

GOVERNMENT  
OF  
THE DISTRICT OF COLUMBIA

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ZONING COMMISSION

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SPECIAL PUBLIC MEETING

+ + + + +

MONDAY

JUNE 11, 2018

+ + + + +

The Special Public 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
- PETER G. MAY, Commissioner (NPS)
- MICHAEL G. TURNBULL, FAIA, Commissioner (AOC)

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
- STEVE COCHRAN
- CRYSTAL MYERS
- KAREN THOMAS

D.C. OFFICE OF THE ATTORNEY GENERAL PRESENT:

JACOB RITTING, ESQ.  
HILLARY LOVICK, ESQ.

The transcript constitutes the minutes from  
the Special meeting held on June 11, 2018.

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

6:35 p.m.

CHAIRMAN HOOD: Okay. Good evening, everyone.

This meeting will please come to order. This is the public meeting of the Zoning Commission for the District of Columbia. My name is Anthony Hood. Joining me are Vice Chair Miller, Commissioner Turnbull, and Commissioner May.

We are also joined by the Office of Zoning Staff, Ms. Sharon Schellin, as well as the Office of the Attorney General, Mr. Ritting and Ms. Lovick, as well as the Office of Planning Staff, Ms. Steingasser, Mr. Lawson, Ms. Brown-Roberts, Ms. Thomas, and Ms. Myers.

Copies of today's meeting agenda are available to you and are located in a bin near the door. Please be advised, this proceeding is being recorded by a court reporter. It's also webcast live.

Accordingly, we must ask you to refrain from any disruptive noise or actions in the hearing room, including the display of any signs or objects. Please turn off all electronic devices.

Does the staff have any preliminary matters?

MS. SCHELLIN: No, sir.

CHAIRMAN HOOD: Okay. We'll follow our agenda as noted. First, for determination and scheduling, modification of consequence, Zoning Commission Case Number 04-08D/02-45,

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1 Verizon Wireless, Modification of Consequence of PUD to Allow  
2 Temporary Cell on Wheels at Square 5868S. Ms. Schellin?

3 MS. SCHELLIN: Yes, sir. The applicant is  
4 requesting a PUD modification of consequence to permit a  
5 temporary cell on wheels on the campus of Saint Elizabeths  
6 Hospital.

7 Currently, Verizon provides service on the Saint  
8 Elizabeths campus and the surrounding area through 12  
9 antennas on an existing water tank located on the western  
10 side of the campus.

11 However, the water tank is scheduled to be  
12 demolished this summer and in order to continue the service  
13 to Saint E's and the surrounding area, a temporary cell on  
14 wheels must be established prior to that demolition. The  
15 applicant is also requesting a special exception to allow for  
16 the cell on wheels at that location.

17 Exhibit A is an OP report, which supports approval  
18 for a two-year period for the temporary monopole in the PUD  
19 area and the special exception. And so, staff would ask the  
20 Commission to, one, determine if this is in fact a  
21 modification of consequence and, two, if so, set a schedule  
22 for the responses from the parties and then, deliberations.

23 CHAIRMAN HOOD: Okay. Commissioners -- thank you,  
24 Ms. Schellin. Commissioners, anyone think that this needs  
25 to come off as noted? Okay. Do we all agree that this is

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1 a modification of consequence? Not hearing any objections,  
2 Ms. Schellin, do we need to do scheduling or anything else  
3 we need to decide on the special exception? I don't think  
4 we need to do that at this time.

5 MS. SCHELLIN: Commissioner May, are you trying to  
6 --

7 COMMISSIONER MAY: Well, I have some things to say  
8 about it before we just schedule it.

9 CHAIRMAN HOOD: Oh, okay. Go ahead.

10 COMMISSIONER MAY: Okay. So, there are a number  
11 of questions that I'd like to have answered when we take this  
12 up for decision making of whatever date we set. First of  
13 all, I mean, this original PUD was a long time ago, and I  
14 think I probably was on at least one aspect of that case a  
15 long time ago.

16 But I don't remember who the parties were in the  
17 original case and I would be curious about who those parties  
18 were and whether there actually were -- where there has been  
19 outreach to any of those parties, other than the ANC, and I  
20 assume we will be notifying the ANC and will be looking for  
21 a report from them.

22 I am wondering about the new water tower that we  
23 approved and whether that's a potential location. In fact,  
24 I'd like to know about what other potential locations there  
25 are for a permanent cellular facility in that vicinity,

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1 because if we're -- I want to have some confidence that if  
2 we say okay for two years for this cell on wheels that, in  
3 fact, in two years, it will go away and there will be some  
4 permanent solution that's viable.

5           And the last thing is that I am concerned about  
6 site restoration in this circumstance, given past experience  
7 that I've had with Verizon's poor performance in maintaining  
8 the conditions for a cell on wheels that they installed at  
9 the Randall Rec Center, which was approved by the Board of  
10 Zoning Adjustment.

11           And it seems like they would not take any actions  
12 to clean the thing up until we had a hearing and I complained  
13 about it. And the last time we had a hearing and I  
14 complained about it, it got cleaned up, hopefully for good  
15 now. But there was damage to the site that was unnecessary  
16 and there was cleanup that had to, again, had to wait until  
17 we had a hearing before it got fixed.

18           I think that the restoration plan for the site is  
19 also weak, because it says something like, they'll restore  
20 the site as best as they possibly can or as the best as  
21 practical or something like that.

22           I mean, I don't know what the existing site is or  
23 how precious it is and how important it is that it be  
24 restored to the existing conditions, but it's a pretty feeble  
25 promise to repair the damage that they will do when they put

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1 this temporary tower in place.

2           So, I'm hoping that we'll see some more better  
3 information on the site restoration plan. And also, that  
4 that information be shared with the parties, in case the ANC  
5 has any comments on those things.

6           CHAIRMAN HOOD: Any other comments? Vice Chair  
7 Miller?

8           VICE CHAIR MILLER: Thank you, Mr. Chairman. Yes,  
9 I concur with the Office of Planning's report that it's a  
10 modification of consequence and I concur with Commissioner  
11 May's comments. And I also have a couple questions, as to  
12 why we need to -- just to have information when we get to  
13 deliberating on this, why are we demolishing this if we don't  
14 have a site?

