

GOVERNMENT
OF
THE DISTRICT OF COLUMBIA

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ZONING COMMISSION

+ + + + +

REGULAR MEETING

+ + + + +

MONDAY

SEPTEMBER 17, 2018

+ + + + +

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, NW, 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
MAXINE BROWN-ROBERTS
STEPHEN COCHRAN
JOEL LAWSON
STEPHEN MORDFIN
ELISA VITALE

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D.C. OFFICE OF THE ATTORNEY GENERAL PRESENT:

JACOB RITTING
HILLARY LOVICK
MAXIMILIAN TONDRO

The transcript constitutes the minutes from
the Regular meeting held on September 17th, 2018.

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

(6:33 p.m.)

1
2
3 CHAIRMAN HOOD: Good evening, ladies and
4 gentlemen. The meeting will please come to order. This is
5 a public meeting of the Zoning Commission for the District
6 of Columbia. My name is Anthony Hood. We are located at the
7 Jerrily R. Kress Memorial Hearing Room. Today's date is
8 September the 17th, 2018. The time now is about 6:30 p.m.

9 Joining me this evening are Vice Chair Miller,
10 Commissioner May, and Commissioner Turnbull. Office of
11 Zoning staff, Ms. Sharon Schellin, as well Office of Attorney
12 General, Mr. Ritting and Ms. Lovick. We want to welcome Mr.
13 Tondro to his new position in the office of -- Attorney
14 General's Office. So welcome to the Zoning -- you've been
15 to the Zoning Commission, but in another capacity. Is this
16 your first time here in this capacity?

17 Okay. Well, welcome in this capacity. Also, the
18 Office of Planning staff, we have Ms. Steingasser, Mr.
19 Lawson, Mr. Cochran, Mr. Mordfin, and Ms. Brown-Roberts, and
20 Ms. -- I see MS. Vitale in the audience. And anyone else
21 from the Office of Planning staff, welcome.

22 Copies of today's meeting agenda are available to
23 you and are located in the bin near the door. We do not take
24 any public testimony at our meetings, unless the commissioner
25 requests someone to come forward. Please be advised, this

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1 proceeding is being recorded by a court reporter. It is also
2 webcast live. Accordingly, I must ask you to refrain from
3 any disruptive noises or actions in the hearing room,
4 including display of any signs or objects. Please turn off
5 all electronic devices.

6 Does the staff have any preliminary matters?

7 MS. SCHELLIN: No, sir.

8 CHAIRMAN HOOD: Okay. If not --

9 VICE CHAIR MILLER: Mr. Chairman, I just had one
10 quick little matter to add.

11 CHAIRMAN HOOD: Okay, sure, yes.

12 VICE CHAIR MILLER: And I wanted to just take the
13 opportunity to wish you congratulations on your swearing in
14 a few moments ago --

15 CHAIRMAN HOOD: Thank you.

16 VICE CHAIR MILLER: -- on what must be your fifth
17 reappointment.

18 CHAIRMAN HOOD: I had that conversation just now
19 with the Mayor. It's my sixth.

20 VICE CHAIR MILLER: Sixth reappointment by at
21 least four different mayors. You've been on for 20 years,
22 and that's great public service to the city, and we're all
23 proud of you.

24 CHAIRMAN HOOD: Well, thank you, thank you.
25 Should I tell the Mayor that your comments were nicer than --

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1 no, no, I'm just kidding.

2 VICE CHAIR MILLER: You can tell them that you
3 wrote them.

4 CHAIRMAN HOOD: Tell them I wrote them? Well,
5 thank you very much. And I really want to say this, I
6 appreciate the boards and commissioners for being able to get
7 me out of there and get me here. They had 600 people. It
8 was a great event, one of the better ones I've been to, very
9 well-organized, and I plan on making sure I let the mayor
10 know that her motor staff did a great job. So, thank you for
11 that. I appreciate it.

12 Okay, Ms. Schellin, let's begin with our agenda,
13 unless we have anything else.

14 MS. SCHELLIN: Yes, under Minor Modifications and
15 Technical Corrections, the first case on the agenda is 06-
16 14F, Washington Gateway III, LLC. They are requesting a
17 technical correction to Zoning Commission orders 06-14
18 through 06-14D. And what they're asking to do is to change
19 the land area cited in the orders from 134,665 to 134,592.
20 At Exhibit 5, there's an OP report in support of the
21 technical correction. They ask the Commission to consider
22 what's before them this evening and to consider taking final
23 action on this request.

24 CHAIRMAN HOOD: Okay, Commissioners, we have the
25 request before us. I'm sure we have reviewed all the facts

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1 that are involved in this correction. I think it's a
2 technical correction, but let me open up any questions or
3 comments from anybody. Okay, I think it's pretty
4 straightforward. Unless I hear something else, would someone
5 like to make a motion?

6 COMMISSIONER TURNBULL: Mr. Chair, I would move
7 that we take favorable action on Zoning Case 06-14F,
8 Washington Gateway III, LLC, technical correction to Zoning
9 Commission order, number 06-14 to 06-14D, and look for a
10 second.

11 VICE CHAIR MILLER: Second.

12 CHAIRMAN HOOD: Okay, that's been moved and
13 properly seconded. Any further discussion? All in favor?
14 Aye. Any opposition? I'm not hearing any. Do we have a
15 proxy?

16 MS. SCHELLIN: No, sir.

17 CHAIRMAN HOOD: Okay. Ms. Schellin, could you
18 record the vote?

19 MS. SCHELLIN: Yes. Staff records the vote 4 to
20 0 to 1, to approve final action Zoning Commission case number
21 06-14F. Commissioner Turnbull moving, Commissioner Miller
22 seconding, Commissioners Hood and May in support,
23 Commissioner Shapiro not present, not voting.

24 CHAIRMAN HOOD: Okay. Thank you. Our next case
25 is Zoning Commission case number 01 dash -- I mean, sorry,

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1 01-07A, Commerce Building Associates, LLC. PVD minor
2 modification is square 126. Ms. Schellin.

3 MS. SCHELLIN: In this minor modification request,
4 the applicant is seeking to add penthouse habitable space,
5 including a roof terrace. At Exhibit 10, there is a waiver
6 request from the applicant for not serving one of the
7 original parties, KV Sun Holdings. They were the owner of
8 the adjacent property. They sold that property and so,
9 therefore they're no longer an owner. And, of course, being
10 an owner of the adjacent property allowed them to participate
11 in the original case. At Exhibit 9, OP filed a report in
12 support of the minor modification, so it asked the
13 Commission, one, to rule on the waiver request, and, two, to
14 consider final action on this case.

15 CHAIRMAN HOOD: Okay. Thank you, Ms. Schellin.
16 Commissioners, you've heard the request for the waiver.
17 Let's take that up first. Any objections? Any comments?
18 I understand that KV -- whatever the former owner's name was
19 -- has moved, and I'm sure everyone else has been served, the
20 way I read it. So, any questions or comments on the waiver?
21 Any objections to granting the waiver? Okay, I'm not seeing
22 any, so we will grant the waiver. And then, let's talk the
23 request, the minor mod request, square 126. Any questions
24 or comments? And again, this is concerning the penthouse
25 habitable space. Any comments? Commissioner May?

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1 COMMISSIONER MAY: This seems very
2 straightforward. I don't see any real complications with it
3 and note that it's going to result in a contribution to
4 Housing Production Trust Fund, so, I think it's all fine.

5 CHAIRMAN HOOD: Okay, anybody else?

6 VICE CHAIR MILLER: I concur with Commissioner
7 May.

8 CHAIRMAN HOOD: Okay. Alright, so, would someone
9 like to make a motion?

10 COMMISSIONER TURNBULL: Mr. Chair, I would move
11 that we take final action on Zoning Case number 01-07A,
12 Commerce Building Associates LLD, PUD Minor Modification at
13 square 126.

14 CHAIRMAN HOOD: I'll second that. It's been moved
15 and properly seconded. Any further discussion?

16 MR. RITTING: Can I just make a slight correction
17 that it's a modification of consequence?

18 CHAIRMAN HOOD: Modification of consequence, okay.

19 MR. RITTING: Oh, it's a minor mod? Okay, I'm
20 sorry. I was misreading my chart. The original --

21 (Simultaneous speaking.)

22 MR. RITTING: Okay, sorry about that.

23 CHAIRMAN HOOD: Okay, alright. Alright, no
24 problem, so, where was I? Moving -- any further discussion?
25 All in favor? Aye.

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1 (Chorus of aye.)

2 Any opposition? Not hearing any. Ms. Schellin,
3 would you please record the vote?

4 MS. SCHELLIN: Yes. Staff records the vote 4 to
5 0 to 1, to approve final action in Zoning Commission case
6 number 01-07A, Commissioner Turnbull moving, Commissioner
7 Hood seconding, Commissioners May and Miller in support,
8 Commissioner Shapiro not present, not voting.

9 CHAIRMAN HOOD: Okay. I'll call these next ones
10 for determination of scheduling. I wanted to try to do some
11 of this en bloc as well, but there's some issues with some,
12 so I'm going do them one by one. So, anyway, we'll just take
13 our time and go through these.

14 Modifications of consequence, determination of
15 schedulings -- no, I can't do that. Okay. I'm thinking out
16 loud. Zoning Commission case number 16-13C, J.S. Congress
17 Holdings, LLC, modification of consequence to Zoning
18 Commission Order 16-13B at square 748, lots 78 and 819. Does
19 anyone believe that this should come off? Okay. Okay, one
20 second.

21 Okay, so, Ms. Schellin, can you deal with the
22 responses?

23 MS. SCHELLIN: Yes. For this modification of
24 consequence, they're seeking to change Condition B2 to extend
25 the deadline to pay the \$625,000 to DC Habitat for Humanity

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1 from October 31, 2017, to December 31, 2018. The request is
2 made because DC Habitat for Humanity had difficulty finding
3 an off-site location for IZ and affordable housing. Although
4 it is under contract now for a site for this housing, Exhibit
5 7 is an OP report in support and asks the Commission to
6 consider this request and set up a schedule for filings by
7 the parties.

8 CHAIRMAN HOOD: Wait a minute, Ms. Schellin, what
9 are we -- which number did you just call?

10 MS. SCHELLIN: 16-13C. Am I on the wrong case?

11 CHAIRMAN HOOD: I guess what I -- I hate to
12 disclose this, but I've got three or four different things
13 I'm looking at up here, so maybe I need to get to one, and
14 we all need to look at the same one.

