

GOVERNMENT  
OF  
THE DISTRICT OF COLUMBIA

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ZONING COMMISSION

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REGULAR MEETING

+ + + + +

MONDAY

MAY 14, 2018

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The Regular Meeting of the District of Columbia Zoning Commission convened in the Jerrily R. Kress Memorial Hearing Room, Room 220 South, 441 4th Street, N.W., Washington, D.C., 20001, pursuant to notice at 6:30 p.m., Anthony J. Hood, Chairman, presiding.

ZONING COMMISSION MEMBERS PRESENT:

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

OFFICE OF ZONING STAFF PRESENT:

SHARON S. SCHELLIN, Secretary

OFFICE OF PLANNING STAFF PRESENT:

JENNIFER STEINGASSER, Deputy Director, Development  
Review & Historic Preservation  
JOEL LAWSON  
MAXINE BROWN-ROBERTS  
MATT JESICK

D.C. OFFICE OF THE ATTORNEY GENERAL PRESENT:

HILLARY LOVICK, ESQ  
JOSEPH RITTING, ESQ

The transcript constitutes the minutes from the Regular or meeting held on May 14, 2018.

## CONTENTS

Modification of consequences of the determination of scheduling, Zoning Commission Case Number 11-03K, Wharf District, Master Developer, LLC-PUD, Modification of Consequences of Square 473 SW Waterfront Parcel 2	5
Zoning Commission Case Number 17-20, Office of Planning, Text Amendments to Subtitles to B, H, K, and U, Daytime Care Use Category	10
Case Number 17-17 Advisory Neighborhood Commission 8A, Zoning Map Amendment at Square 5564	14
Zoning Commission Case Number 17-16, 251 Massachusetts Avenue, LLC Map Amendment at Square 560	15
Zoning Commission Case Number 17-26 MIRV Holdings LLC, Map Amendment of Parcel 121/31	17
Case Number 17-26 MIRV Holdings LLC Map Amendment at Parcel 121/31	20
Zoning Commission Case Number 08-07C, Four Points second stage PUD at Square 5784	20
Case Number 17-03, Office of Planning clarification investing rule setdown	30

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

6:32 p.m.

1  
2  
3 CHAIRMAN HOOD: Good evening, ladies and  
4 gentlemen. My name is Anthony Hood. This evening joining  
5 me are Vice Chair Miller; Commissioner May; Commissioner  
6 Turnbull; and the Office of Zoning staff, Ms. Sharon  
7 Schellin; Office of Attorney General staff, Mr. Ritting and  
8 Ms. Lovick; Office of Planning, Ms. Steingasser, Mr. Lawson,  
9 and Mr. Jesick.

10 Copies of today's meeting agenda are available to  
11 you and are located in the bin near the door. Excuse me.  
12 We do not take any public testimony at our meetings unless  
13 the commissioner requests someone to come forward.

14 Accordingly, we must ask you to refrain from any  
15 disruptive noise or actions here in the hearing room  
16 including a display of any signs or objects. Please turn off  
17 all your electronic devices at this time.

18 Again, we are located at Jerrily R. Kress Memorial  
19 Hearing Room, as well as we are joined by Ms. Maxine  
20 Brown-Roberts from the Office of Planning as well.

21 Does the staff have any preliminary matters?

22 MS. SCHELLIN: No, sir.

23 CHAIRMAN HOOD: Okay. Let's move right into our  
24 agenda. Let's start with some calendar items. Minor  
25 modifications and technical corrections, we have none.

1 Modification of consequences of the determination of  
2 scheduling, Zoning Commission Case Number 11-03K, Wharf  
3 District, Master Developer, LLC-PUD, Modification of  
4 Consequences of Square 473 SW Waterfront Parcel 2.

5 Does anyone believe that this should come out as  
6 a modification of consequence?

7 (Off mic comments)

8 CHAIRMAN HOOD: Okay. Take your time.

9 COMMISSIONER MAY: So I do have some concerns about  
10 this one. I'm not saying anything definitive at this moment.  
11 But this ordinarily would be considered as a special  
12 exception.

13 And I think that when we put in the rules for  
14 having restaurant uses on rooftops, we wanted to make sure  
15 that if we needed to get public input about something we  
16 would get it because of the potential for it to affect the  
17 surrounding area.

18 And the applicant's submission points out that  
19 it's 600 or more feet to the nearest residential  
20 neighborhood, which is not technically correct because there  
21 are people living in apartments directly below this use and  
22 across the courtyard within the building and across one of  
23 the north/south streets there at the other buildings.

24 So I'm a little bit concerned that we need to hear  
25 from them, or at least give those folks the opportunity to

1 speak about it before we do it. So that was my initial  
2 reaction.

3 So I think that we ought to get that.

4 And I'm not suggesting, because this is going to be a  
5 difficult and contentious hearing, but I feel like maybe we  
6 do -- we would benefit from having a hearing, giving people  
7 that opportunity.

8 CHAIRMAN HOOD: Okay. So I think all it takes is  
9 one so we will have to make this a modification of  
10 significance, I believe, and have a -- post it for a hearing.  
11 I'm looking at Ms. Lovick.

12 I know, but since you mentioned that, that's only  
13 -- I think that's the only way we get there. Am I correct,  
14 Ms. Lovick?

15 MS. LOVICK: Yes. Well, technically you would  
16 remove this item from the agenda. And then you would ask the  
17 applicant to submit an application for a modification of  
18 significance that would comply with Subtitle Z Section 704.

19 CHAIRMAN HOOD: Okay. So that we are in  
20 compliance, and I kind of agree with Commissioner May. So  
21 since it's been raised, I think that's the easiest way for  
22 us to do it and we would ask the applicant -- is the  
23 applicant here?

24 Okay. We would ask the applicant to submit  
25 something so we can -- as a modification of significance.

1 That way we will give them at the least the opportunity for  
2 the input even if we don't get any.

3 COMMISSIONER MAY: And I do think that it would  
4 be important. I mean, I'm not -- When we notice a case like  
5 this, the notice goes to the building owner which is the  
6 applicant, right?

7 So I think that there has to be some effort on the  
8 part of the applicant to reach out to the occupants, the  
9 tenants of the building, at least the building where it's  
10 located and probably the building across the street from it.

11 And I mean, that will be a question that I have  
12 when it comes time to hear the case. So it would be in the  
13 applicant's best interest to do that outreach in some form.  
14 And be able to tell us about it when it comes time for the  
15 hearing so we know that people who might have a concern about  
16 this have had an opportunity to speak.

17 COMMISSIONER HOOD: Did I mention -- let me ask  
18 this first, though. Did I mention that we're joined by  
19 Office of Attorney General, Mr. Ritting and Ms. Lovick? I  
20 mentioned that in my opening statement, okay. I'm sitting  
21 here thinking. I always try to think about what I've done  
22 previously. Okay. Mr. Turnbull?

23 COMMISSIONER TURNBULL: I think that the applicant  
24 will also present whatever mitigation efforts it has  
25 undertaken with having this facility on the roof, lighting,

1 noise, everything. They ought to come prepared to talk about  
2 it.

3 CHAIRMAN HOOD: Speaking of noise. Okay. So we  
4 will -- ma'am, what else do we have to do, Ms. Schellin, on  
5 this? Just wait for a submission from --

6 MS. SCHELLIN: They have to actually go by the  
7 regulations and meet all the standards to file a modification  
8 of significance.

9 CHAIRMAN HOOD: Okay. All right. Vice Chair  
10 Miller, you've got something you want --

11 VICE CHAIR MILLER: Yes, Mr. Chairman. I just  
12 want to, as long as we're going to have modification of  
13 significance in the hearing, if the applicant at the hearing,  
14 they refer a no statement to that they operate an existing  
15 rooftop restaurant/bar on Parcel 5, something that they can  
16 just tell us what the experience has been there and what the  
17 mitigation efforts that they do there and what they've  
18 experienced since.

19 CHAIRMAN HOOD: Okay. Anything else?

20 COMMISSIONER MAY: Yes. I would just also  
21 mention, I mean there were a number of things that the Office  
22 of Planning had questions about in their report. So I assume  
23 those will all be addressed in the -- when it comes time for  
24 the hearing or before.