15           I assume that there's redevelopment that's going  
16 on on that site, but if there's not redevelopment going on  
17 in the next two years, I don't know why we wouldn't just keep  
18 the cell phone antennas on the existing water tower.

19           And what would it take to make the lattice tower,  
20 the 250-foot high lattice tower that is there, structurally  
21 sound enough to support cell phone antennas? If there's a  
22 way to -- I assume it's probably more expensive, so that's  
23 why that wasn't chosen as an alternative.

24           So, those were a couple of questions that I had  
25 as well.

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1 CHAIRMAN HOOD: Thank you. Any other questions?  
2 Mr. Turnbull?

3 COMMISSIONER TURNBULL: Well, I just had one  
4 comment. I wonder if the Office of Planning could shed some  
5 light on the Vice Chair's comments and Commissioner May's  
6 comments, if there's anything that's maybe not in the report  
7 that they know about.

8 CHAIRMAN HOOD: Can somebody from the Office of  
9 Planning speak to that? Ms. Brown-Roberts?

10 MS. BROWN-ROBERTS: Mr. Chairman, I think those are  
11 all things that we will follow up on. I don't have an answer  
12 right now for them.

13 CHAIRMAN HOOD: Yes, I think some of those will  
14 come out as we do our deliberations. So noted and we'll wait  
15 to see. My main thing is, I want to make sure that the ANC  
16 and whoever the other parties are weigh in. And I don't  
17 recall myself as well.

18 So, any other comments up here? Thank you, Ms.  
19 Brown-Roberts. Let's go to the scheduling. Ms. Schellin?

20 MS. SCHELLIN: Yes. And I did look up, it appears  
21 that only the ANC was the -- the ANC was the only party in  
22 the --

23 CHAIRMAN HOOD: Which ANC?

24 MS. SCHELLIN: I believe it was 8C, I believe.

25 CHAIRMAN HOOD: 8C? Okay.

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1 MS. SCHELLIN: They were the only party in the 04-  
2 08 case and the 02-45 case.

3 CHAIRMAN HOOD: Okay, thank you.

4 MS. SCHELLIN: So, I looked at both orders. So,  
5 if the applicant could provide their information in two  
6 weeks, which would be June 25. And then, the ANC, if they  
7 choose to respond, would have until July 2. And then, we  
8 could put this on the Commission's July 9 public meeting  
9 agenda.

10 CHAIRMAN HOOD: Thank you. The schedule is set.  
11 Are we ready to move on, Ms. Schellin?

12 MS. SCHELLIN: Yes, sir.

13 CHAIRMAN HOOD: Okay. Let's move on to Zoning  
14 Commission Case Number 79-19A/78-07, BDC Van Ness, LLC,  
15 Modification of Consequence to PUD at Square 2047. Ms.  
16 Schellin?

17 MS. SCHELLIN: Yes. The applicant has requested  
18 a PUD modification of consequence in order to modernize and  
19 upgrade the building facade, replace and improve exterior  
20 elements, and introduce internal reprogramming within the  
21 garage.

22 At Exhibit 4, there's an OP report in support of  
23 the request to modify Conditions 2 and 11. And, again, staff  
24 would ask that the Commission first determine if this is in  
25 fact a modification of consequence and if so, set a schedule

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1 for responses from the parties and deliberation.

2 CHAIRMAN HOOD: Okay. First, again, colleagues,  
3 does anyone think that this -- does anyone -- do we consider  
4 this as a modification of consequence? Any objections?  
5 Okay, not hearing any. Any comments? Okay. Ms. Schellin,  
6 could you set a schedule?

7 MS. SCHELLIN: Okay. On this one, since the  
8 Commission did not ask for any further information, I would  
9 ask that the ANC have until June 18 to provide their  
10 response. And then, we could put this on the June 25 agenda  
11 for deliberation.

12 CHAIRMAN HOOD: Okay.

13 COMMISSIONER MAY: Ms. Schellin, in one of the  
14 submissions, I think they talked about when the ANC was going  
15 to take it up, is that going to work? I don't remember what  
16 the date was.

17 MS. SCHELLIN: In this case, the 19th. Okay. So,  
18 then, we could just have the ANC submit -- I think that even  
19 if the ANC submits by the 22nd, you guys would still be able  
20 to take it up by the 25th.

21 COMMISSIONER MAY: Yes, I would think so. I mean,  
22 I just want to make sure that it was --

23 MS. SCHELLIN: That they have time.

24 COMMISSIONER MAY: -- before we have the meeting.

25 MS. SCHELLIN: So, the applicant will work with the

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1 ANC to let them know? Okay. So, we'll just say until the  
2 22nd. Thank you.

3 CHAIRMAN HOOD: Okay. Are we all straight on that?  
4 Let's go to time extension, Zoning Commission Case Number 06-  
5 04G, Florida & Q Street, LLC, Two-Year PUD Time Extension at  
6 Square 3100. Ms. Schellin?

7 MS. SCHELLIN: Yes, sir. As you stated, the  
8 applicant is requesting a two-year PUD time extension, citing  
9 environmental contamination of the site as the reason for the  
10 necessity of the time extension.

11 At Exhibit 4, there's an OP report that supports  
12 a one-year time extension. It's OP, from what I read, it was  
13 OP's understanding that the applicant now requests a one-year  
14 time extension instead of two. However, I could not find  
15 anything in the record from the applicant indicating that  
16 they have changed their request.

17 Exhibit 5, ANC 5E report supports a one-year time  
18 extension.

19 The applicant has had several extensions before  
20 and the Commission would need to waive the rule limiting the  
21 applicant to just two extensions if it does proceed forward  
22 with this request before it.

23 CHAIRMAN HOOD: Okay. I believe this is the one  
24 that had five extensions previously?

25 MS. SCHELLIN: Yes, sir.

1 CHAIRMAN HOOD: Okay. So, this really goes against  
2 the Herb Franklin Rule. I think, though, we'd all agree with  
3 some of the issues that came out, I would not have a problem  
4 with this one-year. And it looks like everybody's on the  
5 same page with one-year and moving this thing forward.