15 Yeah. Yeah, I got that. Hold on one second.

16 Alright, does anybody want anything else on this
17 case?

18 Okay, so, Ms. Schellin, can you set up the
19 schedule?

20 MS. SCHELLIN: Yes, I will.

21 CHAIRMAN HOOD: Okay, that's where I was getting
22 -- was being confused.

23 MS. SCHELLIN: Yes, sorry for the confusion. So,
24 our next meeting is October 22nd. I know that at least an
25 ANC is a party to this case. I don't recall if there are

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1 others, but the parties would have until October 9th to make
2 their submission, and I'd look to the ANC to reach out -- I
3 mean, I'm sorry, the applicant to reach out to the ANC to let
4 them know that. And then, if the applicant wishes to
5 respond, they would have until October 15th, and then we can
6 put this on for October 22nd.

7 CHAIRMAN HOOD: So, we will deliberate on this
8 case October the 22nd, and everybody else will have their
9 notification, and they can respond if they choose to.

10 MS. SCHELLIN: Yes.

11 CHAIRMAN HOOD: Okay, alright. Alright, thank
12 you.

13 That summer break must have been long. We're
14 struggling, but we're going to get there.

15 Okay, next is the Zoning Commission case number
16 16-06B, Jemal's Lazriv Water, LLC, design -- did you say
17 something -- design, review modification of consequence is
18 at square 666. Ms. Schellin.

19 MS. SCHELLIN: In this modification request, the
20 applicant seeks to modify the building's design and massing
21 to increase the number of residential units and parking
22 spaces, and minor changes to the landscape design of the
23 river walk. At Exhibit 4, there is an OP report in support,
24 and so maybe if I key it up this way, if the Commission is
25 not requesting any additional information, then I will set

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1 up a schedule.

2 CHAIRMAN HOOD: Alright. Commissioners, is there
3 any additional information for this? Because if not, we are
4 ready to do a scheduling. And let me thank Commissioner May
5 for correcting me on Lazriv. He's now an English teacher,
6 so -- but anyway, anything that we're looking for? Any
7 comments on this? If not, we can do determination of
8 scheduling.

9 Okay, Ms. Schellin, we can schedule.

10 MS. SCHELLIN: Yes. We can use the same dates.
11 The ANC and any other parties, if there are any, can make
12 their submission by 10 -- October 9th. If the applicant
13 would reach out to the ANC, and if there are other parties,
14 and pass that information on. If the applicant chooses to
15 respond to those submissions, they have until October 15th,
16 and we'll put this on for October 22nd.

17 CHAIRMAN HOOD: Okay, let's go up to the next
18 case, Zoning Commission case number 15-18B, Initio, LP,
19 requests for a PUD technical correction or modification of
20 consequence to the square 1194. Ms. Schellin.

21 MS. SCHELLIN: Yes, the applicant wants the
22 Commission to either grant a technical correction or a
23 modification of consequence to order numbers 15-18 and 15-
24 18A, for the size of the property to be changed from 7,413
25 square feet to 7,211 square feet.

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1 In addition, a modification of consequence has
2 been requested to make minor changes to the roof structures
3 and to change the brick color on the building from red to a
4 mid-tone gray. At Exhibit 7, there's an OP report that
5 supports the first request as a minor modification, and the
6 other two as -- I'm sorry, I believe it was as a technical
7 correction -- and the other two as modifications of
8 consequence. However, because the change in the size of the
9 property, it creates a need for additional relief, a relief
10 from lot occupancy, which has not been but does need to be
11 requested.

12 At Exhibit 8, there's an ANC 2E resolution to take
13 no position on this case. So, I would ask the Commission to
14 decide how they want to proceed on this, since additional
15 relief is necessary for the lot occupancy.

16 CHAIRMAN HOOD: Okay. Which, in turn, would make
17 it a non-conforming use, the way I understand it. So,
18 colleagues, we have three moving parts to this particular
19 request. One of them is that, I think that the advice is to
20 maybe ask the applicant to ask for the relief. And I think
21 we can deal with the other two requests. I guess we would
22 schedule -- I don't know, maybe we should do all this at one
23 time. That's maybe my recommendation, but I'll hear from
24 others. Because we could really go forward, I think, with
25 the other two, I think, the elevator and overhead, and the

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1 brick color. But I will open up and hear from others. How
2 do you want to proceed with this?

3 COMMISSIONER MAY: So, I mean, what do we need in
4 the way of a request from the applicant to request the
5 relief?

6 CHAIRMAN HOOD: They're going to have to file --
7 they're going to have to file something. I don't think we
8 can do a verbal.

9 COMMISSIONER MAY: But they can -- we can set up
10 essentially the same schedule we've been using for the other
11 modifications of consequence? Or do we need to wait?

12 CHAIRMAN HOOD: They haven't filed anything on
13 that yet, so --

14 COMMISSIONER MAY: So, we have to take it up again
15 as a modification?

16 CHAIRMAN HOOD: We're going to have to deal with
17 this again at some point. So, I guess what I'm trying to see
18 is, do we want to just hold all of it and do it all at once,
19 once we make the request, or do we want to deal with the
20 brick and -- what's the other one -- the elevator overrun,
21 from ten to, like, 18 points.

22 VICE CHAIR MILLER: Mr. Chairman?

23 CHAIRMAN HOOD: Yeah?

24 VICE CHAIR MILLER: I thought the applicant's
25 August 22nd letter sought a technical correction, or in the

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1 alternative, a modification of consequence for that first
2 moving part, as you put it, the reduction in size of the
3 subject property. So, I'd be in favor of scheduling all
4 three of these changes as modifications of consequence and
5 setting a schedule.

6 CHAIRMAN HOOD: Well, I don't think we can set
7 that. I think they have to ask for it first.

8 MS. LOVICK: Excuse me --

9 VICE CHAIR MILLER: Their letter asked for it.

10 MS. LOVICK: It was the lot occupancy. The lot
11 occupancy is the relief that --

12 VICE CHAIR MILLER: Oh, on the lot occupancy
13 question.

14 MS. LOVICK: Yeah, the lot occupancy relief is the
15 relief that the applicant would need to submit an application
16 for.

17 VICE CHAIR MILLER: Would they have time to do it
18 if we set a schedule that allows them to do that?

19 MS. LOVICK: Yeah, I mean, you can either -- you
20 can decide to hold it in abeyance and wait for them, wait for
21 the applicant to file the application for the lot occupancy
22 relief, or you could decide on the elevator and the brick
23 color tonight, and the applicant could file the request for
24 the lot occupancy relief separately, and you'd decide that
25 separately with the land area relief.

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1 COMMISSIONER MAY: So, I mean, this is what my
2 original question was. What constitutes a request from the
3 applicant for the relief? Could the applicant's attorney
4 come to the dais right now and --

5 MS. LOVICK: No, they would need to file
6 something, but they could come to the microphone to clarify
7 what they'd like to do with their preferences.

8 COMMISSIONER MAY: But my point is -- I only want
9 to take this up one more time.

10 MS. LOVICK: Okay.

11 COMMISSIONER MAY: We're going to have to do a
12 modification of consequence, so let's dispose of whatever we
13 can tonight so we take it up in full next time.

14 MS. LOVICK: Okay. Well then, if you want to do
15 it that way, then you would hold it in abeyance and allow for
16 them to submit an application for the lot occupancy relief --

17 COMMISSIONER MAY: But then we wouldn't schedule
18 for deliberation until after we've received that.

19 MS. LOVICK: Correct. You would do it all at
20 once. All four would happen all at once.

21 COMMISSIONER MAY: Yeah, that's not what I'm
22 asking.

23 MS. LOVICK: Well, what are you asking?

24 CHAIRMAN HOOD: Well, here's what I don't want to
25 do. I see that we had a counselor come to the table. The

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1 last time I did let someone to come to the table willy-nilly,
2 we had a big problem. And right now, we're not ready to hear
3 from the counsel, okay? So, let us deal with how we're going
4 to try to move forward. Unless somebody up here wants to
5 hear from them?

6 COMMISSIONER MAY: No, I think the only reason to
7 -- if they could request, on the record, in our meeting, that
8 they want this other relief, and then we could fold it into
9 the modification of consequence, and then just schedule it
10 and then take it up on October 22nd and decide it all then.

11 MS. LOVICK: It hasn't been filed. So, I mean,
12 the application does have to be filed in order for you to
13 make a determination. Now, you can make a determination on
14 the three requests that you have at present.

15 COMMISSIONER MAY: We've been -- have had other
16 cases where additional relief is requested during the course
17 of a hearing. Why wouldn't we be able to do that here and
18 now?

19 MS. LOVICK: Well, I mean, in this situation, it's
20 possible that this relief could be a modification of
21 significance. I don't know. It's something that you would
22 have to determine. And so, without them actually filing the
23 application for the lot occupancy relief -- I mean, I
24 wouldn't advise doing it that way, but --

25 COMMISSIONER MAY: Alright, that's fine. I give

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1 up. I would still like to see it -- well, we could
2 reschedule it for the next -- when's our next meeting?

3 MS. SCHELLIN: October 22nd. And --

4 COMMISSIONER MAY: No, but that's not -- that's
5 the next --

6 MS. SCHELLIN: Yes.

7 COMMISSIONER MAY: We're not going to have a
8 single meeting between now and then?

9 MS. SCHELLIN: No.

10 COMMISSIONER MAY: Okay.

11 MS. SCHELLIN: No, the rest of the year, there's
12 one meeting. And if they work with the ANC and they get an
13 ANC report, it's possible action could be taken at the
14 October 22nd meeting.

15 COMMISSIONER MAY: Right.

16 MS. SCHELLIN: So, the burden's really on them to
17 get their application in. It could be put on that agenda,
18 and action -- because the Commission has done that.

19 COMMISSIONER MAY: Well, the ANC already reported
20 on everything, except for that question of that relief.

21 MS. SCHELLIN: Exactly. So, if they do that, then
22 you guys -- you know, it's not going to be any delay.

23 COMMISSIONER MAY: Okay.

24 MS. SCHELLIN: So, it's really on the applicant
25 to take care of that.

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1 COMMISSIONER MAY: Alright.

2 CHAIRMAN HOOD: Alright. So, we will hold this
3 in abeyance.

4 MS. SCHELLIN: Everything until the 22nd?

5 CHAIRMAN HOOD: Everything.

6 MS. SCHELLIN: Okay.

7 CHAIRMAN HOOD: We can deal with it all at once.
8 I just didn't want anybody to come up and ask for relief and
9 then we have -- as has already been stated, we don't know how
10 we're going to put it. Because that gets us in even more
11 muddier waters, so -- okay. Thank you.

12 Alright, let's go to the next case. Zoning
13 Commission case number 17-05A, 2100 Second Street, Southwest,
14 LLC. Capital Gateway Design reviewed modification of
15 consequences at square 613 in lot 10. Ms. Schellin.

