a heads up so that you can think
3 through if you have things for us that you want to
4 talk to us about. You'll know there's an opportunity
5 coming.

6 CHAIRPERSON HOOD: Thank you, Ms.
7 Steingasser. I do have a question for next time.
8 Kind of give us a status of where we are with the
9 comp plan, redoing it. You know, we can do that in
10 October, what the course of actions are, because I'm
11 hearing a lot of -- I actually was asked by a council
12 member, and I didn't know it, and they were looking
13 at me like I was supposed to know it, but I didn't
14 know it. And hopefully they're watching me
15 because --

16 MS. STEINGASSER: I know that feeling.

17 CHAIRPERSON HOOD: Okay. So, anyway. Okay.
18 So yeah, if we can get an update on where we are with
19 that.

20 Anything else, Commissioners? Mr. Turnbull?

21 MR. TURNBULL: Yeah, Mr. Chair. I guess if
22 you've been having conversations with the Zoning
23 Administrator, one of the issues might be
24 basement/cellar habitable room issue.

25 MS. STEINGASSER: Yes. That is definitely on

1 the list of things that we're looking at.

2 MR. TURNBULL: Okay.

3 MS. STEINGASSER: Yeah. Yes, sir. So that
4 will be coming to you as probably not the first
5 round, but the second round.

6 MR. TURNBULL: Okay. The only other issue
7 that I've seen come up in some BZA cases is
8 penthouses in the RA Zone, similar to the penthouse
9 issue in RF Zone. I don't know whether you've had a
10 chance to look at that or consider that or --

11 MR. LAWSON: Joel Lawson with OP.

12 Funny you should ask. We've been using -- to
13 some extent, we used August to get a bit caught up.
14 And I've started to look at the penthouse
15 regulations, kind of in total.

16 MR. TURNBULL: Okay.

17 MR. LAWSON: We're looking at ways that we
18 can maybe make them a little simpler to use, and a
19 little more effective, potentially. I can't promise
20 you when that's going to come forward at this point.
21 It will depend on some of the other issues that Ms.
22 Steingasser was talking about, and when it kind of
23 fits in with the program. But we've now had a couple
24 of years working with the penthouse regulations.
25 There are some things that are working really well,

OLENDER REPORTING, INC.

1100 Connecticut Avenue NW, #810, Washington, DC 20036

Washington: 202-898-1108 • Baltimore: 410-752-3376

Toll Free: 888-445-3376

1 and there are some things that we, and DCRA, and
2 members of the public are finding a little bit
3 confusing still.

4 So, I don't think we're proposing or looking
5 at any major wholesale change or anything.

6 MR. TURNBULL: Okay.

7 MR. LAWSON: It would be more of a
8 clarification issue and making sure that the intent
9 of the Zoning Commission for the penthouse regs is
10 clear in the regs themselves.

11 MR. TURNBULL: One of the things that's come
12 up in the RF Zones is obviously penthouses for --
13 people try to get up to roof decks, and the setbacks
14 on the side, especially for small, narrow rowhouses
15 is difficult. One of the options has been for some
16 of the applicants to try to slope the roofs, put them
17 back far enough and slope them so that they're
18 minimized. But then that also requires a special
19 exception for unequal penthouse height. So, it's
20 those kinds of strange things that's been -- that
21 have come up in some of the issues in the BZA cases.

22 MR. LAWSON: Yeah, that's come up many times.
23 That particular issue has also come up to us from the
24 Historic Preservation Office.

25 MR. TURNBULL: Yes. I could imagine.

1 MR. LAWSON: Who clearly want to see any
2 penthouse that may be approved on, on that type of
3 structure, and we have to remember that under the
4 current regulations the penthouse structure is not
5 permitted by right.

6 MR. TURNBULL: That's right. Right.

7 MR. LAWSON: On a row house. But if it is
8 approved, if they make the case for it, that the
9 visual impact be minimized. And one of the ways that
10 that can sometimes be done is by minimizing the
11 massing by sloping the roof over top of the
12 stairwell.

13 MR. TURNBULL: Yeah.

14 MR. LAWSON: So, that is one of the things
15 we'll be looking at. Thanks.

16 MR. TURNBULL: Okay. Thank you.

17 CHAIRPERSON HOOD: Okay, Vice Chair?

18 MR. MILLER: Thank you, Mr. Chairman. Yeah,
19 I was going to ask what you asked, about the comp
20 plan. I'll look forward to seeing, as I think the
21 public will, your analysis of the -- what's it, 3,000
22 comments, public comments?