6 But even though I don't like going against the  
7 Herb Franklin Rule, but anyway. Because we put these rules  
8 in place for a reason, but let me open it up for discussion  
9 and comments. I think they have a valid reason. Mr.  
10 Turnbull?

11 COMMISSIONER TURNBULL: Well, I just -- the  
12 applicant's counsel has signaled that one-year is okay. So,  
13 I think we can proceed on that basis.

14 CHAIRMAN HOOD: Okay. This is due to the fact that  
15 some contaminants and some other issues that were going on  
16 on the site. Anything else on this?

17 COMMISSIONER MAY: Mr. Chairman?

18 CHAIRMAN HOOD: Yes.

19 COMMISSIONER MAY: I would just agree that we don't  
20 like giving these extensions willy-nilly and I think there  
21 really is an extenuating circumstance here and it's  
22 unfortunate. I seem to recall last time we took this one up  
23 and it was like, even then, it was a stretch for us to extend  
24 it one more time. But we'll go along one more year and  
25 hopefully, everything gets resolved and this moves forward.

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1 CHAIRMAN HOOD: Vice Chair Miller?

2 VICE CHAIR MILLER: I'll just put my two cents in  
3 and concur with the comments my colleagues made. This would  
4 be the fifth extension, it is environmental contamination  
5 remediation, I think it's a former gas station site, and I  
6 think there's a new applicant who is working to clean that  
7 up. So, the one-year extension, I'm fine with.

8 CHAIRMAN HOOD: Okay. So, I would move that we  
9 approve -- and also, the ANC also agrees with the one-year.  
10 Just want to make sure I said that. I move that we approve  
11 for a one-year time extension for the basis noted in Zoning  
12 Commission Case Number 06-04G and ask for a second.

13 VICE CHAIR MILLER: Second.

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

16 (Chorus of ayes.)

17 CHAIRMAN HOOD: Any opposition? Not hearing any,  
18 Ms. Schellin, would you record the vote? Do we have -- no,  
19 never mind.

20 MS. SCHELLIN: No.

21 CHAIRMAN HOOD: Never mind.

22 MS. SCHELLIN: We do not for any case this evening.  
23 So, staff records the vote 4-0-1 to approve a one-year time  
24 extension in Zoning Commission Case Number 06-04G.  
25 Commissioner Hood moving, Commissioner Miller seconding,

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1 Commissioners May and Turnbull in support, Commissioner  
2 Shapiro not present, not voting.

3 CHAIRMAN HOOD: Okay. Let's move to -- we have  
4 another extension. Zoning Commission Case Number 08-07D,  
5 Four Points, Two-Year PUD Time Extension for Building 1 at  
6 Square 5785. Ms. Schellin?

7 MS. SCHELLIN: Yes. As you stated, they are  
8 requesting a one-year time extension of the PUD for Building  
9 1, citing unforeseen litigation as the reason for the  
10 extension request.

11 At Exhibit 4, there's an OP report in support of  
12 the request. And this is the first time that they have  
13 requested an extension, so we would ask the Commission to  
14 consider final action on this.

15 CHAIRMAN HOOD: Okay. Did I say one year or did  
16 I -- I said two year, yes, this is two years. Okay. Again,  
17 colleagues, I think this is well noted. As we know,  
18 litigation seems to be the flavor of the city right now. So,  
19 even though I don't agree with all of it, but anyway.

20 They've asked for extension because of some of the  
21 things that they had to deal with in litigation and they need  
22 some additional time. And I think the record speaks for  
23 itself. And this is our first time for extension. So,  
24 they've asked for two years.

25 Any objections? Any comments? Somebody like to

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1 make a motion?

2 COMMISSIONER TURNBULL: Mr. Chair, I would move  
3 that we grant the two-year time extension for Zoning Case  
4 Number 08-07D, Four Points at Building 1 at Square 5785.

5 VICE CHAIR MILLER: Second.

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

8 (Chorus of ayes.)

9 CHAIRMAN HOOD: Not hearing any opposition, Ms.  
10 Schellin, would you record the vote?

11 MS. SCHELLIN: Staff records the vote 4-0-1 to  
12 approve final action in Zoning Commission Case Number 08-07D,  
13 approving a two-year time extension. Commissioner Turnbull  
14 moving, Commissioner Miller seconding, Commissioners Hood and  
15 May in support, Commissioner Shapiro not present, not voting.

16 CHAIRMAN HOOD: Okay. Let's move to final action,  
17 Zoning Commission Case Number 17-27, Spring Flats MD, LLC,  
18 Map Amendment at Square 2902, Lots 804 and 807. Ms.  
19 Schellin?

20 MS. SCHELLIN: Yes. The proposed rulemaking was  
21 published in the Register on May 4. No comments were  
22 received. At Exhibit 39, we have an NCPC letter advising  
23 that this case was exempt from review. So, we would ask the  
24 Commission to take final action this evening.

25 CHAIRMAN HOOD: Okay. Thank you, Ms. Schellin.

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1 Colleagues, any comments or additional information you want  
2 to provide or questions on the Spring Flats? Any comments?  
3 All right, I don't have any.

4 All right. And as mentioned, the NCPC, we do have  
5 a letter advising that the case was exempt from review, as  
6 stated already. So, with that, I think this is ripe for us  
7 to move forward. I would make a motion that we approve  
8 Zoning Commission Case Number 17-27, and ask for a second.

9 VICE CHAIR MILLER: Second.

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

12 (Chorus of ayes.)

13 CHAIRMAN HOOD: Any opposition? Not hearing any,  
14 Ms. Schellin, would you please record the vote?

15 MS. SCHELLIN: Yes. Staff records the vote 4-0-1  
16 to approve a final action in Zoning Commission Case Number  
17 17-27. Commissioner Hood moving, Commissioner Miller  
18 seconding, Commissioners May and Turnbull in support,  
19 Commissioner Shapiro not present, not voting.

20 CHAIRMAN HOOD: Okay. Next, we have Zoning  
21 Commission Case Number 17-19, The Warrenton Group,  
22 Consolidated PUD and Related Map Amendment at Square 5197.  
23 Ms. Schellin?

24 MS. SCHELLIN: Exhibits 43 through 47A are the  
25 applicant's post-hearing submissions. At Exhibit 48, again,

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1 we have an NCPC advising that this case was exempt from  
2 review. So, we would ask the Commission to consider taking  
3 final action on this case also.