16 MS. SCHELLIN: Yes, sir. The applicant is seeking
17 to redesign several architectural elements as the design
18 evolved through the building permit process. At Exhibit 4,
19 you have an OP report that supports the request subject to
20 the applicant addressing DOEE concerns noted in OP's report.

21 At Exhibit 5, the applicant responded to OP and
22 the ANC concerns, stating they were withdrawing their request
23 for a rock scramble in place of the beach, and that the other
24 changes they made were approved by DOEE and the ANC, although
25 there is nothing in the record from DOEE or the ANC stating

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1 that they do --- are in agreement with those changes.

2 The Exhibit C -- Exhibit 6, rather, later today,
3 the ANC 6D did submit a report saying that they are in
4 support, with some concerns and suggestions.

5 So, we'd ask the Commission to consider scheduling
6 on this case, although the ANC has submitted a report, and
7 it would be a matter of whether the Commission wants some
8 additional information, or if they choose to move forward
9 this evening.

10 CHAIRMAN HOOD: Ms. Schellin, that letter that
11 came in today, what time did that come in?

12 MS. SCHELLIN: It was late.

13 CHAIRMAN HOOD: Okay. Well, I haven't seen -- I
14 haven't even looked at it.

15 MS. SCHELLIN: Alright.

16 CHAIRMAN HOOD: Has anybody else had a chance to
17 review the letter?

18 Okay. And we did have a testimony of submission
19 from the applicant, stating about DOEE accepting some of
20 their environmental. So, we got it from the applicant, but
21 we didn't get it from DOEE. So, that's one of the things I
22 guess we would need to verify, but I sure that the applicant
23 wouldn't put that in the record and -- but still, I guess we
24 still need to verify and make sure the DOEE is in compliance
25 with what the applicant is saying.

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1 The 6D letter, I'm at a disadvantage, colleagues
2 --

3 MS. SCHELLIN: Chairman Hood, I've been advised
4 by the applicant's representative that DOEE did provide a
5 form approving the changes. So, they could provide that form
6 for the record.

7 CHAIRMAN HOOD: Okay. I guess that should be
8 sufficient, unless somebody wants to see a written letter.
9 I think that's sufficient, as long as DOEE is on board. And
10 they've already stated that in their submission.

11 Again, does anyone believe that this should come
12 off as a modification of consequence?

13 Any other comments? Anything else anybody's
14 looking for?

15 I don't think we -- Ms. Schellin, let's do a
16 determination of scheduling at this point. Unless I'm
17 hearing -- I don't hear any objects.

18 MS. SCHELLIN: Okay. And would that be an
19 opportunity for -- does the applicant need to respond to the
20 ANC's letter that came in this afternoon? Do you --

21 CHAIRMAN HOOD: If there's something in there that
22 they need to --

23 MS. SCHELLIN: If they want to, they can do that?

24 CHAIRMAN HOOD: Yeah, if there's something in
25 there. And I'm actually getting ready to look at it now, so

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1 --

2 MS. SCHELLIN: Okay.

3 CHAIRMAN HOOD: I haven't had a chance to look at
4 it.

5 MS. SCHELLIN: So, if the applicant chooses to do
6 that, and also to provide that DOEE form --

7 CHAIRMAN HOOD: So, let me just -- it's uploaded.
8 I understand that some of my colleagues are saying they
9 didn't get it. But it's uploaded?

10 MS. SCHELLIN: I did upload it, yeah. This
11 afternoon.

12 CHAIRMAN HOOD: It was uploaded this afternoon?

13 MS. SCHELLIN: It should be, yeah.

14 CHAIRMAN HOOD: Is it in ZDOCs?

15 MS. SCHELLIN: Exhibit 20? Are you not seeing it?
16 Let me make sure.

17 CHAIRMAN HOOD: Give me one second.

18 (Off-microphone comments.)

19 CHAIRMAN HOOD: She says ZDOCs.

20 MS. SCHELLIN: It should be in ZDOCs.

21 CHAIRMAN HOOD: Exhibit 20? I don't see it
22 either. I don't --

23 MS. SCHELLIN: There were several things that came
24 in last minute, so --

25 CHAIRMAN HOOD: You only have Exhibit 5?

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1 MS. SCHELLIN: It came in very late. You should
2 see it now. That's why. It was probably the last exhibit
3 that I got sent out.

4 CHAIRMAN HOOD: Okay, yeah. I do have it.
5 Exhibit 6? Exhibit 6.

6 MS. SCHELLIN: You said 20. Okay, Exhibit 6. I
7 take that back.

8 So, the applicant could respond to that ANC letter
9 if they choose to do so, and provide that DOEE form by
10 October 9th. And then we can put this on for October 22nd.

11 CHAIRMAN HOOD: Okay, yeah. And I would ask them
12 to respond. If not -- at least make an attempt, or a good-
13 faith effort to try to answer what the ANC is asking here.
14 Because I'm going to be looking at that, once I figure out
15 what they're asking for, other than what I see here.

16 But anyway, any other questions on this? It's
17 always good to try to get this in earlier, to help us.
18 Because we have other full days. And I know getting it in
19 at, like, the last minute sometimes puts us at a
20 disadvantage, and we like to be able to look at these
21 materials, especially when it comes from communities -- and
22 even after, you know, whoever's involved -- so we can make
23 informed, intelligent decisions, okay? So, instead of giving
24 it in -- I guess, instead getting it at five minutes to 5:00,
25 we'll get it at 4:45.

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1 Okay. So, anyway, we'll do the best we can with
2 that, so -- Are you scheduling?

3 MS. SCHELLIN: Yes.

4 CHAIRMAN HOOD: Okay. So, we're good? Alright.

5 Alright. It's been brought to my attention ---

6 Ms. Schellin, let's go back to 15-18B.

7 MS. SCHELLIN: Yes.

8 CHAIRMAN HOOD: Commissioner May, for full
9 disclosure, would you want to discuss your decision?

10 COMMISSIONER MAY: So, we, as we were working
11 through that, and I was very focused on the issue of the
12 additional relief that was required. But there is another
13 complication in the prospect of getting an actual decision
14 on the 22nd, which is that there was a party that was in
15 opposition.

16 And part of the process for doing a modification
17 of consequence is making sure that the party has notice and
18 they know when we're going to make a decision about it, and,
19 so, the only way to, I would think, to get a decision on the
20 22nd would be if the applicant were able to get a letter from
21 the Committee of 100 and could provide it at that time.
22 Otherwise, I think we'd be winding up having to schedule it
23 for a future deliberation.

24 So, hopefully, everything will fall into place.
25 I know that the applicant has been having a lot of discussion

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1 with the Committee of 100 over the last couple of years, so
2 maybe they'll be able to do it. Thanks.

3 CHAIRMAN HOOD: Okay. So, noted. Next, let's go
4 with Zoning Commission case number 06-14E, Washington Gateway
5 III, LLC, modification of consequence to order number 06-14D,
6 in square 3584. Ms. Schellin.

7 MS. SCHELLIN: Yes. The applicant is requesting
8 to redesign condition number B3, in order number 06-14B, in
9 order to redesign the south tower for residential use, but
10 also, buried on page 4 of their request, they're also
11 requesting to change condition B6-D, regarding installed pole
12 lights. Exhibit 10 and 11 are the OP report and supplemental
13 report supporting the request. So, we'd ask the Commission
14 to decide if they want anything additional, and we can then
15 set a schedule.

16 CHAIRMAN HOOD: Okay. Commissioners, any
17 additional thing that we're looking for? First, I don't
18 believe anyone has mentioned they want this to come off, so,
19 is there anything additional we need in this? If not, we can
20 determine -- we can do scheduling.

21 Commissioner -- Vice Chair Miller?

22 VICE CHAIR MILLER: Thank you, Mr. Chairman. I
23 think there's some additional information that the Office of
24 Planning has requested in the record from the applicant.
25 It's listed on pages -- the bottom of page 3 and mostly on

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1 the top of page 4, their report. So -- I'm in favor of
2 scheduling it, but if we could get that information prior to
3 our deliberations. They're design-related information that
4 the OP was requesting.

5 CHAIRMAN HOOD: Alright. Other than -- Are we
6 requesting anything? Office of Planning has asked a request.
7 We'd ask them to fill that request. Anything that we are
8 asking for?

9 Alright. Okay, if not, we can do a determination
10 of scheduling. Ms. Schellin.

11 MS. SCHELLIN: So, again, if the ANC and any other
12 parties would submit by October 9th, again, I'd ask the
13 applicant to reach out to the parties. And then, the
14 applicant could respond by October 15th. We can put this on
15 for October 22nd.

16 COMMISSIONER MAY: Yeah, I did.

17 CHAIRMAN HOOD: Okay, anything else on that Ms.
18 Schellin?

19 Commissioner May, would you like to have the floor
20 again?

21 VICE CHAIR MILLER: Yeah, no, I just, the Office
22 of the Attorney General very appropriately pointed out that
23 I was mistaken about Committee of 100 being a party. They
24 were not a party, they just sued about the case. So, that's
25 what I'm told. I frankly can't remember, but if they weren't

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1 a party, then they don't need notice. I'm sure the applicant
2 will do whatever they need to do. Okay. Thank you.

3 CHAIRMAN HOOD: Actually, Commissioner May, I was
4 going to say, we have a lot, so much stuff, that we have to
5 read, and sometimes we get it mixed up. Sometimes, it's also
6 good, as a colleague -- I shouldn't say this -- for somebody
7 else to make mistakes, because I make them all the time. So,
8 anyway, I know that we're all human, so --

9 COMMISSIONER MAY: I'm happy to point that out.

10 CHAIRMAN HOOD: Alright. Okay, so --

11 COMMISSIONER TURNBULL: Mr. Hood, are you still
12 on this case? 14E?

13 CHAIRMAN HOOD: 16-14?

14 COMMISSIONER TURNBULL: Yeah.

15 CHAIRMAN HOOD: Yeah, I'm still on it.

16 COMMISSIONER TURNBULL: The only thing I want to
17 just clarify is that the applicant has proposed flexibility
18 condition language, regarding materials. And I think the
19 preferred -- we have a preferred -- it's not quite what the
20 applicant is requesting, is not the same as what we've now
21 established as our standard language. And the standard
22 language would say, to vary the final selection of the colors
23 of the exterior materials, based on the availability at the
24 time of construction, provided such colors are within the
25 color ranges, as proposed to the site plans.

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1 The applicant, basically, was talking about to
2 vary the final selection of the exterior materials. And
3 we're saying you can change the colors, but not the
4 materials. So, that clarification is in there.

5 And then there's a slight change with making --
6 with the minor refinements to the exterior details,
7 locations. And I think OAG has got the language that the
8 applicant, that we're going to be using.