25 CHAIRMAN HOOD: All right. So we will wait for

1 further information or the request coming in from the  
2 applicant on this. Do we have to do anything else for this?

3 MS. SCHELLIN: No.

4 CHAIRMAN HOOD: Okay. All right. Let's move  
5 right along to final action, Zoning Commission Case Number  
6 17-20, Office of Planning, Text Amendments to Subtitles to  
7 B, H, K, and U, Daytime Care Use Category. Ms. Schellin?

8 MS. SCHELLIN: Yes. Exhibit 60 ANC 2A submitted  
9 a report in support. Exhibit 61 and 62, you have the  
10 proposed rule making that was published in the DC Register  
11 on March 30th. No comments were received. They ask the  
12 commission to consider final action this evening.

13 CHAIRMAN HOOD: Okay. We also, I believe -- I'm  
14 not sure it's this submission. Was there another ANC? Was  
15 it 2A and 2D as well, I believe? But anyway, commission, is  
16 there any further comments on this amendment about daytime  
17 care use category?

18 VICE CHAIR MILLER: Mr. Chairman?

19 CHAIRMAN HOOD: Yes?

20 VICE CHAIR MILLER: It was ANC, yes. 2A and ANC  
21 6B.

22 CHAIRMAN HOOD: 6B?

23 VICE CHAIR MILLER: But, at ANC6, but -- and 6E.

24 CHAIRMAN HOOD: Okay. Am I on the wrong case?

25 I'm looking at two of these -- I don't want to leave any ANCs

1 out. I'm looking at 2D as well.

2 VICE CHAIR MILLER: Okay.

3 CHAIRMAN HOOD: Okay, I want to make sure we cover  
4 all of them. We appreciate them taking the time so I want  
5 to make sure it's noted. All right. Anything else on this?

6 We have a request before us. We might have to  
7 make a motion.

8 COMMISSIONER TURNBULL: We have OSSE in favor of  
9 it --

10 CHAIRMAN HOOD: Okay.

11 COMMISSIONER TURNBULL: Fair budget support, so  
12 changes.

13 CHAIRMAN HOOD: Office of the State  
14 Superintendent, okay.

15 COMMISSIONER TURNBULL: If you'd like, I would  
16 move that we take final action on the Zoning Case 17-20,  
17 Office of Planning, Text Amendment to Subtitles B, H, K, and  
18 U regarding Daytime Care Use Category.

19 VICE CHAIR MILLER: Second.

20 CHAIRMAN HOOD: Okay. It's been moved and  
21 properly seconded. Any further discussion? All in favor?

22 GROUP: Aye.

23 CHAIRMAN HOOD: Any opposition? Not hearing any.  
24 Ms. Schellin, if you'll record the vote?

25 MS. SCHELLIN: Staff records the vote 4-0-1 to

1 approve the final action Zoning Commission Case Number 17-20.  
2 Commissioner Turnbull moving, Commissioner Miller moving --  
3 seconding. Commissioners Hood and May in support,  
4 Commissioner Shapiro not present, not voting.

5 CHAIRMAN HOOD: Okay. Zoning Commission Case  
6 Number 17-17. This is Advisory Neighborhood Commission 8A,  
7 Zoning Map Amendment of Square 5564. Ms. Schellin?

8 MS. SCHELLIN: Yes. Exhibits 46 and 47, the  
9 proposal we're making was published in the DC Register on  
10 March 30th. Exhibit 48 ANC 7B submitted a report in support  
11 of the rezoning. Exhibit 49 is a letter in opposition from  
12 PAL DC LLC, the owner of the subject property. They ask the  
13 commission to consider final action this evening.

14 CHAIRMAN HOOD: Okay. Commission has been noted.  
15 We have ANC 8A's proposal to us which is endorsed by 7B. And  
16 the applicant as we know from the hearing actually opposes  
17 it because of some things that they're trying to do on that  
18 line. But that's not within this -- within our area because  
19 that's already, I think, in the pipeline.

20 But anyway, and also we have a proposal that is  
21 requested. We can add it or we can leave that to staff to  
22 make those additional changes. Anything else to add to this?

23 So I'll entertain a motion to accept it as-in with  
24 the changes as noted.

25 VICE CHAIR MILLER: Mr. Chairman, I would move

1 that the Zoning Commission take final action on Case Number  
2 17-17 Advisory Neighborhood Commission 8A, Zoning Map  
3 Amendment at Square 5564 and ask for a second.

4 COMMISSIONER MAY: Second.

5 CHAIRMAN HOOD: It's been moved and properly  
6 seconded. Any further discussion? All in favor?

7 GROUP: Aye.

8 CHAIRMAN HOOD: Any opposition? Not hearing any,  
9 Ms. Schelling, would you please record the vote?

10 MS. SCHELLIN: The staff records the vote 4-0-1  
11 to approve final action Zoning Commission Case Number 17-17.  
12 Commissioner Miller moving, Commissioner May seconding,  
13 Commissioners Hood and Turnbull in support, Commissioner  
14 Shapiro not present, not voting.

15 CHAIRMAN HOOD: Okay. Next we have Zoning  
16 Commission Case Number 17-16, 251 Massachusetts Avenue, LLC  
17 Map Amendment at Square 560. Ms. Schellin?

18 MS. SCHELLIN: Exhibits 27 and 27A are the  
19 applicant's draft order. Exhibit 29 is NCPC's delegated  
20 action found the map amendment was not inconsistent with the  
21 comp plan for the national capitol, nor any adverse effects  
22 on any federal interests. They would ask the commission to  
23 consider final action this evening.

24 CHAIRMAN HOOD: Okay. Commission, any additional  
25 comments? Okay. Okay, I'm thinking of the next case from

1 NCPC. It wasn't this one. Okay. All right. I was getting  
2 ready to bring those, but that's the next case. All right.  
3 Anything else on this?

4 Okay. So with that I would move approval of  
5 Zoning Commission Case Number 17-16 and ask for a second.

6 VICE CHAIR MILLER: Second.

7 CHAIRMAN HOOD: It's been moved and properly  
8 seconded. Any further discussion? All in favor?

9 GROUP: Aye.

10 CHAIRMAN HOOD: Any opposition? Not hearing any  
11 opposition, Ms. Schelling, will you record the vote?

12 MS. SCHELLIN: Staff records the vote 4-0-1 to  
13 approve final action Zoning Commission Case Number 17-16.  
14 Commissioner Hood moving, Commissioner Miller seconding,  
15 Commissioners May and Turnbull in support, Commissioner  
16 Shapiro not present, not voting.

17 CHAIRMAN HOOD: Okay. All right. Commissioner  
18 Mohammed, we've already approved that. Yes.

19 COMMISSIONER MOHAMMAD: (Off mic)

20 CHAIRMAN HOOD: Yes, we approved it. It's real  
21 good.

22 COMMISSIONER MOHAMMAD: Thank you, everybody.

23 CHAIRMAN HOOD: Okay, thank you. Okay, next Zoning  
24 Commission Case Number 17-26 MIRV Holdings LLC, Map Amendment  
25 of Parcel 121/31. Ms. Schellin?

1 MS. SCHELLIN: Yes. Exhibit 33 is an NCPC report  
2 that states the map amendment would not be inconsistent with  
3 the comp plan for the national capitol. But advises that  
4 certain matter-of-right uses such as residential, shopping,  
5 and business uses are inconsistent with the acceptable uses  
6 stipulated in the statement of non-disturbance dated March  
7 7th, 1990 between the district and the USGSA.

8 Exhibits 34 through 34A, the applicant requests  
9 that the record be reopened to accept its response to the  
10 NCPC report which was approved, and the response from the  
11 applicant is at Exhibit 35.

12 ANC 5A, the only party to the case sent an email  
13 advising that they would not be providing a response to the  
14 applicant's NCPC response so the case could proceed this  
15 evening and ask the commission to consider final action.

16 CHAIRMAN HOOD: Okay. Any comments, Commissioner  
17 May?

18 COMMISSIONER MAY: Mr. Chairman, first I'd like  
19 to say that I have reviewed the record in this case and  
20 listened to the hearing, so I am prepared to participate.