4 CHAIRMAN HOOD: Okay. Any additional comments?  
5 Mr. Turnbull?

6 COMMISSIONER TURNBULL: Thank you, Mr. Chair. Yes,  
7 I think there was some flexibility the applicant wanted on  
8 materials on the exterior. And I think OAG has made the  
9 clarifications, and I think we talked about this at the time,  
10 during the hearing, and I think the OAG has now corrected  
11 that language. And I can read to you what OAG has, if you  
12 want, for the record.

13 CHAIRMAN HOOD: Yes, and I think, for those  
14 listening, we might not -- I know you've been talking about  
15 that flexibility for a while, so hopefully we will make sure  
16 that those who are coming forward know where the Commission  
17 stands on this issue. And I know you've been talking about  
18 it a while, so if you can read it to us, Mr. Turnbull?

19 COMMISSIONER TURNBULL: Yes. And I wanted to make  
20 -- a lot of times, the language -- because it's confusing  
21 whether they were changing the materials or just changing the  
22 colors.

23 The way OAG has stated it, now it says, to vary  
24 the final selection of the colors of the exterior materials  
25 based on the availability at the time of construction,

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1 provided such colors are within the color ranges proposed in  
2 the final plans. I think that's the appropriate language  
3 that we want to see used.

4 CHAIRMAN HOOD: All right. Any other comments on  
5 that? Anything else, Mr. Turnbull?

6 COMMISSIONER TURNBULL: I think that's it.

7 CHAIRMAN HOOD: Okay. Vice Chair Miller?

8 VICE CHAIR MILLER: Thank you, Mr. Chairman. Yes,  
9 I agree with Commissioner Turnbull's comments. And I  
10 appreciate the applicant's post-hearing submission, which  
11 provided an MOU, signed with the Deanwood Civic Association,  
12 which outlines some agreements with the community, including  
13 job and community benefits.

14 And applicant also provided revised elevations,  
15 which included additional green screening for the above-grade  
16 garage. So, I think that was helpful.

17 CHAIRMAN HOOD: Okay. Any other comments? All  
18 right. I would agree with the Vice Chair and with Mr.  
19 Turnbull, as well, I don't need to repeat those comments.  
20 But we appreciate all the work that went into this. Somebody  
21 like to make a motion?

22 COMMISSIONER TURNBULL: Mr. Chair, I would move  
23 that we take final action on Zoning Case Number 17-19, Spring  
24 Flats MD -- oh, I'm sorry, 17-19, I'm at the -- don't mind  
25 me. Zoning Case 17-19, The Warrenton Group, Consolidated PUD

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1 and Related Map Amendment at Square 5197.

2 VICE CHAIR MILLER: Second.

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

5 (Chorus of ayes.)

6 CHAIRMAN HOOD: Any opposition? Not hearing any,  
7 Ms. Schellin, would you please record the vote?

8 MS. SCHELLIN: Yes. Staff records the vote 4-0-1  
9 to approve a final action in Zoning Commission Case Number  
10 17-19. Commissioner Turnbull moving, Commissioner Miller  
11 seconding, Commissioners Hood and May in support,  
12 Commissioner Shapiro not present, not voting.

13 CHAIRMAN HOOD: Okay. Next, let's got to hearing  
14 action. I really would like to know, maybe we should do a  
15 round table, but I'd like to know how we pick some of the  
16 names that we pick. I mean, I had to look at the name twice,  
17 I said, is that what -- but anyway. Zoning Commission Case  
18 Number 18-03, Dancing Crab Properties, LLC, Consolidated PUD  
19 and Related Map Amendment at Square 1769.

20 So, the Dancing Crab Properties, I wasn't making  
21 fun of you, I think that's unique. Then I start having these  
22 visualizations of the crabs I was eating dancing, that kind  
23 of stuff.

24 COMMISSIONER MAY: You mean, you never went to the  
25 Dancing Crab?

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1 CHAIRMAN HOOD: No.

2 COMMISSIONER TURNBULL: You didn't miss anything.

3 CHAIRMAN HOOD: I didn't miss --

4 (Laughter.)

5 CHAIRMAN HOOD: I was thinking food, is this --

6 COMMISSIONER TURNBULL: And I like crab.

7 CHAIRMAN HOOD: I was thinking food.

8 COMMISSIONER MAY: It was food.

9 CHAIRMAN HOOD: I shouldn't have brought that up,  
10 because that was a low blow, but I was thinking, Anthony --  
11 because what was said, it'll probably say I said it, but I  
12 didn't say it, I was thinking food. By anyway, let's go to  
13 Ms. Myers.

14 MS. MYERS: Good evening, Commissioners. The  
15 Office of Planning recommends that the Commission setdown  
16 Dancing Crab Properties, LLC's application for a consolidated  
17 PUD with a PUD-related map amendment from MU-4 to MU-5B.

18 The proposal would construct a seven-story 79-foot  
19 four-inch 5.04 FAR building. This building would replace two  
20 existing commercial buildings, which currently are the Tenley  
21 Bar and Grill restaurant and the now closed Dancing Crab  
22 restaurant. The building would have 41 residential units,  
23 a restaurant on the ground floor, and a bar and a restaurant  
24 on the rooftop.

25 The proposal includes two requests for flexibility

1 under the PUD guidelines. One is flexibility to do a PUD  
2 project on a site that is smaller than the minimum lot area  
3 size. The other is flexibility to provide a restaurant and  
4 bar use in a penthouse.

5 The proposal is generally consistent with the  
6 Comprehensive Plan and with the Future Land Use Map and  
7 Generalized Policy Area Map. OP is working with the  
8 applicant on their amenities package. Thank you, and I'm  
9 available for questions.

10 CHAIRMAN HOOD: All right. I was trying to find  
11 out where it was. Commissioner May?

12 COMMISSIONER MAY: Just a couple of questions. The  
13 -- do we know if the building is eligible for residential  
14 parking permits? Is it a commercial street or is it a  
15 residential street? Don't know?