9 CHAIRMAN HOOD: Okay, so, we'll see that, because
10 this is scheduled on -- did we say when this was scheduled
11 for, Ms. Schellin?

12 MS. SCHELLIN: Yes, October.

13 CHAIRMAN HOOD: Oh, you had October for them? So,
14 we expect to see that, Mr. Turnbull, when they come back.

15 COMMISSIONER TURNBULL: Yeah, that's --

16 CHAIRMAN HOOD: Okay.

17 COMMISSIONER TURNBULL: The corrections are what
18 we would prefer to have.

19 CHAIRMAN HOOD: Yeah, our flexibility language.

20 MS. LOVICK: Yeah.

21 COMMISSIONER TURNBULL: Right.

22 CHAIRMAN HOOD: Okay, good.

23 Alright, are we ready to move on? Anybody?
24 Everybody? Okay. Now, I think we're on to deliberations.
25 Or did I miss something?

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1 No, I missed a -- Okay, we just did that one.
2 Okay, so deliberations, Zoning Commission case 15-15A, JBG
3 Boundary, 1500 Harriet Thomas Way, LLC, and JBG Boundary,
4 Eckington Place, LLC, modification of consequence, at square
5 3576. Ms. Schellin.

6 MS. SCHELLIN: Yes, Staff has nothing new for this
7 case, so we just ask the Commission to go ahead and consider
8 final action.

9 CHAIRMAN HOOD: Okay. And we didn't get anything
10 from the ANC, I don't believe. It was ANC 5E. My notes say
11 they did not submit any -- we don't have any submission from
12 them. I think this is a smaller -- the way I read it, this
13 is smaller, what they're asking for. And this adjustment is
14 for the fire code issues, which I believe have been resolved
15 in this redesign. So, I think we don't go wrong there. I
16 think it's three feet or something less.

17 But either way, when I hear that we're now making
18 it easier and we meet the fire code issues that the previous
19 project detailed and had, that was involved with the previous
20 case, and this fire code -- correcting the fire code issue
21 is very important, and for me, that stuck out. I don't have
22 any problems with that.

23 Alright, any other questions or comments? So with
24 that, I would move for final action that we approve the
25 request of Zoning Commission case number 15-15A, JBG

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1 Boundary, 1500 Harriet Thomas Way, LLC, and JBG Boundary,
2 Eckington Place, LLC, modification of consequence, at square
3 3576, and I ask for a second.

4 VICE CHAIR MILLER: Second.

5 CHAIRMAN HOOD: It's been moved and properly
6 seconded. Any further discussions? No further discussion.
7 All in favor? Aye.

8 (Chorus of aye.)

9 CHAIRMAN HOOD: Any opposition? It's ordered.
10 Ms. Schellin, would you please record the vote?

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

16 CHAIRMAN HOOD: Okay. Now, let's move to final
17 action on Zoning Commission case number 0 --

18 MS. SCHELLIN: There's one more case under
19 deliberations, 15-32A.

20 CHAIRMAN HOOD: And I got my glasses on. Thank
21 you, Ms. Schellin.

22 Zoning Commission case number 15-32A, 1126 9th
23 Street, Northwest, LLC, modification of consequence. It's
24 a PUD at square 369. Ms. Schellin.

25 MS. SCHELLIN: There's just been one new exhibit

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1 added to this case, Exhibit 3. It's the ANC report, ANC 2F,
2 resolution in support. I ask the Commission to consider
3 final action on this case.

4 CHAIRMAN HOOD: It's stated -- I'm just looking
5 at my notes -- its's stated as, in the ANC letter, they
6 mention that this, what's being proposed now is less impact,
7 and they are, as Ms. Schellin's already said, they are fully
8 in support. Any other questions? Comments? Would someone
9 like to make a motion?

10 COMMISSIONER TURNBULL: Chair, I would just say
11 that this is a tremendous scaling back of the project, and
12 I think it fits into the context of the neighborhood.

13 CHAIRMAN HOOD: Okay.

14 COMMISSIONER TURNBULL: So -- It is very well
15 done.

16 VICE CHAIR MILLER: And I would note that, even
17 though it does scale back, I think from 33 residential units
18 to 15 units and removes the higher structure, the original
19 two affordable units are still retained, which I think is
20 important.

21 CHAIRMAN HOOD: Okay. With that, would somebody
22 like to make a motion to approve?

23 VICE CHAIR MILLER: Mr. Chairman, I would move
24 that we approve the request for Zoning Commission case number
25 15-32A, 1126 9th Street, Northwest, LLC, modification of

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1 consequence, the PUD at square 369, on 9th Street, Northwest.
2 And I ask for a second.

3 COMMISSIONER TURNBULL: Second.

4 CHAIRMAN HOOD: It's been moved and properly
5 seconded, any further discussion? All in favor? Aye. Any
6 opposition? I'm not hearing any. Ms. Schellin, would you
7 record the vote?

8 MS. SCHELLIN: Staff records the vote 4 to 0 to
9 1, to approve final action on Zoning Commission case number
10 15-32, Commissioner Miller moving, Commissioner Turnbull
11 seconding, Commissioners Hood and May in support,
12 Commissioner Shapiro not present, not voting.

13 CHAIRMAN HOOD: Okay, the next two cases -- or,
14 well, the next case I'm going to call along together, with
15 the 02-38G. Zoning Commission case number 02-38I, Waterfront
16 375 M Street, LLC, and 425 M Street, LLC, a second-stage PUD
17 modification of significance. The first-stage PUD is square
18 542. Also, we're going to incorporate our conversation with
19 case number 02-38G, Item 6B. Ms. Schellin.

20 MS. SCHELLIN: Yes. First, I'd like to say that
21 at about a quarter to five, we received a request to reopen
22 the record from Coy McKinney, and that has been denied. So,
23 going on --

24 CHAIRMAN HOOD: Is that something that we asked
25 for?

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1 MS. SCHELLIN: It was not.

2 CHAIRMAN HOOD: Okay, thank you.

3 MS. SCHELLIN: And in Exhibits 137 through 137A2,
4 we have the applicant's response to the ANC's post-hearing
5 submissions. At Exhibit 138, we have the applicant's request
6 to change the escrow language in the order. And, with regard
7 to case number 02-38G, I just want to note that the applicant
8 stated, even though I wasn't here, it's my understanding that
9 they stated at the July 30th public meeting, that if the
10 Commission takes favorable action in case 02-38I, then it
11 will request that the Commission allow it to withdraw case
12 02-38G, because that relief will no longer be necessary.
13 And, if the Commission does proceed in that way, then Staff
14 would like to have a letter for -- in the record, so that
15 that record would be whole. If someone's looking at it,
16 they'll know that that case was withdrawn. And, I believe
17 that the applicant has a letter this evening that they would
18 hand in if the Commission takes favorable action in 02-38I.
19 They'll hand in a letter if the Commission will allow them
20 to withdraw 02-38G.

21 CHAIRMAN HOOD: Okay. Alright, thank you. It
22 looks, colleagues, it looks to me like, from the record that
23 it's already been stated that all the issues that were
24 presented with this case, 02-38I, have been resolved, with
25 the exception of the ANC requesting that applicant to pay for

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1 the bus shelter.

2 Typically, I like to push applicants to do certain
3 things, but certain things, I don't like to say it's not
4 within our jurisdiction, but we cannot ask -- it's not
5 appropriate for the Commission, I don't believe, to ask the
6 applicant to pay for a bus shelter. So, hopefully, they will
7 continue to work together and maybe donate -- I'm throwing
8 hints out because we can't sit here and put that in any form
9 or fashion of order that we're doing to ask the applicant to
10 pay for a bus shelter.

11 So, enough said on that, and just, I'd encourage
12 them to continue to work with this applicant and other
13 applicants, and maybe come up with the money for the bus
14 shelter. All the other issues, I believe, have been
15 resolved. Commissioner May?

16 COMMISSIONER MAY: I think this project has come
17 a long way from where it was first shown to us. And, so, I
18 think, you know, we didn't necessarily satisfy everybody in
19 the process, but I think that there's been substantial
20 progress on the part of the applicant to address the concerns
21 of the neighbors. So, no reason not move forward tonight.

22 CHAIRMAN HOOD: Okay.

23 VICE CHAIR MILLER: And I would concur with that.
24 I appreciate all the discussions that the applicant did have
25 with the ANC to try to address their concerns.

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1 CHAIRMAN HOOD: Okay. Let me just ask Ms. Shiker,
2 if you could come forward.

3 At our last meeting, you indicated that if this
4 was to be favorable, which it sounds like it is going to be,
5 02-38I, then G, the time extension, will be withdrawn. Is
6 that the intent? It's definitely going to happen?

7 MS. C. SHIKER: Correct. Good evening, Christy
8 Shiker, with the law firm of Holland and Knight, representing
9 the applicant. We originally filed the time extension in
10 March of 2017, for the upcoming expiration of the first-stage
11 PUD, on April 15, 2017. On April 5th, ten days before that
12 expiration, we did file the modification to the use, as well
13 as the second-stage PUD for both applications. So,
14 therefore, if the second-stage PUD is granted tonight, along
15 with the modification, then the extension is no longer
16 necessary, because we satisfied the time requirements under
17 the original first-stage PUD. And we do have a letter, if
18 the Commission takes favorable action on the second-stage
19 PUD, to submit tonight to Staff.

20 CHAIRMAN HOOD: Thank you. And I was just --
21 somebody just asked me -- well, you saw who it was -- just
22 asked me, is that your daughter?

23 MS. C. SHIKER: Yes, it is.

24 CHAIRMAN HOOD: Would she like to come up and
25 introduce herself and let us know who she is?

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1 MS. C. SHIKER: Please come up.

2 CHAIRMAN HOOD: Now if you watch me, I do this all
3 the time, so it's not like I'm doing it just tonight. I do
4 this all the time when I see young folks, and I -- thank you
5 Commissioner May -- because I hate to overlook young folks
6 when they're in the audience.

7 MS. C. SHIKER: Do you want to introduce yourself?

8 MS. E. SHIKER: Hi, I'm Elizabeth Shiker.

9 CHAIRMAN HOOD: Elizabeth Shiker, who's that
10 sitting to your left?

11 MS. E. SHIKER: Oh.

12 MS. C. SHIKER: Oh.

13 CHAIRMAN HOOD: That was you, by the way. We
14 turned around --

15 (Laughter.)

16 MS. E. SHIKER: That's my mom.

17 CHAIRMAN HOOD: That's your mom? Did your mom do
18 a good job tonight?

19 MS. E. SHIKER: Yeah.

20 CHAIRMAN HOOD: Okay. Do you have anything you
21 want to add to this case?

22 MS. E. SHIKER: No.

23 CHAIRMAN HOOD: Okay, alright. Thank you both.
24 Thanks for coming up and telling us who you are. Okay, thank
25 you. I appreciate it.