23 MS. STEINGASSER: 3,000 submitted comments.

24 MR. MILLER: Submissions.

25 MS. STEINGASSER: That doesn't include map

1 amendments or the OP initiated ones.

2 MR. MILLER: So, I'll look forward to seeing
3 that analysis, as everyone else will.

4 But just generally, just so we're not caught
5 blindsided by member's questions, people's questions.
6 What is just the general schedule of when you expect
7 to submit amendments to the council?

8 MS. STEINGASSER: I really don't have an
9 answer for that at this point.

10 MR. MILLER: Okay. Okay.

11 MS. STEINGASSER: I really don't.

12 MR. MILLER: That's an answer though.

13 MS. STEINGASSER: I'm sorry.

14 MR. MILLER: Okay.

15 CHAIRPERSON HOOD: That makes me feel a lot
16 better. So, anyway, I want to thank Office of
17 Planning for all their work, and Office of Attorney
18 General. And I really want to especially thank the
19 day Office of Zoning staff, Ms. Schellin, and
20 Director Bardin, because I see they've tried to make
21 some enhancements here in the hearing room. We
22 really appreciate all the efforts that you all put in
23 place to try to make our being able to get educated
24 in a formal decision making a lot easier. So, could
25 you convey that back to the Director of the Office of

OLENDER REPORTING, INC.

1100 Connecticut Avenue NW, #810, Washington, DC 20036

Washington: 202-898-1108 • Baltimore: 410-752-3376

Toll Free: 888-445-3376

1 Zoning?

2 MS. SCHELLIN: It's all Director Bardin's
3 doing.

4 CHAIRPERSON HOOD: Okay. Well, I'm sure if I
5 say that to her directly, she would -- everybody
6 usually says, and I don't know, I used to say it too,
7 my staff really make me look good. So I'm sure she
8 will say that.

9 MS. SCHELLIN: We helped after the fact.

10 CHAIRPERSON HOOD: I'm sure she would say
11 that.

12 MS. SCHELLIN: It was her plan and we just,
13 we pitched in after the fact.

14 CHAIRPERSON HOOD: So, we appreciate
15 everything everybody did. Now, I don't -- I'm saying
16 that before I know whether these streams work or not.

17 MS. SCHELLIN: Actually, Indofan (phonetic).
18 Indofan did --

19 CHAIRPERSON HOOD: Okay.

20 MS. SCHELLIN: -- he was a big part of it.
21 And Paul, who's in the other room.

22 CHAIRPERSON HOOD: Okay. Oh, she's talking
23 about this Paul. I was about to say, thank you for
24 your help.

25 MS. SCHELLIN: No, the Paul that's in the

1 other room. The Paul behind the wall.

2 CHAIRPERSON HOOD: Okay. So, with --

3 MS. SCHELLIN: Who is operating all the
4 cameras and --

5 CHAIRPERSON HOOD: Okay.

6 MS. SCHELLIN: -- he's learned all the
7 software, so he's going to be --

8 CHAIRPERSON HOOD: So if you can pass that on
9 to everybody in the Office of Zoning, we really
10 appreciate everything you all do for us all the time.

11 So, I want to welcome everybody back. Let's
12 get down to work and let's make some good decisions
13 for the city.

14 Anything else?

15 MR. SHAPIRO: No, sir.

16 CHAIRPERSON HOOD: Okay. So, with that, this
17 meeting is adjourned.

18 [Whereupon, the regular public meeting
19 adjourned at 7:37 p.m.]

20

21

22

23

24

25

CERTIFICATE OF TRANSCRIPTIONIST

I, Kimberly Lawrie, do hereby certify that the foregoing proceeding was transcribed from a digital audio recording provided to me by Olender Reporting and thereafter was reduced to typewriting by me or under my direction.

I am not related to any of the parties in this matter, and this transcript is a true and accurate record of said audio recording to the best of my ability. The above information has been transcribed by me with a pledge of confidence, and I do hereby certify that I will not discuss or release the content or any information contained herein.



Kimberly Lawrie,
Legal Transcriptionist