16 MS. MYERS: I believe it's a commercial street.

17 COMMISSIONER MAY: So, I mean, that's something  
18 we'll need to have clear, because if it is somehow magically  
19 eligible for RPP, that could raise concerns with people  
20 parking in the street and we've dealt with that before.

21 And do we know anything about what the rest of the  
22 block is? I mean, is the rest of the block going to be  
23 redeveloped at some point, too? I mean, there are other  
24 lower density properties that are there, do we know anything  
25 about what the future holds?

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1 MS. MYERS: There's already an approved PUD with  
2 a couple of projects in the area. But as for future, I'm not  
3 aware.

4 COMMISSIONER MAY: Okay. I mean, it would be  
5 interesting if we could do a little bit of research and find  
6 out if anything is happening. Specifically the things that  
7 are on that block, as opposed to what's happening across the  
8 street.

9 Because, I mean, they did give us a very good  
10 aerial about or a map of the area that showed us what was  
11 happening. And of course, some of those PUDs were not that  
12 long ago, so it's easy enough to remember what's going on  
13 there.

14 And I think that there -- I would just comment,  
15 I think that what we've gotten in terms of the drawings for  
16 this project are sufficient for setdown, but there's clearly  
17 more development needed in some areas of the drawings.

18 And in particular, what we saw in the view of the  
19 front entry, seems a bit underdeveloped. I think there's  
20 more to that, I think there's landscaping and things that  
21 aren't shown yet.

22 So, it's largely just a drawing thing, but I look  
23 forward to seeing this kind of fully dressed, as it were.  
24 So, that's all.

25 CHAIRMAN HOOD: Okay. Any other comments,

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1 questions on this case? Mr. Turnbull?

2 COMMISSIONER TURNBULL: Thank you, Mr. Chair. I  
3 just want to -- I would just like to maybe get a little bit  
4 more information on the roof. It's going to be a very active  
5 roof, which we all like to see happen.

6 But there's also going to be -- it would appear  
7 to be, I'm not sure if there's -- there will be a bar up  
8 there, so I would like to know about the levels of lighting,  
9 LEED certification, what they're going for up on the roof.  
10 I do notice that there is solar collectors shown on the roof,  
11 which Commissioner Shapiro will greatly appreciate.

12 But if you could find out a little bit more about  
13 the lighting and the hours of operation, what they're going  
14 to be doing up there, it would be good to know a little bit  
15 more about what's happening on the roof. Maybe some views,  
16 perspectives looking at the various aspects of the roof.

17 The only other thing that I would mention is that,  
18 they've also asked for flexibility on design issues, and I  
19 would simply have them refer to the previous case, 17-19, The  
20 Warrenton Group, to look at the order that comes out for that  
21 and they could then be familiar with the language that we're  
22 looking to use. That's it.

23 CHAIRMAN HOOD: Okay. Any other comments? Let me  
24 go back to Commissioner May.

25 COMMISSIONER MAY: Yes. I just wanted -- one other

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1 thing. I will say one thing about this, in terms of the  
2 development of a project and the rooftop use especially. I  
3 do think that the designers of this case have learned a good  
4 bit from the sort of things that we've asked for, and you  
5 mentioned the solar panels, on top of the green roof. That's  
6 something that Commissioner Shapiro has asked for before.

7 But also, the building has been designed in such  
8 a manner that it all seems to fit on the roof and no setback  
9 relief is required. And I know it's a challenge.

10 I mean, there is -- there's still an open issue,  
11 I think, just from the point of view of our regulations about  
12 the setbacks from a closed courtyard, because right now it's  
13 not required. But I think that that's -- what's been done  
14 here is reasonable.

15 I do have another question though, actually, for  
16 the Office of Planning, and that's just, what do the  
17 regulations say about putting -- having 11-foot high  
18 penthouse with solar panels that are two feet above that,  
19 which is what -- it says no more than two feet above that?

20 But I just forget what we decided when we talked  
21 about solar panels on top of penthouses. And you don't  
22 necessarily have to answer that right now, but I think we  
23 need to understand how that fits in.

24 MR. LAWSON: We'll make sure that we have an answer  
25 for the hearing on that. Typically, structures that are less

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1 than two feet in height can be added. But we have been under  
2 discussions on exactly that issue with the Zoning  
3 Administrator, so we'll have a more detailed response then.

4 COMMISSIONER MAY: Yes, I thought anything under  
5 four feet, but we don't want that on top of penthouses,  
6 right? Typically? So, that's where it gets a little bit  
7 weird. And this is a penthouse that, at 11 feet, it's below  
8 the maximum anyway, but we need to just understand how it's  
9 being interpreted, I think.

10 MR. LAWSON: Okay. We'll get that.

11 COMMISSIONER MAY: Yes, thanks.

12 CHAIRMAN HOOD: Okay. Vice Chair Miller?

13 VICE CHAIR MILLER: Thank you, Mr. Chairman. Yes,  
14 I support setdown of this mixed-use development of an  
15 underutilized site near a Metro station. And appreciate the  
16 LEED Gold, representation that it's going to be LEED Gold.

17 And I think it's doing a slightly greater amount  
18 of inclusionary zoning units than the minimum required under  
19 Regulations 3-IZ. Three of the 41 units would be affordable,  
20 two of the units would be two-bedroom, at 60 percent MFI, and  
21 one one-bedroom unit at 50 percent MFI.

22 I guess I just maybe want clarification at the  
23 hearing, I guess the 50 percent AMI is being triggered by the  
24 penthouse restaurant use? Okay.

25 So, just a clarification as to whether they're

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1 actually just doing the minimum or they're doing beyond the  
2 minimum in terms of -- what looks like they're doing beyond  
3 the minimum in terms of amount of set-aside. But they may  
4 just be doing the MFI levels that are required, if it's going  
5 to be rentals.

6 COMMISSIONER MAY: So, I was flipping back to the  
7 pages and I happened to notice there's a site, there's a wall  
8 that's marked with the approximate dimension location of  
9 mural. And I think I would like to know more about what's  
10 intended for that mural.

11 VICE CHAIR MILLER: Is it looking over on your Port  
12 Reno? Is that why?

13 COMMISSIONER MAY: No, it's looking the other  
14 direction.

15 VICE CHAIR MILLER: Okay.

16 COMMISSIONER MAY: I just -- no, it's not a park  
17 impact. But thank you, I appreciate your being sensitive to  
18 the park location.