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1 MS. C. SHIKER: Thank you.

2 CHAIRMAN HOOD: Alright. Commissioners, you've
3 heard from Ms. Shiker about the next case, so, it sounds like
4 this is favorable. Would somebody like to make a motion?

5 COMMISSIONER TURNBULL: Mr. Chair, I would move
6 that we take final action on zoning case 02-38I, Waterfront
7 375 M Street, LLC, and 425 M, LLC, second-stage PUD and
8 modification of significance to first-stage PUD, at square
9 542. I look for a second.

10 VICE CHAIR MILLER: Second.

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

13 (Chorus of aye.)

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

16 MS. SCHELLIN: Does that also include, or are you
17 also going to make a separate motion to allow the withdrawal
18 of 02-38G?

19 CHAIRMAN HOOD: I'm going to do a separate motion.

20 MS. SCHELLIN: Separate? Okay.

21 CHAIRMAN HOOD: Did we leave it out?

22 MS. SCHELLIN: Yes. Staff records the vote 4 to
23 0 to 1, to approve final action on Zoning Commission case
24 number 02-38I, Commissioner Turnbull moving, Commissioner
25 Miller seconding, Commissioners Hood and May in support,

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1 Commissioner Shapiro not present, not voting.

2 COMMISSIONER TURNBULL: Mr. Chair, I would make
3 a motion to remove zoning case 02-38G, Waterfront 375 M
4 Street, LLC, and Waterfront 425 M, LLC, two-year PUD time
5 extension, at square 542. And look for a second to approve
6 the withdrawal.

7 CHAIRMAN HOOD: I'll second the withdrawal and the
8 motion. Any further discussion? All in favor? Aye.

9 (Chorus of aye.)

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

12 MS. SCHELLIN: Staff records the vote 4 to 0 to
13 1, to allow withdrawal of case number 02-38G, Commissioner
14 Turnbull moving, Commissioner Hood seconding, Commissioners
15 Miller and May in support, Commissioner Shapiro not present,
16 not voting.

17 CHAIRMAN HOOD: Commissioners, the next case is
18 B through F, Rulemakings, and I was going to move them en
19 bloc, but I did want to say something about one of the cases.

20 I enquired to the legal counsel about the 3200
21 Penn Avenue, and I cannot treat that like a PUD. I just want
22 to say that I encourage the applicant to continue to work
23 with the community in that case. I think, I need to make
24 sure I stay within the bounds of what I have to do, so I'm
25 just encouraging the applicant -- I think you've heard me --

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1 to continue to work with that community in that case, and
2 make sure you're keeping them attuned, and working with them,
3 and trying to work through some of the outstanding issues.
4 But it seemed -- I know they were favorable for the case, but
5 there are still some other things going on out there that I
6 believe needs to be addressed, from the file. But anyway,
7 I can't treat that like a PUD, so I won't. And any other
8 comments? If not, I'd like to move all these en bloc, and
9 I will just call the cases.

10 Which ones? Okay, I'm going to move Zoning
11 Commission case number 08-06P, Office of Planning corrections
12 to Zoning Commission order number 08-06A, for subtitle C, J,
13 K, U, X, and Y. Zoning Commission case number 08-06Q, Office
14 of Planning amendments to Zoning Commission order number 08-
15 06A, subtitles B304.3, rules of measurement, subtitle I200,
16 density to floor area ratio. D, Zoning Commission case
17 number 18-06, Office of Planning text amendment to subtitle
18 G, creating a new MU-4 zone, and renaming MU-4 to MU -- It
19 says 4B, but I thought we did 3B.

20 MS. SCHELLIN: It is 3B.

21 CHAIRMAN HOOD: Okay, so it's 3B. Let's make sure
22 we -- Okay, MU-3B. I'm glad my memory -- I remember some
23 things.

24 Zoning Commission number 17-11. This is the one
25 I just spoke about, 3200 Penn Avenue, PJV, LLC, map amendment

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1 at square 5539, lots 835 and 840. Zoning Commission case
2 number 18-04, Office of Planning text amendment to subtitle
3 A, sections 209.2 and 301.3, are a construction in playing
4 fields and accessory structures at RFK Stadium -- well, it
5 says RFK Stadium. Oh wait, RFK. Let me just leave at that.
6 So, I would like to move all those cases en bloc for approval
7 and ask for a second --

8 COMMISSIONER MAY: Excuse me, Mr. Chairman.

9 CHAIRMAN HOOD: Yes.

10 COMMISSIONER MAY: I cannot go along with the RFK
11 one. I have questions about that that I need to ask.

12 CHAIRMAN HOOD: Okay. Let me try to do this then,
13 let me do B through -- because I don't want to read all that
14 over -- let me do B through E.

15 COMMISSIONER MAY: That's fine.

16 CHAIRMAN HOOD: So, with that, I would move B
17 through E for approval of the case I just read, leaving out
18 F.

19 VICE CHAIR MILLER: Second.

20 CHAIRMAN HOOD: It's been moved and properly
21 seconded. Any further discussion? -- Hold on for a second.

22 Okay, so I need to add -- and thank you, whoever
23 came up with that. I know who it was. But thank you for
24 telling -- So, we want to make sure that we also include, in
25 Zoning Commission case number 18-06, because we created an

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1 MU-3B, as well as a MU-3A, right?

2 MS. SCHELLIN: Yes.

3 CHAIRMAN HOOD: So, I want to include that in the
4 motion as well. I think -- do I have everything covered?

5 VICE CHAIR MILLER: And I'll include that in my
6 second.

7 CHAIRMAN HOOD: Okay.

8 COMMISSIONER MAY: I'm sorry, which one was under
9 which case?

10 CHAIRMAN HOOD: That's under Zoning Commission
11 case number 18-06.

12 COMMISSIONER MAY: Okay, got it.

13 CHAIRMAN HOOD: Renaming MU-4 to MU-3A and --

14 MS. SCHELLIN: MU-4 stays the same.

15 COMMISSIONER MAY: Okay, that's right.

16 MS. SCHELLIN: It was originally MU-4, and there
17 was going to be an MU-4A and B, I believe, or A. So,
18 basically, it's creating a new MU-3A and 3B. That's it.

19 CHAIRMAN HOOD: So, what did I say that was
20 incorrect?

21 MS. SCHELLIN: Yeah. We're no longer creating --

22 CHAIRMAN HOOD: I think when I said renaming MU-4.

23 MS. SCHELLIN: Yeah, yeah.

24 CHAIRMAN HOOD: Well, let's take all that out,
25 then.

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1 MS. SCHELLIN: There's no longer a new MU-4A, I
2 believe.

3 CHAIRMAN HOOD: Okay, we're not renaming anything?

4 MS. SCHELLIN: Yeah.

5 CHAIRMAN HOOD: So, we have a new --

6 MS. SCHELLIN: We're creating --

7 CHAIRMAN HOOD: -- MU 3-A and 3-B.

8 MS. SCHELLIN: Yeah, right.

9 CHAIRMAN HOOD: So, can make sure that we make
10 those corrections?

11 MS. SCHELLIN: Yeah.

12 CHAIRMAN HOOD: Okay. Alright, so, we're not
13 renaming MU-4. We're just --

14 MS. SCHELLIN: Creating a new 3A and 3B.

15 CHAIRMAN HOOD: -- creating a new MU-3A and -3B.
16 Okay, so, --

17 MS. SCHELLIN: Yeah.

18 CHAIRMAN HOOD: -- for the record -- Okay, so, we
19 got that, creating a new MU-3A and MU-3B. So, I'll add that
20 to 18-06. And we're going to move, just en bloc, cases D
21 through E of the agenda. So, with that, I move to approve --
22 and I think did this and it's been seconded. Any further
23 discussion? All in favor? Aye.

24 (Chorus of aye.)

25 CHAIRMAN HOOD: Any opposition? Not hearing it.

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1 Ms. Schellin, would you please record the vote?

2 MS. SCHELLIN: Yes, Staff records the vote 4 to
3 0 to 1, to approve final action in Zoning Commission case
4 number 08-06P, 08-06Q, 18-06, and 17-11. Commissioner Hood
5 moving, Commissioner Miller seconding, Commissioners May and
6 Turnbull in support, Commissioner Shapiro not present, not
7 voting.

8 CHAIRMAN HOOD: Okay. So, next, let's go to
9 Zoning Commission case number 18-04, Office of Planning text
10 amendment, subtitles A, sections 209.2 and 301.3,
11 construction of playing fields and accessory structures at
12 RFK. Ms. Schellin.

13 MS. SCHELLIN: Yes, the proposed rulemaking was
14 published on July 13th. At Exhibit 10, we have an NCPC-
15 delegated action that found no federal issues with this
16 rulemaking case and asks the Commission to consider final
17 action.

18 CHAIRMAN HOOD: Okay. Commissioner May?

19 COMMISSIONER MAY: Right. So, the question on
20 this one has to do with a number of buildings, because the
21 language limits the number of buildings to three, plus the
22 event pavilion. And the proposal that was approved by NCPC
23 had four buildings, and I think what's being presented to CFA
24 later this week is four buildings. So, I'm wondering how
25 that difference gets reconciled, and so I'm hoping that maybe

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1 the Office of Planning knows the answer to that.

2 MS. VITALE: Good evening, Mr. Chair, members of
3 the Commission. Elisa Vitale, for the record. We noted the
4 same discrepancy and reached out to the applicant, regarding
5 this issue. I think the applicant's theory initially was
6 that they might proceed with that extra, additional structure
7 more as a trellis. This is to provide shade. And upon
8 further discussion, OP's determination was that it would not
9 qualify purely as a trellis, that it really would be a
10 structure, and that the applicant would need to either have
11 the Commission not take final action tonight and amend the
12 text, or allow the Commission to proceed with final action
13 tonight, recognizing that they would need to circle back in
14 the future and further modify the text to allow for this
15 additional structure that they are in fact contemplating.

16 COMMISSIONER MAY: So, I mean, I'm not trying to
17 make things any harder. I'm hoping that we can make things
18 easier for the applicant on this. And, you know, I mean,
19 we're at the point of final action. I don't know, does it --
20 The way the text reads, I think -- it does call out the three
21 types of buildings, right? So, I mean, it wouldn't be as
22 simple as just saying four buildings instead of three, would
23 it?

24 MS. VITALE: The language now is specific to a
25 visitor building, a storage building, and then restroom

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1 facilities. As I stated, the applicant described this to me
2 as a shade structure. We could certainly describe a fourth
3 shade structure and include similar limits in terms of height
4 and square footage, and perhaps capture it that way.