21 CHAIRMAN HOOD: Okay. All right. I think the  
22 biggest issue, unless somebody has something else, is the  
23 issue of the guidance that was provided to us previously when  
24 we -- that this is a residential project as has been noted  
25 from NCPC. But let me see if any others have anything else,

1 including the NCPC report or their submission to us, which  
2 actually was provided to us once before in this case.

3 Commissioner May?

4 COMMISSIONER MAY: Yes. Mr. Chairman, I think  
5 that the issue of the relationship between the district  
6 government which received jurisdiction for this federal land  
7 from the GSA and the applicant and GSA, I mean, that's all  
8 beyond what we need to consider.

9 I think that the, you know, what we will be doing  
10 would be taking action that would allow construction of  
11 something that could be consistent with whatever agreement  
12 they have. And I expect that whatever they do will be worked  
13 out amongst those parties. So I don't think our action has  
14 any substantive effect one way or another on what happens  
15 within the bounds of that agreement.

16 They'll work that out and we're just allowing  
17 something to happen here. And there's certainly things that  
18 could happen here that would be consistent with the  
19 agreement. So I have no problem with moving forward.

20 CHAIRMAN HOOD: Okay. Any other comments?

21 COMMISSIONER TURNBULL: I would, Mr. Chairman.  
22 I would concur with Commissioner May.

23 VICE CHAIR MILLER: I also would concur.

24 CHAIRMAN HOOD: Okay. And I agree as well. This  
25 is kind of what we did previously with this, servicing this

1 agreement.

2 VICE CHAIR MILLER: Hopefully it will get resolved  
3 this time in another form.

4 CHAIRMAN HOOD: Okay. Right. Okay. Would  
5 someone like to make a motion?

6 VICE CHAIR MILLER: Hi, Mr. Chairman. I would  
7 move that the Zoning Commission take final action on Case  
8 Number 17-26 MIRV Holdings LLC Map Amendment at Parcel 121/31  
9 and ask for a second.

10 COMMISSIONER TURNBULL: Second.

11 CHAIRMAN HOOD: It's been moved and properly  
12 seconded. Any further discussion? All in favor?

13 GROUP: Aye.

14 CHAIRMAN HOOD: Not hearing any opposition -- any  
15 opposition. Not hearing any opposition, Ms. Schelling would  
16 you record the vote?

17 MS. SCHELLIN: Yes. Staff records the vote 4-0-1  
18 to approve final action of Zoning Commission Case Number  
19 17-26. Commissioner Miller moving, Commissioner Turnbull  
20 seconding, Commissioners Hood and May in support,  
21 Commissioner Shapiro not present, not voting.

22 CHAIRMAN HOOD: Okay. Let's go to hearing action.  
23 Zoning Commission Case Number 08-07C, Four Points second  
24 stage PUD at Square 5784. Ms. Brown-Roberts?

25 MS. BROWN-ROBERTS: Thank you, Mr. Chairman and

1 members of the commission. Four Points, LLC requests second  
2 stage PUD review for the construction of Building 4 at  
3 Reunion Square, formerly known as the Curtis Properties along  
4 Martin Luther King Jr. Avenue SE on Anacostia.

5 The proposed second stage development offers  
6 office building with ground floor retail on this lot is as  
7 recommended by the first stage PUD. Building 4 would five  
8 to seven stories, an L-shaped building at a maximum of 90  
9 feet and a density of 4.4 FAR.

10 And trying to be respectful of the historic,  
11 Anacostia historic district, the lower portion of the  
12 building will be a mixture of brick and glass while the  
13 larger portion of the building facing the Anacostia freeway  
14 would be brick on the lower portion and glass which is  
15 articulated and gently angled glass elements on the upper  
16 floors.

17 The building would have two roof terraces which  
18 would be landscaped, have green roofs and solar panels, along  
19 with outdoor amenities for the office users.

20 Public space improvements around the building  
21 would include a dedication of an easement to widen double  
22 street and provide a 20-foot wide sidewalk, re-paving of  
23 Railroad Avenue, and landscaping along the streets.

24 At the first stage PUD, the applicant was granted  
25 flexibility to provide less parking loading than required.

1 The proposal is providing an additional 146 tandem spaces to  
2 facilitate parking during the development of nearby surface  
3 parking lots, which is anticipated in the near future. The  
4 applicant has requested areas of minor flexibility of which  
5 OP has requested additional information.

6 Consistent with the first stage PUD, the applicant  
7 is providing a number of benefits such as landscaping, the  
8 provision of office and community serving retail, and  
9 transportation, and green elements. The applicant is also  
10 committed to continue working with the NC on other benefits.

11 At the first stage approval, the Zoning Commission  
12 found that the PUD is not inconsistent with the comprehensive  
13 plan, future land use, and generalized policy maps, which  
14 recommended mixed use along MLK Avenue. The proposed  
15 development would meet or further many of the policies of the  
16 comprehensive plan in the far southeast and southwest area  
17 elements.

18 The first stage order outlines a number of  
19 conditions to be addressed at each second stage application,  
20 and this proposal meets some of the relevant condition, and  
21 others mostly related to transportation will be addressed if  
22 this application is set down.

23 The Office of Planning recommends setting down the  
24 application and will continue to work with the applicant and  
25 how the building would interact with the adjacent row houses,

1 TDA measures update on the first source and CBA agreements,  
2 and a general theme in standards for the ground floor retail  
3 signage.

4 Thank you, Mr. Chairman, and I'm available for  
5 questions.

6 CHAIRMAN HOOD: Okay. Ms. Schellin, I'm going to  
7 ask that you -- I didn't necessarily want Ms. Mohammed to  
8 leave. I just thought about this so she might have wanted  
9 to stick around because this case is also -- and I think  
10 she's also, is she a chairperson? Oh, she's not. Well,  
11 anyway, this is also --

12 MS. SCHELLIN: I don't think she is.

13 CHAIRMAN HOOD: -- it would have been good for her  
14 to hear this discussion, so I want to say we were finished  
15 with her stuff. So if we could just give them a courtesy  
16 call and let them know that, if they could watch the stream  
17 so she can see what's discussed on this case, I would  
18 appreciate it.

19 Okay. Commission, any comments on this?  
20 Commissioner May?

21 COMMISSIONER MAY: I'm just glad to see more  
22 action on this very large area PUD and very important PUD  
23 that has been moving slowly since we, since the application  
24 was first filed and since it was ultimately approved. And  
25 I don't have any particular concerns about what's being

1 proposed. I think the Office of Planning has hit the key  
2 issues and look forward to having a hearing.

3 CHAIRMAN HOOD: Okay. Any other comments?

4 COMMISSIONER TURNBULL: Mr. Chairman, I only have  
5 a couple. The flexibility by varying the exact selection of  
6 materials, I'm assuming that's going down the root of our  
7 standard questions that we normally get that this isn't just  
8 carte blanche to change all the materials.

9 The only other question that I have is that this  
10 is going to be reviewed under the 58 Regs. And I guess the  
11 question that I've got is on the penthouse.

12 I mean, C3A, if I'm reading, if I remember what  
13 was in the penthouse regulations for them said 12 feet with  
14 a maximum height of 18 foot 6 for mechanical areas.

15 Now, they're not asking for relief but I think the  
16 penthouse, the height dimensions they have are different.  
17 There's like, they're bigger in that they're at least 14 feet  
18 and then another 5 feet, of course. I'm just curious how  
19 we're -- how we're reviewing this and do they -- are they  
20 looking for relief on that?

21 MS. BROWN-ROBERTS: No. They did not request any  
22 relief.

23 MR. LAWSON: But we'll work with the applicant to  
24 make sure the penthouse is conformed. The penthouse changes  
25 were actually adopted under the 58 Regulations. So we'll

1 work with the applicant. We'll note that concern to them and  
2 make sure that either the penthouse is fully conformed or  
3 that any relief that's required is made clear.

4 COMMISSIONER TURNBULL: And I think under the C3A,  
5 there's no number of stories required. I mean, there's no  
6 limitation on the number of stories so they're not hindered  
7 by the one-third floor area requirement. But aren't they  
8 also required to provide to the trust fund for housing?