19 CHAIRMAN HOOD: Okay. Just want to make sure that  
20 we continue the dialogue with the ANC. I think in this case,  
21 it's 3C, I believe, one of them.

22 I would agree with, I'm not sure who said it, one  
23 of my colleagues who said, obviously this applicant has been  
24 watching us, because I notice I didn't hear any concerns or  
25 issues about any signage.

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1           So, I think that we're getting our points across  
2 and applicants are adhering to some of the concerns that  
3 we've had. I noticed that was pretty much the same with a  
4 few changes, but it didn't exceed the size of it, the fonts  
5 didn't change a whole lot.

6           But anyway, that's enough on that. Anything else.  
7 All right. So, looking forward to setting this down.  
8 Someone like to make a motion?

9           VICE CHAIR MILLER: Mr. Chairman, I would move that  
10 the Zoning Commission setdown Zoning Commission Case Number  
11 18-03, Dancing Crab Properties, LLC, Consolidated PUD and  
12 Related Map Amendment at Square 1769, Lots 1 and 2, and ask  
13 for a second.

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

16           (Chorus of ayes.)

17           CHAIRMAN HOOD: Any opposition? Not hearing any,  
18 Ms. Schellin, would you record the vote?

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

24           CHAIRMAN HOOD: Okay. Next case is Zoning  
25 Commission Case Number 18-05, WMATA, Text Amendment to

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1 Subtitle I and Map Amendment at Square 487. Mr. Cochran?

2 MR. COCHRAN: Thank you, Mr. Chair. For the  
3 record, I'm Steve Cochran with the Office of Planning. WMATA  
4 has petitioned for a map amendment and a text amendment for  
5 all of Square 487, which is now occupied by its headquarters  
6 building.

7 OP recommends that the Commission setdown the  
8 petitioner's request to change the zone district from D-2 to  
9 D-5R and the text amendment to make the square subject to IZ.

10 We also recommend the Commission setdown OP's  
11 alternative text, which would ensure that affordable housing  
12 would still result if some or all of the property were  
13 developed non-residentially.

14 A portion of the credits needed to increase the  
15 non-residential FAR would, under the OP alternative, have to  
16 come from a downtown project that has complied with IZ. The  
17 amount of credits would be equivalent to the amount of IZ  
18 that otherwise would have been provided on the Square 487  
19 site. The remainder of the credits could be purchased from  
20 any other eligible site.

21 OP will, of course, continue working with OAG to  
22 refine the alternatives language prior to advertising. The  
23 proposed map amendment in both the applicant's and OP's  
24 alternative text amendment would be generally consistent with  
25 the Comprehensive Plan. That concludes our testimony and

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1 we're here to answer question.

2 CHAIRMAN HOOD: Okay. Thank you, Mr. Cochran. Any  
3 questions? Okay, we have one question by the Vice Chair.  
4 Good job, Mr. Cochran, we only have one question. That will  
5 probably bring another one and then another one, then another  
6 one.

7 MR. COCHRAN: Thank you, sir. This was edited down  
8 from three pages about 1:00, by a colloquium of staff.

9 VICE CHAIR MILLER: Thank you, Mr. Cochran, for the  
10 Office of Planning report. And I do support setting down the  
11 map amendment hearing, with the alternative language as well,  
12 to address the housing issue that you mentioned if it was  
13 developed without housing.

14 And realizing that this is a map amendment and  
15 Comp Plan consistency case primarily, it might be useful, I  
16 think, to have information on what's going on, what's going  
17 to happen. Is WMATA disposing of the site and putting it out  
18 for RFP or something?

19 It's an underutilized downtown site that's very  
20 unattractive and I know it's been talked about for years  
21 about being redeveloped and WMATA using proceeds to support  
22 their own operations, which they badly need that revenue.

23 So, anyway, it would be -- if there's a status  
24 report on what's happening, even though we're just looking  
25 at really the map and text amendment consistency with the

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1 Comp Plan, it just would be useful to know the context.  
2 That's it.

3 CHAIRMAN HOOD: Okay. And we would ask that the  
4 Office of Planning and OAG continue to work together with the  
5 refinement of the language, if there's any more to be  
6 refined, we would ask that they continue to do that.

7 Anything else? Okay. We're ready for setdown?  
8 I would move, then, that we setdown Zoning Commission Case  
9 Number 18-05 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 (Chorus of ayes.)

14 CHAIRMAN HOOD: Any opposition? Not hearing any,  
15 Ms. Schellin, would you record the vote?

16 MS. SCHELLIN: Yes. Staff records the vote 4-0-1  
17 to setdown Zoning Commission Case Number 18-05 is the  
18 rulemaking case. Commissioner Hood moving, Commissioner  
19 Turnbull seconding, Commissioners May and Miller in support,  
20 Commissioner Shapiro not present, not voting.

21 COMMISSIONER MAY: Just to clarify, it's setdown  
22 with the petitioner's language and with the alternate  
23 language, right?

24 MS. SCHELLIN: Yes.

25 CHAIRMAN HOOD: Right. Okay, thank you. Okay.

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1 Next, okay, we're in correspondence. Zoning Commission Case  
2 Numbers 14-02 and 14-02A, A&R Development Corporation, et  
3 al.'s Request to Withdraw Cases. Ms. Schellin?

4 EE: Yes. At Exhibit 8, the applicant -- and this  
5 is, I'm just going to read off the exhibits for Case 14-02A,  
6 the same exhibits are in both cases. But Exhibit 8, the  
7 applicant filed a request for consent of the Commission to  
8 withdraw Case Numbers 14-02 and 14-02A.

9 Exhibit 9 was an email from the party in  
10 opposition's attorney opposing an extinguishment of the PUD,  
11 which is not really what's being requested here, as well as  
12 a request for a hearing on the matter.

13 Exhibit 10 is a copy of the applicant's response  
14 to the opposition party advising of the right to withdraw the  
15 cases and opposing any delay.

16 And then, just before 4:30 today, Exhibit 9A, the  
17 attorneys for BFTTA, the opposition party, submitted a more  
18 in-depth request for an extension of time to file a response  
19 to the request to withdraw, and again reiterating a request  
20 to have a hearing on this matter.