5 COMMISSIONER MAY: So, is that something that we
6 could do between, I mean -- just on a final action? Or do
7 we have to re-advertise this tweak? I'm looking at the
8 Office of the Attorney General.

9 MR. RITTING: Yeah, I don't have -- There's not
10 a clear-cut answer to that question. I mean, what we've said
11 in the past is that, if it's a part of the same, sort of,
12 conversation of the proposed text, and everyone who probably
13 would want to comment would, you know would have had their
14 opportunity to get their say in --

15 COMMISSIONER MAY: Right.

16 MR. RITTING: Now, I guess it really comes down
17 to whether you think the difference in the number of
18 buildings is part of the same conversation or not. It's a
19 discretionary judgment call.

20 COMMISSIONER MAY: Yeah, I mean, it's hard to
21 imagine that there would large numbers of okay who were okay
22 with three structures, and then you add a shade structure and
23 they're all of a sudden going to be very upset about it. So,
24 I think that the opportunity to comment -- and, as I recall,
25 we didn't actually get any comments -- you know, that it

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1 would be -- It's hard to imagine anybody's going to -- will
2 have substantively lost their opportunity to, you know, to
3 participate in this discussion on it, because three buildings
4 versus four buildings -- And they're all pretty minor, and
5 the shade structure is pretty minor.

6 But I think there is an issue of making sure that
7 it's consistent, because we want to be -- I don't want to
8 have to have them come back just to add a shade structure,
9 nor do I want them to have to have go through the process of
10 getting another approval from the commissions. And I also
11 know that the Park Service would like to -- because we have
12 to take an action to say okay to building this, because it's
13 still technically parkland, it's just leased parkland. And
14 we want all the approvals to be consistent, so --

15 I mean, is this something that we could defer for
16 a week and then take it up -- I mean, I hate -- I'm the last
17 person to really want to schedule special public meetings,
18 but it's a pretty minor thing. If we took it up before
19 another hearing, and between now and then we just had revised
20 language submitted by the Office of Planning and okayed by
21 OAG, then we could take it up in a week or so.

22 MR. RITTING: I guess my question is, well, if
23 you're going to put it off to another meeting, why not just
24 re-advertise the proposed rulemaking notice with the correct
25 language? I mean, it would put us 30 days out, and then --

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1 COMMISSIONER MAY: Right. And I think they're
2 pretty anxious to actually start construction, because
3 they've already had the ground-breaking and, you know, -- I
4 mean, I don't know when they actually plan to start
5 construction, but I think they want to do it quick.

6 CHAIRMAN HOOD: So, do we have a meeting this
7 week? We don't have a meeting this week. What about next
8 week? I mean, not a meeting, a hearing, a special public
9 meeting.

10 MS. SCHELLIN: The hearing next week is going to
11 be postponed.

12 CHAIRMAN HOOD: Oh. Well, we're going to
13 definitely want to come to that.

14 COMMISSIONER MAY: Will we be hearing on Thursday?

15 MS. SCHELLIN: I have to notice five days, so we
16 could not do it.

17 CHAIRMAN HOOD: So, when is our next -- Week after
18 next.

19 MS. SCHELLIN: The next opportunity would be
20 October 1st.

21 CHAIRMAN HOOD: Well, we can just deal with this
22 October 1st.

23 MS. SCHELLIN: Do you want to do a special public
24 meeting at 6:15?

25 CHAIRMAN HOOD: A special public meeting at 6:00.

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1 What is it, about 15 minutes?

2 COMMISSIONER MAY: Barely. I mean, the original
3 hearing took ten minutes. I know because I watched it. I
4 wasn't here for it, but I watched it.

5 CHAIRMAN HOOD: Well, we're going to calculate all
6 this time, and then another hearing, so, it'll be an hour
7 hearing. But anyway, I think 6:20. We can do 6:20.

8 MS. SCHELLIN: Is that good with OP? Are you guys
9 going to be ready in time?

10 CHAIRMAN HOOD: October 1st?

11 MS. SCHELLIN: Okay. So, October 1st --

12 MS. STEINGASSER: Yes.

13 MS. SCHELLIN: -- special public meeting at 6:20.

14 CHAIRMAN HOOD: Okay, yeah, I think that's good.

15 VICE CHAIR MILLER: Mr. Chairman, I don't want to
16 delay anything, but I just had a question. The language
17 that's in the proposed rulemaking, after the paragraph about
18 the three accessory structures, it talks about another
19 structure, an unenclosed pavilion. That's not the thing
20 we're talking about?

21 MS. VITALE: That is not. That's a larger
22 pavilion.

23 VICE CHAIR MILLER: Okay.

24 MS. VITALE: And they've actually -- that, you'll
25 be seeing --

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1 VICE CHAIR MILLER: Okay.

2 MS. VITALE: -- as a design review case. So,
3 that's a separate thing that's been accounted for.

4 VICE CHAIR MILLER: Okay.

5 I'm fine with October 1st, Mr. Chairman.

6 CHAIRMAN HOOD: So, October 1st, special public
7 meeting. Put an asterisk, put Peter May's name, so the next
8 I have a special public meeting, we won't have any comments.

9 MS. SCHELLIN: I won't bet on that one.

10 CHAIRMAN HOOD: Alright. Okay, so, thank you,
11 Commissioner May. Let's -- where am I at? Okay, let's go
12 to G, Zoning Commission case number 08-07C, four-point
13 second-stage PUD, at square 574. Ms. Schellin.

14 MS. SCHELLIN: Yes, I want to correct -- that
15 square number is actually 5874.

16 CHAIRMAN HOOD: Oh, okay.

17 MS. SCHELLIN: That was typo. At exhibits 41
18 through 45C, you have the applicant's post-hearing
19 submissions. Exhibits 46 through 46A, you have ANC 8A report
20 in support, that came in later this afternoon. I don't know
21 if the Commission's had an opportunity to review that yet.
22 And I believe it included a signed CVA. So, I would ask the
23 Commission to consider final action on that case.

24 CHAIRMAN HOOD: Okay, Commissioners, any questions
25 or comments? Okay, so we do have a letter from the ANC. Let

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1 me review that. If that came in today, I didn't see that
2 either, so -- I had a lot of time last night to review a lot
3 this. What I was watching wasn't of no interest.

4 I know somebody laughed, but they'll pay for that.
5 I know somebody out there laughed, and I only said that to
6 see they were going to laugh at me, but they'll pay for that
7 one.

8 Okay, does anybody have the ANC letter up? Ms.
9 Schellin, is it Exhibit 46?

10 MS. SCHELLIN: Yes.

11 CHAIRMAN HOOD: Okay, any comments on this? It
12 looks like in agreement with community businesses facts, and
13 ANC responded. Let me see, let me make sure. I don't want
14 to misquote anything.

15 Okay, they were basically letting us know they
16 have executed the agreement in good faith, as witnessed by
17 the signature of the affixed therein. And the next exhibit,
18 47, is the one responding to that. So, okay, it's always
19 good to get positive things late, as well, so --

20 Okay, any other questions or comments on this
21 case? Okay. So, with that, I would move approval on Zoning
22 Commission case number -- final approval -- on Zoning
23 Commission case number 08-07C, four-point second-stage PUD,
24 at square 5874.

25 VICE CHAIR MILLER: Second.

1 CHAIRMAN HOOD: Okay, it's been moved and properly
2 seconded. Any further discussion? All in favor? Aye.

3 (Chorus of aye.)

4 CHAIRMAN HOOD: Any opposition? I'm not hearing
5 any. Ms. Schellin, would you please record the vote?

6 MS. SCHELLIN: Staff records the vote 4 to 0 to
7 1, to approve final action on Zoning Commission case number
8 08-07C, Commissioner Hood moving, Commissioner Miller
9 seconding, Commissioners May and Turnbull in support,
10 Commissioner Shapiro not present, not voting.

11 CHAIRMAN HOOD: Okay, next, on to Commission case
12 number 17-14, UM 500 Penn Street, Northeast, LLC., and UDR,
13 Inc., consolidated PUD and related map amendment at square
14 3594. Ms. Schellin.

15 MS. SCHELLIN: Exhibits 41 and 42, you have the
16 applicant's post-hearing submissions. Exhibit 43, NCPC
17 delegated action found no federal issues with the case and
18 asked the Commission to consider final action.

19 CHAIRMAN HOOD: A lot of this stuff was hashed
20 out, colleagues, when we did the hearing, and during our
21 other discussion. So, I don't know if we have anything to
22 add. Looks like supported -- let me see something. Okay.
23 Any other comments or questions? Would somebody like to make
24 a motion?

25 COMMISSIONER TURNBULL: Mr. Chair, I would move

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1 that we --well, here, wait a minute.

2 CHAIRMAN HOOD: Hold on a second. I'm sorry.

3 COMMISSIONER TURNBULL: Okay.

4 CHAIRMAN HOOD: I've got one thing.

5 (Pause.)

6 CHAIRMAN HOOD: Okay, I think we're good. We just
7 needed a clarification on something that was being proposed
8 in this case, how some things were going to be administered.
9 Okay, can we make a motion?

10 COMMISSIONER TURNBULL: Okay. Mr. Chair, I would
11 move that we take final action on Zoning case number 17-14,
12 UM 500 Penn Street, Northeast, LLC., and UDR, Inc.,
13 consolidated PUD and a related map amendment at square 3594.
14 I look for a second.

15 VICE CHAIR MILLER: Second.

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

18 (Chorus of aye.)

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

21 MS. SCHELLIN: Staff records the vote 4 to 0 to
22 1, to approve final action on Zoning Commission case number
23 17-14, Commissioner Turnbull moving, Commissioner Miller
24 seconding, Commissioners Hood and May in support,
25 Commissioner Shapiro not present, not voting.

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1 CHAIRMAN HOOD: Okay. Let me take a two-minute
2 break, okay?

3 (Whereupon, the above-entitled matter went off
4 the record at 7:46 p.m. and resumed at 7:50 p.m.)

5 CHAIRMAN HOOD: Let's go to Zoning Commission Case
6 number 14-12B GG Market 2 LP and EAG 1309 5th street LLC
7 first stage and consolidated PUD modification of
8 significance, and second stage PUD square 3591, request to
9 withdraw, also C. Okay. So we'll withdraw.

10 (Pause.)

11 Let me just ask, we don't really need to do
12 anything with this case, then? So, this case doesn't call
13 for any action. Is anybody here for this case?

14 MS. SCHELLIN: I had put it on there because maybe
15 I mistakenly thought it had been set down or something, and
16 so, maybe it never came for set-down. So, the answer is no,
17 you don't. It can be taken care of administratively.

18 CHAIRMAN HOOD: Okay. So, that's about the
19 easiest thing we did tonight, isn't it? Okay, so, let's take
20 care of that administratively, okay?