9 MR. LAWSON: Yes. Like I said, we'll work with  
10 the applicant and make sure that, that's all clarified and  
11 we'll get back to you.

12 COMMISSIONER TURNBULL: Okay.

13 MR. LAWSON: You know, the applicant and OP will  
14 get back to you at the hearing.

15 COMMISSIONER TURNBULL: All right. Thank you, Mr.  
16 Lawson.

17 CHAIRMAN HOOD: All right. Vice Chair Miller?

18 VICE CHAIR MILLER: Thank you, Mr. Chairman. And  
19 I was going to ask the same question that Mr. Turnbull asked  
20 about the housing linkage, whether there's any -- whether it  
21 applies in this case. So we'll get that clarification at the  
22 hearing.

23 I think there's a lot of attractive features of  
24 this project including the brick and other materials and the  
25 bays and lead gold.

1 I appreciate the Office of Planning's report and  
2 the request for all the information that you say is needed  
3 prior to the hearing. I agree with all of them, obviously  
4 particularly the transportation demand management plan and  
5 the renderings that would show -- renderings or elevations  
6 that would show how that this building is interacting with  
7 the nearby residential row houses. I think that's very  
8 important.

9 I couldn't really tell from what we had. So I'd  
10 like to -- I think we -- if we can get that prior to the  
11 hearing that would be good. So with all that I'm ready to  
12 move forward, Mr. Chairman.

13 CHAIRMAN HOOD: Okay.

14 VICE CHAIR MILLER: A setdown.

15 CHAIRMAN HOOD: Okay. Thank you for clarifying  
16 that. I'm not going to say anything.

17 Okay. All right. Anything else? I don't have  
18 anything to add. I'm looking forward to the hearing.

19 And then also, when I said that about Commissioner  
20 Mohammed, I looked and saw that this was Ms. Fuller. She's  
21 definitely engaged, but still I want to make sure -- I'm sure  
22 that Ms. Fuller's engaged with this project. She was, at  
23 least I know at the first stage, I mean previously.

24 But anyway, somebody like to make a motion?

25 VICE CHAIR MILLER: Yes. I would move, Mr.

1 Chairman, that the Zoning Commission take that setdown for  
2 a public hearing Case Number 08-07C Four Points second stage  
3 PUD at Square 5784 and ask for a second.

4 CHAIRMAN HOOD: Second. It's been moved and  
5 properly seconded. Any further discussion? All in favor?

6 GROUP: Aye.

7 CHAIRMAN HOOD: Any opposition? Not hearing, Ms.  
8 Schelling, record the vote.

9 MS. SCHELLIN: Yes. The staff records the vote  
10 4-0-1 to sit down Zoning Commission Case Number 08-07C as a  
11 contested case. Commissioner Miller moving, Commissioner  
12 Hood seconding, Commissioners May and Turnbull in support,  
13 Commissioner Shapiro not present, not voting.

14 CHAIRMAN HOOD: Okay. I'm glad to see everybody  
15 signed up for the alert because my phone even went off as  
16 well. So is it raining?

17 MS. SCHELLIN: I show that Dulles shut down, or  
18 evacuated all of the terminals.

19 CHAIRMAN HOOD: So let's move on so we can  
20 evacuate too. Okay. What was it, where was I at?

21 Did you ride your bicycle, Commissioner May? Oh,  
22 well, I'm going to stay outside and watch this.

23 Okay. Zoning Commission Case Number 17-03, Office  
24 of Planning clarification investing rule setdown. Mr.  
25 Jesick?

1 MR. JESICK: Thank you, Mr. Chairman and members  
2 of the Commission. The Commission has seen this text  
3 amendment before and last year set it down for a public  
4 hearing.

5 And at the request of DCRA we brought forward a  
6 text amendment to Subtitle A Section 301.5A in order to  
7 clarify some of the vesting language in the regulations.  
8 Specifically the vesting rules for building permits when the  
9 commission is also considering a map amendment.

10 Since that original setdown, we've continued to  
11 work with DCRA on revising that section. But we are back  
12 before you tonight for a new setdown because DCRA asked us  
13 to also amend Section 301.7.

14 301.7 currently states that applications for  
15 building permits made pursuant to a BZA approval may move  
16 forward in accordance with the zoning regulations in effect  
17 at the time that the board vote was taken, even if there's  
18 a subsequent text amendment. We want to expand the wording  
19 of that section so that it is clear that the same rule  
20 applies to zoning commission actions.

21 So again, the commission has before it, two  
22 sections, 301.5A and 301.7. And we recommend that the  
23 commission set this -- set the application down for a public  
24 hearing. And we also ask for the flexibility to continue to  
25 work with DCRA and OAG on any refinements to the text prior

1 to the time of the hearing. Thank you.

2 CHAIRMAN HOOD: Okay. Commission, you heard the  
3 requests and also the flexibility that we continue to work  
4 with DCRA, as well as the Office of Attorney General. Any  
5 questions or comments?

6 Okay. So I would move that we setdown Zoning  
7 Commission Case Number 17-03 and honor a request of  
8 continuing to work with clarifying language with the Office  
9 of -- with DCRA, as well as with the Office of Attorney  
10 General and ask for a second.

11 COMMISSIONER TURNBULL: Second.

12 CHAIRMAN HOOD: It's been moved and properly  
13 seconded. Any further discussion? All in favor?

14 GROUP: Aye.

15 CHAIRMAN HOOD: Any opposition? Not hearing any,  
16 Ms. Shellin, record the vote.

17 MS. SCHELLIN: Staff records the vote 4-0-1 to  
18 setdown Zoning Commission Case Number 17-03 as a rule making  
19 case. Commissioner Hood moving, Commissioner Turnbull  
20 seconding, Commissioners May and Miller in support,  
21 Commissioner Shapiro not present, not voting.

22 (Whereupon, the meeting in the above-entitled  
23 matter was concluded at 7:01 p.m.)  
24  
25