21 So, we just ask the Commission to consider the  
22 request to withdraw or the consent in order to withdraw this  
23 case.

24 CHAIRMAN HOOD: All right. Ms. Schellin, I want  
25 to make sure I understand. So, the first request from the

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1 applicant -- I mean, not from the applicant, from the party  
2 in opposition, which they prevailed, I believe, in court,  
3 says extinguishment, asked us to hold off on extinguishment.

4 Then, you got another request later on earlier  
5 this evening or late this afternoon asking for additional  
6 time to comment on withdrawing the cases. Is that --

7 MS. SCHELLIN: I think that latter, the 4:30, just  
8 before 4:30, I think the first paragraph says, an opportunity  
9 to respond to the withdrawal of the cases. But then, later  
10 on, I think the next paragraph, he goes back to  
11 extinguishment, yes.

12 CHAIRMAN HOOD: Okay. Well, colleagues, my  
13 recommendation is extinguishment was not being asked for.  
14 And first of all, I don't know where we get -- I think this  
15 applicant has prevailed in their case in the court with  
16 vacating our order. I don't really know what more we can do.

17 I think, when we took this case, we sized it up  
18 and took everything involved with working with the community  
19 and working with all parties involved, and the City as well,  
20 in trying to make sure that we did what's right for the  
21 residents.

22 But I notice we've gotten a lot of different,  
23 other views and my thing is to make sure we look out for the  
24 folks who live in Barry Farms. That's kind of where I've  
25 always been, that's where I still stand today, even with the

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1 opposition has come out, which I think all of it is not  
2 actually correct.

3           So, I'll just say that and they can say whatever  
4 they want to say, because that's what they've been doing, but  
5 I would just encourage people who live in developments to do  
6 your own homework. Let me open it up, any other discussion  
7 or comments? Vice Chair Miller?

8           VICE CHAIR MILLER: Thank you, Mr. Chairman. Well,  
9 I would generally concur with your comments. I guess, I  
10 don't really understand, maybe I'll look to our counsel as  
11 to what the ramification of this withdrawal is.

12           I mean, we've had other vacated cases that we then  
13 took up and tried to address the courts and the parties in  
14 opposition at the courts challenge. Does this mean that  
15 we're not going to go that route, that there's going to --  
16 we're going to just wait for a new case to be filed?

17           Can you answer -- I mean, this case is just gone  
18 and Barry Farms just sits there like it's been sitting there,  
19 dilapidated for all these decades and we're just waiting for  
20 the City and a new developer, or this developer to come  
21 forward? What is withdraw -- did we have withdrawal in  
22 McMillan? I don't remember having withdrawal.

23           I mean, I know that sometimes the applicant, after  
24 a court case, recently decided they were going to -- they  
25 withdrew their PUD and they're going to go just matter-of-

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1 right and get three houses instead of 150 or whatever,  
2 Gateway, Georgia Avenue, very unfortunate.

3           What does it mean here? Is this case just gone  
4 and we're just waiting for a new applicant to partner with  
5 the City?

6           MR. RITTING: Well, the simple answer is, yes. I  
7 mean, the PUD process is intended to be a voluntary one and  
8 the applicant, now that they're set back by the court and the  
9 final order has been vacated, the rules provide they have a  
10 right to withdraw, if you consent to it, and that's what  
11 they've requested.

12           The difference in those other PUD cases is, there  
13 was no withdrawal by the applicant, the applicant wanted to  
14 proceed and wanted to go for another order from the Zoning  
15 Commission. So, that's the answer here.

16           VICE CHAIR MILLER: So, I just guess, having all  
17 of us and all of us up here and all of us parties in  
18 opposition and the ANC that was in support, that spent  
19 umpteen hours on this case and now, it's gone away and we're  
20 not going to address the court's decisions, I guess it would  
21 be good to have an updated status report as to what the plans  
22 are for Barry Farm.

23           I guess, then, maybe that's what's all being  
24 contemplated. But just for our own edification, we spent a  
25 lot of time on this case, we spent a lot of time redoing

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1 McMillan, and I guess now we're putting off doing that in  
2 this case and somebody's reassessing how to go forward.

3           It would just be helpful a public accounting, or  
4 in a closed meeting with proper notice accounting, of what  
5 is the status report on a case that both we and many, many  
6 citizens spent a lot of time down here on. So, I just would  
7 like to have that, Mr. Chairman, at some point.

8           CHAIRMAN HOOD: Well, let me just say, if we do  
9 anything on this case, I don't want it to be closed, I can  
10 tell you that. I want -- if we go that route, which I'm not  
11 necessarily in favor of, because as I stated, I've been  
12 hearing this, we won, we beat the Zoning Commission, it's not  
13 we, we, we.

14           We as a city lose. And I need people that live  
15 there to understand that. I understand that at the end of  
16 the, we lose. It's not no Barry Farms against Anthony Hood,  
17 it's not that, because I've got friends who live in Barry and  
18 I mean that.

19           What it is, is some of the people who don't even  
20 live in the area -- and let me just say this, and I don't  
21 really want to get too much into this up in here and a lot,  
22 and I'm putting this on the record, so when this goes to  
23 court.

24           I'm hearing a lot about the issue about party  
25 status. Fifty percent of the people who first applied for

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1 party status didn't live nowhere in Barry Farms. Fifty  
2 percent of those who -- and I'm talking about the  
3 applications that came to this Commission, I went back and  
4 looked at the transcript and I looked at what was provided.  
5 And 50 percent did.

6           If you all recall, that night, I came back at the  
7 next hearing, I wanted to reconsider it, because there were  
8 two of my colleagues who voted against the way we move. So,  
9 my question was, do I make sure that the folks who lived on  
10 Barry Farms got credence or do I make sure the people who  
11 didn't live on Barry Farms? So, I had to balance and  
12 grapple, that was the decision that I had to go home with at  
13 night and deal with.

14           But all this, we won, I'm hearing all this from  
15 the opposing people, fine. I've lost before and I don't  
16 think I've lost, I think the city, we as a whole lose in this  
17 case. It's not just about, we beat the Zoning Commission.  
18 Who's going to lose is not just the people in Barry Farms,  
19 but we as a city are losing. We're losing together.