21 Okay, let's go to hearing action. Okay, before
22 we go to hearing action, let's move the agenda around to
23 correspondence.

24 COMMISSIONER MAY: I'm sorry, I'm really confused
25 about those two cases.

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1 CHAIRMAN HOOD: Okay, well, let's go back to those
2 cases.

3 COMMISSIONER MAY: What just happened on 14-12B
4 and A?

5 CHAIRMAN HOOD: On 14-12B?

6 COMMISSIONER MAY: B and A.

7 MS. SCHELLIN: You still have the second case to
8 take care of, 14-12. So, they withdrew the one, but you
9 still need to --

10 COMMISSIONER MAY: Okay.

11 MS. SCHELLIN: -- go to 14-12A.

12 CHAIRMAN HOOD: Maybe I'm confused. Hold on a
13 second.

14 MS. SCHELLIN: Time extensions. You skipped that
15 part.

16 CHAIRMAN HOOD: Oh, I skipped all the time
17 extensions.

18 MS. SCHELLIN: Yeah, you skipped both of them.
19 Or, there's still one.

20 COMMISSIONER MAY: Well, one of them was already
21 dealt with.

22 CHAIRMAN HOOD: Okay, B is gone, so --

23 COMMISSIONER MAY: A is still on. That's what I
24 got confused about, because I thought we still had to do a
25 time extension.

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1 CHAIRMAN HOOD: Hold on one second.

2 COMMISSIONER MAY: Even if we didn't have to do
3 anything.

4 CHAIRMAN HOOD: Okay, hold on one second. Okay,
5 so B is gone. Okay, alright.

6 Alright, so, Zoning Commission case number 14-12A.
7 No, wait a minute. Hold on, I'm confused now.

8 COMMISSIONER MAY: That's right.

9 CHAIRMAN HOOD: Is that the right one?

10 Zoning Commission case number 14-12A, EAG 1309 5th
11 Street, LLC., two-year PUD time extension, at square 3591.
12 Ms. Schellin.

13 MS. SCHELLIN: I know.

14 CHAIRMAN HOOD: Oh, okay, I misnamed that.

15 MS. SCHELLIN: Yeah. So, at Exhibit 6, the
16 applicant is requesting to proceed with this time extension
17 request now, to go forward with it now, as they have
18 withdrawn the request for the modification of significance
19 and the second-stage PUD at this time. And as a reminder,
20 at Exhibit 4, OP supported the time extension at the time it
21 was filed. So, that's just to refresh your memory because
22 it's been a while. So, I would ask the Commission to
23 consider final action on the time extension.

24 CHAIRMAN HOOD: Okay, any questions or comments
25 on the time extension. Commission Vice Chair Miller?

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1 VICE CHAIR MILLER: I don't have any questions.
2 I just wanted to comment that I'm glad to see that their
3 withdrawal of the modification and the time extension, so
4 that the theater concept, which was going to be modified --
5 the theater concept is back. So, that's a good thing, I
6 think, for this project.

7 CHAIRMAN HOOD: Okay, any other comments on this
8 time extension?

9 VICE CHAIR MILLER: I would just note that, Mr.
10 Chairman, that it's also -- I agree with the -- well, I'm
11 glad the applicant pointed out that the appeals climate for
12 all of our PUDs, and some of the BZA orders as well, led to
13 the withdrawal of the theater concept -- led to the
14 contemplated withdrawal of the theater concept, but -- so,
15 I think that's unfortunate, but hopefully, that climate and
16 perception will improve in the very near future.

17 CHAIRMAN HOOD: Okay. And it looks as though this
18 time extension will essentially extend some construction time
19 and some other things. And I think that's -- I don't know
20 if that needs to be noted. I'm sure that will be handled,
21 I believe, at a different time. Or should that be noted now?
22 I'm looking --

23 MR. TONDRO: Good evening, Commissioner Chairman.
24 It was just a note that, by extending the timeline of the
25 approval, that would mean that we have two years additional

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1 to file the building permit, and three years in order to
2 start construction.

3 CHAIRMAN HOOD: Okay. Thank you, Mr. Tondro I
4 just wanted to make sure that we know what all we're doing
5 when we approve this, as well. Thank you for that.

6 Okay, any other questions or comments? Vice
7 Chair, you got any?

8 COMMISSIONER MILLER: I was just going to make a
9 motion, Mr. Chairman to move that the Commission approve
10 Zoning Commission case number 14-12A, EAJ, 1309 5th Street,
11 LLC., two-year PUD time extension, at square 3591, and ask
12 for a second.

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

16 (Chorus of aye.)

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

19 MS. SCHELLIN: Staff records the vote 4 to 0 to
20 1, to approve final action in Zoning Commission case number
21 14-12A, Commissioner Miller moving, Commissioner Hood
22 seconding, Commissioners May and Turnbull in support,
23 Commissioner Shapiro not present, not voting.

24 CHAIRMAN HOOD: Okay, so we're finished with time
25 extensions and we got this figured out, why the next one was

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1 gone anyway. So, anyway. Alright, I would like to go to
2 correspondence, mostly for reconsideration first, from the
3 Spring Valley Wesley Heights Citizens Association, if we
4 could just pull that up right quick.

5 There's a request for reconsideration and
6 rehearing, and it pertains to the issues as you all, my
7 colleagues, know, with Jacobs Field. Some of the issues are
8 in conditions 17 and 25. I don't believe that anything that
9 we did was erroneous. I think that when we had our hearing,
10 what tried to was to not necessarily talk about public
11 policy. What we tried to do was spell out the confusion that
12 been around for, it seems, 20 years on Jacobs Field, and I
13 thought we did a good job explaining that, and I don't see
14 where there's any more action needed with that.

15 So, I would really deny the motion for
16 reconsideration and rehearing on this. And I think -- I
17 thought we had really kind of nailed that down even better
18 after 20 years of the same conversation. So, I don't think
19 any further action is due on this.

20 I would not support a motion for reconsideration
21 or rehearing of the Spring Valley Wesley Heights Citizens
22 Association and neighbors. But I just would encourage them
23 to, the parties and the neighbors and the University,
24 continue to work towards these things, so that there's a
25 better understanding, because those are the ones who live

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1 there. But I think we've done our part. There's nothing
2 erroneous. We're not talking public policy, we just tried
3 to do clarification.

4 Is there anything else on that? So, do I need to
5 make a motion on that? Mr. Turnbull did you want to add
6 something?

7 COMMISSIONER TURNBULL: No, I would just concur
8 with your comments.

9 CHAIRMAN HOOD: Okay. So, I guess I will just
10 make a motion to deny the motion for reconsideration and
11 rehearing of Spring Valley Wesley Heights Citizens
12 Association and Neighbors for a Livable Community, and Ms.
13 Herzstein on Exhibit 79 -- well, Ms. Herzstein, in this case,
14 and I ask for a second.

15 VICE CHAIR MILLER: Second.

16 CHAIRMAN HOOD: It's been moved and properly
17 seconded. Any further, any additional comments? All in
18 favor? Aye. Any opposition? Not hearing any. And also,
19 it also -- the parties in opposition who asked for rehearing
20 have not met the rehearing requirements of 700.7, and as a
21 request for -- that's why I wanted to make sure that this
22 request also should be denied, because they don't meet that
23 requirement as well. But I thought we had dealt with that
24 and tried to do clarifications. So, I'll leave it at that.
25 Okay. Anything else on this? Ms. Schellin would you record

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1 the vote?

2 MS. SCHELLIN: Staff records the vote 4 to 0 to
3 1, to deny motion the motion for reconsideration and
4 rehearing, Commissioner Hood moving, Commissioner Miller
5 seconding, Commissioners May and Turnbull in support of the
6 denial, Commissioner Shapiro not present, not voting.

7 CHAIRMAN HOOD: Okay, now let's go to hearing
8 action.

9 Okay, sorry about that. Hearing action. Zoning
10 Commission Case number 04-13C, 1210C R Street, LLC, PUD
11 modification of significance, at square 277. Mr. Mordfin,
12 is this your case?

13 MR. MORDFIN: Good evening, Chairman and members
14 of the Commission. The applicant requests a modification of
15 significance to relocate an affordable universal design unit
16 at 80 percent AMI, approved pursuant to Zoning Commission
17 case 04-13A, to 721 Kennedy Street, Northwest. In February
18 of this year, the applicant filed a minor modification
19 application to relocate the affordable unit, and the
20 Commission, at its February 16th, 2018, meeting instructed
21 the applicant to refile the request as a modification of
22 significance. And the subject application is that refiling.
23 Should the Commission set down the application, OP will
24 request comments from the Department of Housing and Community
25 Development, and the Department of Public Schools, as a part

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1 of its review. Thank you.

2 CHAIRMAN HOOD: Okay, thank you, Mr. Mordfin.
3 Colleagues, any questions or comments? I'm not hearing any.
4 I would move that we set down Zoning Commission case number
5 04-13C 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? Aye.

9 (Chorus of aye.)

10 CHAIRMAN HOOD: Any opposition? So, Ms.
11 Schellin, would you record the vote?

12 MS. SCHELLIN: Staff records the vote 4 to 0 to
13 1, to set down Zoning Commission number 04-13C, as a
14 contested case, Commissioner Hood moving, Commissioner Miller
15 seconding, Commissioners May and Turnbull in support,
16 Commissioner Shapiro not present, not voting.

17 CHAIRMAN HOOD: Okay, next let's go to Zoning
18 Commission case number 12-08B, Office of Planning text
19 amendment to subtitle K, section 603, 612, and 613, the STE
20 zones. Ms. Brown-Roberts.

21 MS. BROWN-ROBERTS: Good evening, Mr. Chairman and
22 members of the Commission. The Office of Planning recommends
23 that the Zoning Commission set down for a public hearing text
24 amendments to subtitle K, the STE 2 zone, to establish a
25 height limit, allow emergency shelter as a matter of right,

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1 and to correctly identify the healthcare use category as
2 medical care. At the time of zoning, the St. Elizabeth East
3 Campus, Parcel 2, which is a STE zone, was assigned for
4 federal use, and a height limit was not assigned. The
5 proposal is to assign height limits of 40, 80, and 90 feet
6 for building within the zone.

7 The proposal would also allow emergency shelter
8 as a matter of right within the STE 2 zone, instead of by
9 special exception. Thank you, Mr. Chairman, and I'm
10 available for questions.