A		C	
<p>able 6:14  <b>above-entitled</b> 24:22  <b>accept</b> 10:23 13:9  <b>acceptable</b> 13:5  <b>action</b> 8:5,12 9:16 10:1  10:13 11:1,11,20,23  12:13 13:15 14:10,13  15:7,18,22 18:22  <b>actions</b> 3:15 23:20  <b>add</b> 10:21,22 21:18  <b>additional</b> 10:22 11:24  17:1,5  <b>addressed</b> 7:23 17:19  17:21  <b>adjacent</b> 17:25  <b>adopted</b> 19:25  <b>adverse</b> 11:21  <b>advises</b> 13:3  <b>advising</b> 13:13  <b>Advisory</b> 2:8 10:6 11:2  <b>affect</b> 4:16  <b>agenda</b> 3:10,24 5:16  <b>agree</b> 5:20 14:24 21:3  <b>agreement</b> 14:11,15,19  15:1  <b>agreements</b> 18:1  <b>alert</b> 22:15  <b>allow</b> 14:10  <b>allowing</b> 14:16  <b>amend</b> 23:13  <b>amendment</b> 2:9,11,14  2:18 8:16 9:17 10:7  11:3,17,20 12:24 13:2  15:8 23:3,6,9,18  <b>Amendments</b> 2:6 8:6  <b>amenities</b> 16:19  <b>Anacostia</b> 16:4,11,13  <b>ANC</b> 8:8,14,20,20 10:10  10:15 13:12  <b>ANC6</b> 8:23  <b>ANCs</b> 8:25  <b>angled</b> 16:15  <b>Anthony</b> 1:13,14 3:4  <b>anticipated</b> 17:3  <b>anyway</b> 8:15 10:20  18:11 21:24  <b>AOC</b> 1:15  <b>apartments</b> 4:21  <b>applicant</b> 5:17,22,23,24  6:6,8,23 7:13 8:2  10:16 13:8,11 14:7  16:24 17:4,6,9,24  19:23 20:1,10,13  <b>applicant's</b> 4:18 6:13  11:19 13:14  <b>application</b> 5:17 17:19  17:22,24 18:23 23:23</p>	<p><b>applications</b> 23:14  <b>applies</b> 20:21 23:20  <b>appreciate</b> 9:4 18:18  21:1  <b>approval</b> 12:4 17:11  23:15  <b>approve</b> 10:1 11:11  12:13 15:18  <b>approved</b> 12:18,20  13:10 18:24  <b>area</b> 4:17 10:18 17:16  18:22 20:7  <b>areas</b> 17:4 19:14  <b>articulated</b> 16:15  <b>as-in</b> 10:23  <b>asked</b> 20:19 23:12  <b>asking</b> 19:15  <b>assume</b> 7:22  <b>assuming</b> 19:6  <b>Attorney</b> 1:22 3:7 6:19  24:4,9  <b>attractive</b> 20:23  <b>available</b> 3:10 18:4  <b>Avenue</b> 2:11 11:16 16:4  16:23 17:14  <b>Aye</b> 9:22 11:7 12:9  15:13 22:6 24:14</p>	<p><b>C3A</b> 19:12 20:4  <b>calendar</b> 3:24  <b>call</b> 18:16  <b>capitol</b> 11:21 13:3  <b>care</b> 2:7 8:7,17 9:18  <b>carte</b> 19:8  <b>case</b> 2:3,6,8,10,13,17  2:20,24 4:2 6:4,12 8:5  8:24 9:16 10:1,5 11:1  11:11,16,25 12:2,5,13  12:24 13:12,14,19  14:2 15:7,18,23 18:9  18:17 20:21 22:2,10  22:11,23 24:7,18,19  <b>category</b> 2:7 8:7,17  9:18  <b>CBA</b> 18:1  <b>certain</b> 13:4  <b>certainly</b> 14:17  <b>Chair</b> 3:5 7:9,11 8:18,20  8:23 9:2,19 10:25  12:6 14:23 15:2,6  20:17,18 21:14,25  <b>Chairman</b> 1:13 3:3,23  4:8 5:8,19 7:3,9,11,19  7:25 8:4,13,18,19,22  8:24 9:3,10,13,20,23  10:5,14,25 11:5,8,15  11:24 12:7,10,17,20  12:23 13:16,18,21  14:4,20,21,24 15:4,6  15:11,14,22,25 18:4,6  18:13 19:3,4 20:17,18  21:12,13,15 22:1,4,7  22:14,19 23:1 24:2,12  24:15  <b>chairperson</b> 1:14,15  18:10  <b>change</b> 19:8  <b>changes</b> 9:12 10:22,24  19:24  <b>clarification</b> 2:25 20:21  22:24  <b>clarified</b> 20:10  <b>clarify</b> 23:7  <b>clarifying</b> 21:15 24:8  <b>clear</b> 20:3 23:19  <b>Columbia</b> 1:2,11  <b>come</b> 3:13 4:5 7:1  <b>comes</b> 6:12,14 7:23  <b>coming</b> 8:1  <b>comments</b> 4:7 8:11,16  11:25 13:16 14:20  18:19 19:3 24:5  <b>commission</b> 1:4,11,14  2:3,6,9,10,13,20 4:2  8:5,12,15 10:1,5,6,13</p>	<p>10:14 11:1,2,11,16,22  11:24 12:5,13,24  13:15 15:7,18,23 16:1  17:11 18:19 22:1,10  22:23 23:2,2,9,20,21  23:23 24:2,7,18  <b>commissioner</b> 1:15,16  3:5,5,13 4:9 5:20 6:3  6:17,23 7:20 9:8,11  9:15 10:2,2,4 11:4,12  11:12,13 12:14,14,15  12:17,19,22 13:16,18  14:3,4,21,22 15:10,19  15:19,21 18:20,21  19:4 20:4,12,15 21:19  22:11,11,13,21 24:11  24:19,19,21  <b>Commissioners</b> 10:3  11:13 12:15 15:20  22:12 24:20  <b>committed</b> 17:10  <b>community</b> 17:8  <b>comp</b> 11:21 13:3  <b>compliance</b> 5:20  <b>comply</b> 5:18  <b>comprehensive</b> 17:12  17:16  <b>concern</b> 6:15 20:1  <b>concerned</b> 4:24  <b>concerns</b> 4:9 18:25  <b>concluded</b> 24:23  <b>concur</b> 14:22,23  <b>condition</b> 17:20  <b>conditions</b> 17:19  <b>conformed</b> 19:24 20:2  <b>consequence</b> 4:6  <b>consequences</b> 2:2,4  4:1,4  <b>consider</b> 8:12 10:13  11:23 13:15 14:8  <b>considered</b> 4:11  <b>considering</b> 23:9  <b>consistent</b> 14:11,18  17:6  <b>constitutes</b> 1:24  <b>construction</b> 14:10  16:2  <b>contentious</b> 5:5  <b>CONTENTS</b> 2:1  <b>contested</b> 22:11  <b>continue</b> 17:10,24  23:24 24:3  <b>continued</b> 23:10  <b>continuing</b> 24:8  <b>convened</b> 1:11  <b>Copies</b> 3:10  <b>correct</b> 4:20 5:13  <b>corrections</b> 3:25</p>

**couple** 19:5  
**course** 19:18  
**courtesy** 18:15  
**courtyard** 4:22  
**cover** 9:3  
**curious** 19:18  
**currently** 23:14  
**Curtis** 16:3

---

**D**


---

**D.C** 1:12,22  
**dated** 13:6  
**daytime** 2:7 8:7,16 9:18  
**DC** 8:10 10:9,12  
**DCRA** 23:5,11,12,25  
 24:4,9  
**dedication** 16:21  
**definitely** 21:21  
**definitive** 4:10  
**delegated** 11:19  
**demand** 21:4  
**density** 16:9  
**Deputy** 1:19  
**determination** 2:3 4:1  
**Developer** 2:4 4:3  
**development** 1:19 16:5  
 17:2,15  
**devices** 3:17  
**different** 19:16  
**difficult** 5:5  
**dimensions** 19:16  
**directly** 4:21  
**Director** 1:19  
**discussed** 18:17  
**discussion** 9:21 11:6  
 12:8 15:12 18:14 22:5  
 24:13  
**display** 3:16  
**disruptive** 3:15  
**district** 1:2,11 2:4 4:3  
 13:7 14:5 16:11  
**doing** 14:9  
**door** 3:11  
**double** 16:21  
**draft** 11:19  
**Dulles** 22:17

---

**E**


---

**easement** 16:21  
**easiest** 5:21  
**effect** 14:14 23:16  
**effects** 11:21  
**effort** 6:7  
**efforts** 6:24 7:17  
**either** 20:2  
**electronic** 3:17  
**elements** 16:15 17:9,17  
**elevations** 21:5

**email** 13:12  
**endorsed** 10:15  
**engaged** 21:21,22  
**entertain** 10:23  
**ESQ** 1:22,23  
**evacuate** 22:20  
**evacuated** 22:18  
**evening** 3:3,4 8:12  
 10:13 11:23 13:15  
**everybody** 12:22 22:14  
**exact** 19:5  
**exception** 4:12  
**Excuse** 3:11  
**Exhibit** 8:8,9 10:10,11  
 11:19 13:1,11  
**Exhibits** 10:8 11:18  
 13:8  
**existing** 7:14  
**expand** 23:18  
**expect** 14:12  
**experience** 7:16  
**experienced** 7:18

---

**F**


---

**facilitate** 17:2  
**facility** 6:25  
**facing** 16:13  
**FAIA** 1:15  
**Fair** 9:11  
**far** 16:9 17:16  
**favor** 9:8,21 11:6 12:8  
 15:12 22:5 24:13  
**features** 20:23  
**federal** 11:22 14:6  
**feel** 5:5  
**feet** 4:19 16:9 19:13,17  
 19:18  
**file** 7:7  
**filed** 18:24  
**final** 8:5,12 9:16 10:1  
 10:13 11:1,11,23  
 12:13 13:15 15:7,18  
**finished** 18:14  
**first** 6:18 13:18 16:7,24  
 17:6,11,18 18:1,24  
 21:23  
**five** 16:7  
**flexibility** 16:25 17:4  
 19:5 23:24 24:3  
**floor** 16:6 18:2 20:7  
**floors** 16:16  
**folks** 4:25  
**foot** 19:14  
**form** 6:13 15:3  
**formerly** 16:3  
**forward** 3:13 14:19 19:2  
 21:12,18 23:5,16  
**found** 11:20 17:12