20           So, I'm hoping that the people who asked for this,  
21 for us to do away with the extinguishment, I hope they're  
22 watching this too, because they're going around talking about  
23 how they won. You didn't win anything. You did not win  
24 anything, we as a city have lost and some of our residents,  
25 unfortunately, have to live in housing that was built in the

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1 '40s.

2           And that was my whole issue in this case, let's  
3 bring up their housing and their quality of life. And did  
4 we do that? No. Some of the people who have taken a lead  
5 on this case, they don't live over there, they don't live  
6 nowhere near there. Let's go see what kind of houses they  
7 live in. But anyway.

8           All right. Anybody else? Mr. Turnbull?

9           COMMISSIONER TURNBULL: Well, my only -- I mean,  
10 the Commission could refuse the request, but we can't compel  
11 the applicant to carry on into a remand or anything else.  
12 I mean, so I don't see that there's a point in doing that.

13           And OAG has even pointed out that there are -- our  
14 regulations do not consider legal arguments for a hearing.  
15 So, it becomes rather pointless to carry it one. So, I would  
16 be in favor of accepting the request for a withdrawal. I  
17 don't see what other choice we really have that makes sense.

18           CHAIRMAN HOOD: I would agree. And what --

19           VICE CHAIR MILLER: I concur with that too, I just  
20 don't know what the path forward is.

21           COMMISSIONER TURNBULL: Yes.

22           CHAIRMAN HOOD: Commissioner May, you have  
23 anything?

24           COMMISSIONER MAY: I agree with everything that's  
25 been said so far and I think it's just an unfortunate

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1 outcome, but it is what it is.

2 CHAIRMAN HOOD: Right.

3 COMMISSIONER MAY: So, we need to move on, we have  
4 other cases to work on.

5 CHAIRMAN HOOD: Okay. All right. So, with that,  
6 I would grant the motion of withdrawing the cases of 14 --  
7 let me make sure I get them right -- 14-02 and 14-02A. But  
8 hold on, before I make that motion, Vice Chair Miller, you  
9 wanted to see -- do you still want to see something to that?-

10 VICE CHAIR MILLER: No, I don't need to see it.

11 CHAIRMAN HOOD: Okay.

12 VICE CHAIR MILLER: I agree with Commission  
13 Turnbull that we can't compel an applicant to go forward.  
14 But I think everybody, everybody, on whatever side, all those  
15 who testified down here, want to know what the path forward  
16 is, and I'm sure that's being worked on by the Mayor's office  
17 and the Deputy Mayor's office.

18 And I don't know if it's going to be this  
19 particular partner or not, but the residents certainly want  
20 to know, who live there in the neighborhood.

21 CHAIRMAN HOOD: Right. Again, we all lose on this.  
22 Okay. So, I would move that we grant the withdrawal in Cases  
23 14-02 and 14-02A, and ask for a second.

24 COMMISSIONER MAY: Second.

25 CHAIRMAN HOOD: It's been moved and properly

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1 seconded. Any further discussion? All in favor?

2 (Chorus of ayes.)

3 CHAIRMAN HOOD: Any opposition? Not hearing any,  
4 Ms. Schellin, would you record the vote?

5 MS. SCHELLIN: Yes. Staff records the vote 4-0-1  
6 to grant the applicant consent to withdraw Case Numbers 14-02  
7 and 14-02A. Commissioner Hood moving, Commissioner May  
8 seconding, Commissioners Miller and Turnbull in support,  
9 Commissioner Shapiro not present, not voting.

10 CHAIRMAN HOOD: Okay. Next, Request from Events  
11 DC to File Application Prior to Hearing on Zoning Commission  
12 Case Number 18-04. Ms. Schellin?

13 MS. SCHELLIN: Yes. 18-04 is -- I'm sorry. This  
14 is a request from Events DC to be able to file a design  
15 review application prior to the hearing that's being held for  
16 Case Number 18-04, that hearing is scheduled for June 28.

17 They would like to file their application, have  
18 a hearing, but of course, not have action taken until final  
19 action is taken on Case Number 18-04. So, we would ask the  
20 Commission to consider allowing Events DC to file their  
21 application.

22 CHAIRMAN HOOD: Okay. Commissioners, I have looked  
23 at this and I would recommend that we move in this fashion.  
24 I know we've done it in other cases and I know the workload  
25 and I know the things that Events DC is doing for the City.

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1           And we have done that, where we dealt with an  
2 amendment first and then, we would vote on it after we vote  
3 on that amendment, and however all that went. I'm in favor  
4 of moving forward with the request that's been asked. Let  
5 me open it up for any other comments. Any other comments?

6           COMMISSIONER MAY: No, I'm glad to do whatever we  
7 can to help this move forward more quickly. This is going  
8 to be a benefit to the residents in the City and it will be  
9 a good way to get the whole project moving forward.  
10 Replacing asphalt with playing fields, that's a great thing.

11           CHAIRMAN HOOD: Any other comments? So, I would  
12 move -- anybody else? Okay. So, I would move that we grant  
13 the request for Events DC to file an application prior to  
14 hearing on Zoning Commission Case Number 18-04 and ask for  
15 a second.

16           VICE CHAIR MILLER: Second.

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

19           (Chorus of ayes.)

20           CHAIRMAN HOOD: Any opposition? Not hearing any,  
21 Ms. Schellin, would you record the vote?

22           MS. SCHELLIN: Yes. Staff records the vote 4-0-1  
23 to allow Events DC to file their design review application  
24 prior to final action on 18-04. Commissioner Hood moving,  
25 Commissioner Miller seconding, Commissioners May and Turnbull

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1 in support, Commissioner Shapiro not present, not voting.

2 CHAIRMAN HOOD: Okay. Ms. Schellin, do we have  
3 anything else?

4 MS. SCHELLIN: Staff has nothing else.

5 CHAIRMAN HOOD: Okay. Does the Office of Planning  
6 have anything? Okay. OAG have anything? I can't leave you  
7 all out either. Okay. So, with that, I want to thank  
8 everyone for their participation in this matter and this  
9 meeting is adjourned.

10 (Whereupon, the above-entitled matter went off the  
11 record at 7:26 p.m.)

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