11 CHAIRMAN HOOD: Okay. Colleagues, any questions
12 for Ms. Brown-Roberts? Commissioner May?

13 COMMISSIONER MAY: Yeah, I don't need an answer
14 right now, but when I think when it comes to the hearing, I
15 think I just need to -- because I couldn't quite follow it
16 in the materials that you've already submitted, exactly what
17 the change is, compared what was permitted before. I mean,
18 because this was -- the zoning was somewhat form-based. And
19 it just -- I couldn't connect all the dots. Maybe I was just
20 worn out because it was the 23rd case I had reviewed, but it
21 would be helpful to have it sort of spelled out
22 diagrammatically, and if we could see some of the old
23 diagrams from when we had done the original zoning, that
24 would just be helpful.

25 MS. BROWN-ROBERTS: Okay.

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1 COMMISSIONER MAY: Thanks.

2 CHAIRMAN HOOD: Okay, any other questions or
3 comments?

4 VICE CHAIR MILLER: I just had one information
5 question that's not really related to this, but, if Ms.
6 Roberts knows, where on the map is the --any of the maps of
7 the STE's site -- is the new sports and entertainment arena?

8 MS. BROWN-ROBERTS: If you look at, let's see,
9 page 12 -- page 9 through 12, and you look at where it says
10 STE12 and STE9, south of Parcel 2, those are the two parcels.

11 VICE CHAIR MILLER: And we didn't have to make any
12 -- or did we make any changes to accommodate that? Or the
13 zoning allowed for that?

14 MS. BROWN-ROBERTS: Yes, they went to the BZA for,
15 I think, some lot occupancy stuff, but nothing that the
16 Zoning Commission had to consider.

17 VICE CHAIR MILLER: Okay. As I said, it's
18 unrelated. It just was something I had been thinking about,
19 and I just wanted to know where it was on the site. So,
20 thank you very much, and thank you for your report.

21 MS. BROWN-ROBERTS: Okay, you're welcome.

22 CHAIRMAN HOOD: Would someone like to make a
23 motion to set now?

24 VICE CHAIR MILLER: Yeah, I would move, Mr.
25 Chairman, that we set down, that the Zoning Commission, set

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1 down for hearing case number 12-08B, Office of Planning text
2 amendment to subtitle K, sections 603,612, and 613, the STE
3 zones.

4 COMMISSIONER TURNBULL: Second.

5 CHAIRMAN HOOD: It's been moved and properly
6 seconded. Any further discussion? All in favor? Aye. Any
7 opposition, not hearing any. Ms. Schellin, would you please
8 record the vote?

9 MS. SCHELLIN: Staff records the vote 4 to 0 to
10 1, to set down Zoning Commission case number 12-08B as
11 rulemaking case, Commissioner Miller moving, Commissioner
12 Turnbull seconding, Commissioner Hood and May in support,
13 Commissioner Shapiro not present, not voting.

14 CHAIRMAN HOOD: Okay, next, Zoning Commission Case
15 number 18-10, High Street, LLC., map amendment at square
16 5799, lot 976. Mr. Mordfin?

17 MR. MORDFIN: The applicant requests set-down of
18 this map amendment application to rezone lot 976, in square
19 5799, located just outside the boundaries of Historic
20 Anacostia, from the R3 to the R82 zone. The surrounding
21 neighborhood is improved with a mixture of residential uses,
22 varying from one-family detached dwellings to low-rise
23 apartment buildings. The subject property is identified on
24 the future land-use map as moderate-density residential, a
25 category that permits a mix of residential uses, generally

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1 ranging from single-family dwellings to low-rise apartment
2 buildings. On the generalized policy map, the site is
3 located within the neighborhood enhancement areas category,
4 a classification reserved for neighborhoods with substantial
5 amounts of vacant, residentially zoned land, such as the
6 subject property, where new development should be consistent
7 with the existing residential character.

8 The requested R82 is a moderate-density
9 residential zone that would allow for the redevelopment of
10 this vacant property with a variety of residential uses,
11 consistent with character of the surrounding neighborhood,
12 consistent with the future land-use and the generalized
13 policy maps.

14 Residential development of this site, pursuant to
15 the R82 zone, would further the land-use, housing,
16 transportation, and far southeast and southwest area elements
17 of the comprehensive plan. Therefore, OP finds that the
18 requested map amendment would not be inconsistent with the
19 comprehensive plan and recommends the Commission set down the
20 application, as proposed by the applicant. Thank you, and
21 I'm available for questions.

22 CHAIRMAN HOOD: Okay, thank you, Mr. Mordfin. Any
23 questions or comments?

24 COMMISSIONER TURNBULL: Mr. Mordfin, I just have
25 a question on your page 2, the location map, which shows R83.

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1 The yellow is not identified. Is that R82? Or --

2 MR. MORDFIN: Oh, the area surrounding --

3 (Off-microphone comments.)

4 MS. SCHELLIN: Turn your mic on.

5 MR. MORDFIN: Sorry. The area surrounding the
6 subject property that they're requesting is also zoned R3.
7 They want to go to R82.

8 COMMISSIONER TURNBULL: Oh, so, it is all the
9 yellow is R3?

10 MR. MORDFIN: Yes.

11 COMMISSIONER TURNBULL: Okay, thank you.

12 COMMISSIONER MAY: If I could ask also, I mean,
13 a lot of what's shown in yellow there, in fact, the houses
14 that are adjacent on High Street and at the turn of the
15 corner there, it's mostly either single-family homes or semi-
16 detached, right? I mean, it's not row-houses, basically?

17 MR. MORDFIN: Not on High Street. There are row-
18 houses on Bangor.

19 COMMISSIONER MAY: Right.

20 MR. MORDFIN: And there are some small apartment
21 buildings on Maple View, to the East. So, there are some
22 others.

23 COMMISSIONER MAY: I'm just talking about the
24 immediate circumstance.

25 MR. MORDFIN: Yes.

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1 COMMISSIONER MAY: The reason I ask this is that
2 there are -- I mean, I 've been on some, well -- there are
3 some other cases that have come up, where the whole idea of
4 going to apartments in what is otherwise largely single-
5 family or semi-detached homes doesn't go over particularly
6 well with the community. So, I' m just, I'm a little
7 concerned that there be -- that there's sufficient outreach
8 to make sure that the ANC is well informed and that they've
9 had an opportunity to understand what this change in zone
10 could mean. I mean, I understand how it is consistent with
11 comprehensive plan and so on, but that doesn't necessarily
12 mean that everybody is prepared to accept that many more
13 people that could be living in that space, so -- And maybe
14 I'm worried about nothing at all, but I'd rather, you know,
15 make sure we're thorough at this point. Thanks.

16 CHAIRMAN HOOD: Okay, any other comments or
17 questions? Would someone like to make a motion to set it
18 down?

19 VICE CHAIR MILLER: Mr. Chairman, I would move
20 that the Zoning Commission set down case number 18-10, High
21 Street, LLC., map amendment at square 5799, lot 976, and ask
22 for a second.

23 CHAIRMAN HOOD: Second. It's been moved and
24 properly seconded. Any further discussion?

25 VICE CHAIR MILLER: Yeah, I was going to comment

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1 after Commissioner May's comment that it might be helpful --
2 I mean, I agree that it's a map consistency case, and I don't
3 see any huge issues, based on the record that we have, but
4 it might be helpful for the applicant to show some massings
5 that would be permitted, and how that relates to the
6 surrounding, the immediately adjacent single-family and
7 detached houses that Commissioner May referenced. So, I
8 would just make that request of the applicant, when we -- at
9 the time we get to the hearing, we have that information.

10 CHAIRMAN HOOD: That's a good -- Yeah, I would
11 echo Vice Chair's request. Any further discussion? All in
12 favor? Aye.

13 (Chorus of aye.)

14 CHAIRMAN HOOD: Any opposition?

15 COMMISSIONER MAY: No, but I have a question. I
16 mean, I'm sorry. This is being set down as a rulemaking,
17 right?

18 VICE CHAIR MILLER: Yes.

19 COMMISSIONER MAY: Yeah.

20 CHAIRMAN HOOD: Yeah.

21 COMMISSIONER MAY: Okay.

22 CHAIRMAN HOOD: Okay. Ms. Schellin, would you
23 record the vote?

24 MS. SCHELLIN: Staff records the vote 4 to 0 to
25 1, to set down Zoning Commission case number 18-10,

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1 Commissioner Miller moving, Commissioner Hood seconding,
2 Commissioners May and Turnbull in support. And this is being
3 set down as rulemaking case. Commissioner Shapiro not
4 present, not voting.

5 CHAIRMAN HOOD: Okay, next, Zoning Commission case
6 number 18-16, Office of Planning text and map amendments to
7 change certain zone names.

8 I probably could tee this up, I think. This is
9 well-deserved, and I think the residents will appreciate
10 this. I don't know how much more you want to add, but I
11 don't want to steal your thunder, since -- Ms. Steingasser.

12 MS. STEINGASSER: Zoning thunder. We do recommend
13 that certain names be set down for both map and text
14 amendments. You are right, we have done some preliminary
15 outreach at the request of the Commission and have had
16 positive feedback, so we're looking forward to bringing this
17 forward. We recommend it be set down.

18 CHAIRMAN HOOD: Okay, thank you. Any questions
19 or comments?

20 VICE CHAIR MILLER: I would just comment, as did
21 when we got a preview of this recently, that I wanted to
22 thank the Office of Planning for all of its work, and I think
23 it will be a simpler, more understandable zoning code with
24 that nomenclature for all the stake-holders and users,
25 including us. So, I appreciate all the work.

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1 CHAIRMAN HOOD: Okay, anything else? Okay, I
2 would move that we set this down, Zoning Commission case
3 number 18-16, and I ask for a second.

4 VICE CHAIR MILLER: Second.

5 CHAIRMAN HOOD: It's been moved and properly
6 seconded. Any further discussion? All in favor? Aye. Any
7 opposition? Not hearing any. Ms. Schellin, would you please
8 record the vote?

9 MS. SCHELLIN: Staff records the vote 4 to 0 to
10 1, to set down Zoning Commission case number 18-16 as a
11 rulemaking case, Commissioner Hood moving, Commissioner
12 Miller seconding, Commissioners May and Turnbull in support,
13 Commissioner Shapiro not present, not voting.

14 CHAIRMAN HOOD: Okay. Ms. Schellin, do we have
15 anything else?

16 MS. SCHELLIN: Nothing, unless OP -- No?

17 CHAIRMAN HOOD: Office of Planning do you have
18 anything?

19 MS. STEINGASSER: No, sir.

20 CHAIRMAN HOOD: Okay. So, with that, I want to
21 thank everyone and thank all those who are helping us get
22 ready for this evening. And with that, we really appreciate
23 it. With that, this meeting is adjourned.

24 (Whereupon, the above-entitled matter went off
25 the record at 8:13 p.m.)

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In the matter of: Commission Meeting

Before: DCZC

Date: 09-17-18

Place: Washington, DC

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