**Four** 2:21 15:23 16:1  
 22:2  
**freeway** 16:13  
**Fuller** 21:20  
**Fuller's** 21:22  
**fully** 20:2  
**fund** 20:8  
**further** 8:1,16 9:21 11:6  
 12:8 15:12 17:15 22:5  
 24:13  
**future** 17:3,13

---

**G**


---

**G** 1:15,16  
**general** 1:22 3:7 6:19  
 18:2 24:4,10  
**generalized** 17:13  
**gentlemen** 3:4  
**gently** 16:15  
**getting** 12:1  
**give** 4:25 6:1 18:15  
**giving** 5:6  
**glad** 18:21 22:14  
**glass** 16:12,14,15  
**go** 7:6 15:22  
**goes** 6:5  
**going** 5:4 7:12 18:6  
 19:6,10 20:19 21:16  
 22:22  
**gold** 20:25  
**good** 3:3 12:21 18:13  
 21:11  
**government** 1:1 14:6  
**granted** 16:24  
**green** 16:18 17:9  
**ground** 16:6 18:2  
**GROUP** 9:22 11:7 12:9  
 15:13 22:6 24:14  
**GSA** 14:7,7  
**guess** 19:10  
**guidance** 13:23

---

**H**


---

**H** 2:7 8:7 9:17  
**happen** 14:17,18  
**happens** 14:14  
**hear** 4:24 6:12 18:14  
**heard** 24:2  
**hearing** 1:12 3:15,19  
 5:5,6,10 6:15 7:13,13  
 7:24 9:23 10:16 11:8  
 12:10 13:20 15:14,15  
 15:22 19:2 20:14,22  
 21:3,11,18 22:2,7  
 23:4,24 24:1,15  
**height** 19:14,16  
**held** 1:24  
**Hi** 15:6

**HILLARY** 1:22  
**hindered** 20:6  
**historic** 1:19 16:10,11  
**hit** 19:1  
**Holdings** 2:14,17 12:24  
 15:8  
**honor** 24:7  
**Hood** 1:13,14 3:3,4,23  
 4:8 5:8,19 6:17 7:3,9  
 7:19,25 8:4,13,19,22  
 8:24 9:3,10,13,20,23  
 10:3,5,14 11:5,8,13  
 11:15,24 12:7,10,14  
 12:17,20,23 13:16,21  
 14:20,24 15:4,11,14  
 15:20,22 18:6,13 19:3  
 20:17 21:13,15 22:4,7  
 22:12,14,19 24:2,12  
 24:15,19  
**Hopefully** 15:2  
**houses** 17:25 21:7  
**housing** 20:8,20

---

**I**


---

**important** 6:4 18:22  
 21:8  
**improvements** 16:20  
**include** 16:21  
**including** 3:16 14:1  
 20:24  
**inconsistent** 11:20 13:2  
 13:5 17:12  
**information** 8:1 17:5  
 21:2  
**initial** 5:1  
**input** 4:15 6:2  
**interact** 17:25  
**interacting** 21:6  
**interest** 6:13  
**interests** 11:22  
**investing** 2:25 22:24  
**issue** 13:22,23 14:5  
**issues** 19:2  
**item** 5:16  
**items** 3:24

---

**J**


---

**J** 1:13,14  
**JENNIFER** 1:19  
**Jerrily** 1:11 3:18  
**Jesick** 1:21 3:9 22:25  
 23:1  
**JOEL** 1:20  
**joined** 3:19 6:18  
**joining** 3:4  
**JOSEPH** 1:23  
**Jr** 16:4  
**jurisdiction** 14:6

**K**

**K** 2:7 8:7 9:17  
**key** 19:1  
**kind** 5:20 14:25  
**King** 16:4  
**know** 5:12 6:15 10:16  
 14:9 18:16 20:13  
 21:23  
**known** 16:3  
**Kress** 1:12 3:18

**L**

**L-shaped** 16:8  
**ladies** 3:3  
**land** 14:6 17:13  
**landscaped** 16:18  
**landscaping** 16:23 17:7  
**language** 23:7 24:8  
**large** 18:22  
**larger** 16:13  
**Lawson** 1:20 3:8 19:23  
 20:9,13,16  
**lead** 20:25  
**leave** 8:25 10:21 18:8  
**let's** 3:23,24 8:4 15:22  
 22:19  
**letter** 10:11  
**lighting** 6:25  
**limitation** 20:6  
**line** 10:18  
**linkage** 20:20  
**listened** 13:20  
**little** 4:24  
**living** 4:21  
**LLC** 2:11,14,17 10:12  
 11:16 12:24 15:8 16:1  
**LLC-PUD** 2:4 4:3  
**loading** 16:25  
**located** 3:11,18 6:10  
**long** 7:12  
**look** 19:2  
**looked** 21:20  
**looking** 5:11 8:25 9:1  
 19:20 21:18  
**lot** 16:6 20:23  
**lots** 17:3  
**Lovick** 1:22 3:8 5:11,14  
 5:15 6:19  
**lower** 16:11,14  
**Luther** 16:4

**M**

**ma'am** 7:4  
**making** 8:10 10:9 24:18  
**management** 21:4  
**map** 2:9,11,14,17 10:7  
 11:2,17,20 12:24 13:2  
 15:8 23:9

**maps** 17:13  
**March** 8:11 10:10 13:6  
**Martin** 16:4  
**Massachusetts** 2:11  
 11:16  
**Master** 2:4 4:3  
**materials** 19:6,8 20:24  
**MATT** 1:21  
**matter** 24:23  
**matter-of-right** 13:4  
**matters** 3:21  
**maximum** 16:8 19:14  
**Maxine** 1:20 3:19  
**mean** 6:4,11 7:21 14:7  
 19:12 20:5 21:23  
**measures** 18:1  
**mechanical** 19:14  
**meet** 7:7 17:15  
**meeting** 1:6,11,24 3:10  
 24:22  
**meetings** 3:12  
**meets** 17:20  
**members** 1:14 16:1  
 23:1  
**Memorial** 1:12 3:18  
**mention** 6:17,18 7:21  
**mentioned** 5:12 6:20  
**mic** 4:7 12:19  
**MICHAEL** 1:15  
**Miller** 1:15 3:5 7:10,11  
 8:18,20,23 9:2,19  
 10:2,25 11:12 12:6,14  
 14:23 15:2,6,19 20:17  
 20:18 21:14,25 22:11  
 24:20  
**minor** 3:24 17:4  
**minutes** 1:24  
**MIRV** 2:13,17 12:24  
 15:8  
**mitigation** 6:24 7:17  
**mixed** 17:14  
**mixture** 16:12  
**MLK** 17:14  
**modification** 2:2,4 4:1  
 4:3,6 5:9,17,25 7:7,12  
**modifications** 3:25  
**MOHAMMAD** 12:19,22  
**Mohammed** 12:18 18:7  
 21:20  
**moment** 4:10  
**MONDAY** 1:8  
**motion** 9:7 10:23 15:5  
 21:24  
**move** 3:23 8:4 9:16  
 10:25 12:4 15:7 21:12  
 21:25 22:19 23:15  
 24:6  
**moved** 9:20 11:5 12:7

15:11 22:4 24:12  
**moving** 10:2,2 11:12  
 12:14 14:19 15:19  
 18:23 22:11 24:19

**N**

**N.W** 1:12  
**name** 3:4  
**national** 11:21 13:3  
**NC** 17:10  
**NCPC** 12:1 13:1,10,14  
 13:25 14:1  
**NCPC's** 11:19  
**near** 3:11 17:3  
**nearby** 17:2 21:7  
**nearest** 4:19  
**necessarily** 18:7  
**need** 4:24 14:8  
**needed** 4:15 21:2  
**neighborhood** 2:8 4:20  
 10:6 11:2  
**new** 23:12  
**noise** 3:15 7:1,3  
**non-disturbance** 13:6  
**normally** 19:7  
**north/south** 4:23  
**note** 20:1  
**noted** 9:5 10:14,24  
 13:24  
**notice** 1:12 6:4,5  
**NPS** 1:16  
**number** 2:3,6,8,10,13  
 2:17,20,24 4:2 7:21  
 8:5 10:1,6 11:1,11,16  
 12:5,13,24 15:8,18,23  
 17:7,18 20:5,6 22:2  
 22:10,23 24:7,18

**O**

**OAG** 23:25  
**objects** 3:16  
**obviously** 21:3  
**occupants** 6:8  
**offers** 16:5  
**office** 1:17,18,22 2:6,24  
 3:6,7,8,20 6:19 7:21  
 8:6 9:13,17 16:6,19  
 17:8,23 19:1 21:1  
 22:23 24:4,8,9  
**Oh** 18:10 22:21  
**okay** 3:23 4:8 5:8,19,24  
 6:20,22 7:3,9,19 8:4  
 8:13,24 9:2,3,10,14  
 9:20 10:5,14 11:15,24  
 11:25,25 12:1,4,17,23  
 12:23 13:16,21 14:20  
 14:24 15:4,4,22 18:6  
 18:19 19:3 20:12

21:13,15,17 22:14,20  
 22:23 24:2,6  
**once** 14:2  
**one-third** 20:7  
**OP** 17:5 20:13  
**opening** 6:20  
**operate** 7:14  
**opportunity** 4:25 5:7  
 6:1,16  
**opposes** 10:16  
**opposition** 9:23 10:11  
 11:8 12:10,11 15:14  
 15:15,15 22:7 24:15  
**order** 11:19 17:18 23:6  
**ordinarily** 4:11  
**original** 23:10  
**OSSE** 9:8  
**ought** 5:3 7:1  
**outdoor** 16:19  
**outlines** 17:18  
**outreach** 6:13  
**outside** 22:22  
**owner** 6:5 10:12

**P**

**P-R-O-C-E-E-D-I-N-G-S**  
 3:1  
**p.m** 1:13 3:2 24:23  
**PAL** 10:12  
**panels** 16:18  
**Parcel** 2:5,14,18 4:4  
 7:15 12:25 15:8  
**parking** 16:25 17:2,3  
**part** 6:8  
**participate** 13:20  
**particular** 18:25  
**particularly** 21:4  
**parties** 14:13  
**party** 13:12  
**penthouse** 19:11,13,16  
 19:24,24 20:2  
**people** 4:21 5:6 6:15  
**permits** 23:8,15  
**PETER** 1:16  
**phone** 22:15  
**pipeline** 10:19  
**plan** 11:21 13:3 17:13  
 17:16 21:4  
**Planning** 1:18 2:6,24  
 3:8,20 7:22 8:6 9:17  
 17:23 19:1 22:24  
**Planning's** 21:1  
**please** 3:16 11:9  
**points** 2:21 4:18 15:23  
 16:1 22:2  
**policies** 17:15  
**policy** 17:13  
**portion** 16:11,13,14

**post** 5:10  
**potential** 4:16  
**preliminary** 3:21  
**prepared** 7:1 13:20  
**present** 1:14,17,18,22  
 6:24 10:4 11:14 12:16  
 15:21 22:13 24:21  
**Preservation** 1:19  
**presiding** 1:13  
**previously** 6:22 13:23  
 14:25 21:23  
**prior** 21:3,10 23:25  
**probably** 6:10  
**problem** 14:19  
**proceed** 13:14  
**project** 13:24 20:24  
 21:22  
**properly** 9:21 11:5 12:7  
 15:11 22:5 24:12  
**Properties** 16:3  
**property** 10:12  
**proposal** 10:9,15,20  
 17:1,20  
**proposed** 8:10 16:5  
 17:14 19:1  
**provide** 16:22,25 20:8  
**provided** 13:23 14:2  
**providing** 13:13 17:1,7  
**provision** 17:8  
**public** 3:12 4:15 16:20  
 22:2 23:3,23  
**published** 8:10 10:9  
**PUD** 2:21 15:24 16:2,7  
 16:24 17:6,12 18:22  
 18:22 22:3  
**pursuant** 1:12 23:15  
**put** 4:13

---

**Q**


---

**question** 6:11 19:9,11  
 20:19  
**questions** 7:22 18:5  
 19:7 24:5

---

**R**


---

**R** 1:11 3:18  
**Railroad** 16:23  
**raining** 22:16  
**raised** 5:21  
**re-paving** 16:22  
**reach** 6:8  
**reaction** 5:2  
**reading** 19:12  
**ready** 12:2 21:11  
**real** 12:20  
**really** 21:9  
**received** 8:11 14:6  
**recommend** 23:22

**recommended** 16:7  
 17:14  
**recommends** 17:23  
**record** 9:24 11:9 12:11  
 13:9,19 15:16 22:8  
 24:16  
**records** 9:25 11:10  
 12:12 15:17 22:9  
 24:17  
**refer** 7:14  
**refinements** 23:25  
**refrain** 3:14  
**regarding** 9:18  
**Register** 8:10 10:9  
**Regs** 19:10  
**Regular** 1:6,11,24  
**regulations** 7:7 19:13  
 19:25 23:7,16  
**related** 17:21  
**relationship** 14:5  
**relevant** 17:20  
**relief** 19:15,20,22 20:3  
**remember** 19:12  
**remove** 5:16  
**renderings** 21:5,5  
**reopened** 13:9  
**report** 7:22 8:9 10:10  
 13:1,10 14:1 21:1  
**request** 8:1 9:6 19:21  
 21:2 23:5 24:7  
**requested** 10:21 17:4,5  
**requests** 3:13 13:8 16:1  
 24:3  
**required** 16:25 20:3,5,8  
**requirement** 20:7  
**residential** 4:19 13:4,24  
 21:7  
**resolved** 15:2  
**respectful** 16:10  
**response** 13:9,10,13,14  
**restaurant** 4:14  
**restaurant/bar** 7:15  
**retail** 16:6 17:8 18:2  
**Reunion** 16:3  
**review** 1:19 16:2  
**reviewed** 13:19 19:10  
**reviewing** 19:19  
**revising** 23:11  
**rezoning** 10:11  
**ride** 22:21  
**right** 3:23 6:6 7:9,25 8:4  
 8:5 9:5 12:1,2,17  
 13:21 15:4 20:15,17  
 21:17  
**Ritting** 1:23 3:7 6:19  
**ROBERT** 1:15  
**roof** 6:25 16:17  
**roofs** 16:18

**rooftop** 7:15  
**rooftops** 4:14  
**room** 1:12,12 3:15,19  
**root** 19:6  
**row** 17:25 21:7  
**rule** 2:25 8:10 22:24  
 23:19 24:18  
**rules** 4:13 23:8

---

**S**


---

**S** 1:17  
**saw** 21:20  
**saying** 4:10  
**scheduling** 2:3 4:2  
**Schellin** 1:17 3:7,22 7:4  
 7:6 8:3,7,8 9:24,25  
 10:7,8 11:10,17,18  
 12:12,25 13:1 15:17  
 18:6,12 22:9,17 24:17  
**Schelling** 11:9 12:11  
 15:15 22:8  
**SE** 16:4  
**second** 2:21 9:19 11:3  
 11:4 12:5,6 15:9,10  
 15:23 16:1,5 17:19  
 22:2,3,4 24:10,11  
**seconded** 9:21 11:6  
 12:8 15:12 22:5 24:13  
**seconding** 10:3 11:12  
 12:14 15:20 22:12  
 24:20  
**Secretary** 1:17  
**section** 5:18 23:6,11,13  
 23:19  
**sections** 23:22  
**see** 13:25 18:17,21  
 22:14  
**seen** 23:2  
**selection** 19:5  
**sent** 13:12  
**servicing** 14:25  
**servicing** 17:8  
**set** 17:22 23:3,23,23  
**setdown** 2:25 21:14  
 22:1,24 23:10,12 24:6  
 24:18  
**setting** 17:23  
**seven** 16:8  
**Shapiro** 10:4 11:14  
 12:16 15:21 22:13  
 24:21  
**Sharon** 1:17 3:6  
**Shellin** 24:16  
**shopping** 13:4  
**show** 21:5,6 22:17  
**shut** 22:17  
**sidewalk** 16:22  
**signage** 18:3  
**signed** 22:15  
**significance** 5:10,18,25  
 7:8,13  
**signs** 3:16  
**sir** 3:22  
**sit** 22:10  
**sitting** 6:20  
**slowly** 18:23  
**solar** 16:18  
**somebody** 13:22 21:24  
**source** 18:1  
**South** 1:12  
**southeast** 17:16  
**southwest** 17:16  
**space** 16:20  
**spaces** 17:1  
**speak** 5:1 6:16  
**Speaking** 7:3  
**special** 4:11  
**Specifically** 23:8  
**Square** 2:4,9,11,21 4:4  
 10:7 11:3,17 15:24  
 16:3 22:3  
**staff** 1:17,18 3:6,7,21  
 9:25 10:21 11:10  
 12:12 15:17 22:9  
 24:17  
**stage** 2:21 15:24 16:2,5  
 16:7,24 17:6,11,18,19  
 21:23 22:2  
**standard** 19:7  
**standards** 7:7 18:2  
**start** 3:24  
**State** 9:13  
**statement** 6:20 7:14  
 13:6  
**states** 13:2 23:14  
**stay** 22:22  
**Steingasser** 1:19 3:8  
**stick** 18:9  
**stipulated** 13:6  
**stories** 16:8 20:5,6  
**stream** 18:16  
**street** 1:12 6:10 16:22  
**streets** 4:23 16:23  
**stuff** 18:15  
**subject** 10:12  
**submission** 4:18 7:5  
 8:14 14:1  
**submit** 5:17,24  
**submitted** 8:8 10:10  
**subsequent** 23:18  
**substantive** 14:14  
**Subtitle** 5:18 23:6  
**Subtitles** 2:7 8:6 9:17  
**suggesting** 5:4  
**Superintendent** 9:14  
**support** 8:9 9:11 10:3

10:10 11:13 12:15  
 15:20 22:12 24:20  
**sure** 4:14 8:14 9:3,5  
 19:24 20:2,10 21:21  
 21:21  
**surface** 17:2  
**surrounding** 4:17  
**SW** 2:5 4:4

**T**

**take** 3:12 4:8 9:16 11:1  
 15:7 22:1  
**taken** 23:17  
**takes** 5:8  
**talk** 7:1  
**tandem** 17:1  
**TDA** 18:1  
**technical** 3:25  
**technically** 4:20 5:15  
**tell** 6:14 7:16 21:9  
**tenants** 6:9  
**terminals** 22:18  
**terraces** 16:17  
**testimony** 3:12  
**text** 2:6 8:6 9:17 23:2,6  
 23:18,25  
**thank** 12:22,23 15:25  
 18:4 20:15,18 21:15  
 23:1 24:1  
**theme** 18:2  
**things** 7:21 10:17 14:17  
**think** 4:13 5:3,8,13,21  
 6:3,7,21,23 10:19  
 13:21 14:4,9,13 18:9  
 18:12 19:1,15 20:4,23  
 21:7,10  
**thinking** 6:21 11:25  
**thought** 18:8  
**time** 3:17 4:8 6:12,14  
 7:23 9:4 15:3 23:17  
 24:1  
**today's** 3:10  
**tonight** 23:12  
**transcript** 1:24  
**transportation** 17:9,21  
 21:4  
**trust** 20:8  
**try** 6:21  
**trying** 10:17 16:10  
**turn** 3:16  
**Turnbull** 1:15 3:6 6:22  
 6:23 9:8,11,15 10:2  
 11:13 12:15 14:21  
 15:10,19 19:4 20:4,12  
 20:15,19 22:12 24:11  
 24:19  
**two** 8:25 16:17 23:21

**U**

**U** 2:7 8:7 9:18  
**ultimately** 18:24  
**undertaken** 6:25  
**update** 18:1  
**upper** 16:15  
**use** 2:7 4:21 8:7,17 9:18  
 17:13,14  
**users** 16:19  
**uses** 4:14 13:4,5,5  
**USGSA** 13:7

**V**

**varying** 19:5  
**vesting** 23:7,8  
**Vice** 1:15 3:5 7:9,11  
 8:18,20,23 9:2,19  
 10:25 12:6 14:23 15:2  
 15:6 20:17,18 21:14  
 21:25  
**vote** 9:24,25 11:9,10  
 12:11,12 15:16,17  
 22:8,9 23:17 24:16,17  
**voting** 10:4 11:14 12:16  
 15:21 22:13 24:21

**W**

**wait** 7:5,25  
**want** 7:10,12 8:25 9:3,4  
 18:7,14 21:21 23:18  
**wanted** 4:14 18:8  
**Washington** 1:12  
**wasn't** 12:1  
**watch** 18:16 22:22  
**Waterfront** 2:5 4:4  
**way** 5:13,21 6:1 14:14  
**we'll** 19:23,25 20:1,9,11  
 20:21  
**we're** 6:18 7:12 10:9  
 14:16 19:19,19  
**we've** 12:18 23:10  
**went** 22:15  
**Wharf** 2:3 4:2  
**wide** 16:22  
**widen** 16:21  
**wording** 23:18  
**work** 14:16 17:24 19:23  
 20:1,9 23:11,25 24:3  
 24:8  
**worked** 14:12  
**working** 17:10  
**wrong** 8:24

**X**

**Y**

**year** 23:3

**Z**

**Z** 5:18  
**zoning** 1:4,11,14,17 2:3  
 2:6,9,10,13,20 3:6 4:2  
 8:5 9:16 10:1,5,7 11:1  
 11:2,11,15 12:5,13,23  
 15:7,18,23 17:11 22:1  
 22:10,23 23:16,20  
 24:6,18

**0**

**08-07C** 2:20 15:23 22:2  
 22:10

**1**

**10** 2:6  
**11-03K** 2:3 4:2  
**12** 19:13  
**121/31** 2:15,18 12:25  
 15:8  
**14** 1:9,24 2:8 19:17  
**146** 17:1  
**15** 2:10  
**17** 2:13  
**17-03** 2:24 22:23 24:7  
 24:18  
**17-16** 2:10 11:16 12:5  
 12:13  
**17-17** 2:8 10:6 11:2,11  
**17-20** 2:6 8:6 9:16 10:1  
**17-26** 2:13,17 12:24  
 15:8,19  
**18** 19:14  
**1990** 13:7

**2**

**2** 2:5 4:4  
**20** 2:17,20  
**20-foot** 16:22  
**20001** 1:12  
**2018** 1:9,24  
**220** 1:12  
**251** 2:10 11:16  
**27** 11:18  
**27A** 11:18  
**29** 11:19  
**2A** 8:8,15,20  
**2D** 8:15 9:1

**3**

**30** 2:24  
**301.5A** 23:6,22  
**301.7** 23:13,14,22  
**30th** 8:11 10:10  
**33** 13:1  
**34** 13:8  
**34A** 13:8

**35** 13:11

**4**

**4** 16:2,7  
**4-0-1** 9:25 11:10 12:12  
 15:17 22:10 24:17  
**4.4** 16:9  
**441** 1:12  
**46** 10:8  
**47** 10:8  
**473** 2:5 4:4  
**48** 10:10  
**49** 10:11  
**4th** 1:12

**5**

**5** 2:2 7:15 19:18  
**5564** 2:9 10:7 11:3  
**560** 2:11 11:17  
**5784** 2:22 15:24 22:3  
**58** 19:10,25  
**5A** 13:12

**6**

**6** 19:14  
**6:30** 1:13  
**6:32** 3:2  
**60** 8:8  
**600** 4:19  
**61** 8:9  
**62** 8:9  
**6B** 8:21,22  
**6E** 8:23

**7**

**7:01** 24:23  
**704** 5:18  
**7B** 10:10,15  
**7th** 13:7

**8**

**8A** 2:9 10:6 11:2  
**8A's** 10:15

**9**

**90** 16:8

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In the matter of: Regular Meeting

Before: Zoning Commission

Date: 05-14-2018

Place: Washington, DC

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

*Neal R Gross*

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Court Reporter

**NEAL R. GROSS**

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