

GOVERNMENT  
OF  
THE DISTRICT OF COLUMBIA

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ZONING COMMISSION

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PUBLIC HEARING

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 IN THE MATTER OF: :  
 :  
 WASHINGTON METRO AREA : Case No.  
 TRANSIT AUTHORITY : 18-05  
 :  
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Monday,  
October 1, 2018

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

The Public Hearing of Case No. 18-05 by the District of Columbia Zoning Commission convened at 6:30 p.m. in the Jerrily R. Kress Memorial Hearing Room at 441 4th Street, N.W., Washington, D.C., 20001, Anthony J. Hood, Chairman, presiding.

ZONING COMMISSION MEMBERS PRESENT:

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

OFFICE OF ZONING STAFF PRESENT:

SHARON S. SCHELLIN, Secretary

OFFICE OF PLANNING STAFF PRESENT:

JENNIFER STEINGASSER, Deputy Director, Development  
Review & Historic Preservation  
JOEL LAWSON  
ELISA VITALE

The transcript constitutes the minutes from  
the Public Hearing held on October 1, 2018.

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

6:57 p.m.

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3 CHAIRMAN HOOD: All right, good evening, ladies  
4 and gentlemen. This is a public hearing of the Zoning  
5 Commission for the District of Columbia.

6 Today's date is October 1, 2018. We're located  
7 in the Jerrily R. Kress Memorial Hearing Room.

8 Joining me are Vice Chair Miller, Commissioner  
9 Shapiro, Commissioner May and Commissioner Turnbull.

10 We're also joined by the Office of Zoning staff  
11 Ms. Sharon Schellin as well as the Office of Planning staff  
12 Ms. Steingasser, Mr. Lawson and Mr. Cochran.

13 This proceeding is being recorded by a court  
14 reporter and is also webcast live. Accordingly I must ask  
15 you to refrain from any disruptive noises or actions in the  
16 hearing room including display of any signs or objects.

17 Notice of today's hearing was published in the  
18 D.C. Register and copies of that announcement are available  
19 to my left the wall near the door.

20 The hearing will be conducted with provisions of  
21 11 DCMR Chapter 5 as follows, preliminary matters,  
22 presentation by the petitioner, reports of the other  
23 government agencies, report of the ANC, organization and  
24 persons in support, organizations and persons in opposition,  
25 organizations and persons undeclared.

1           The following time constraints will be maintained  
2 in this meeting. The petitioner has up to 60 minutes but I  
3 think actually I think it's better suited if you just stand  
4 on the record. Introduce yourselves and we'll ask our  
5 questions unless I hear something otherwise.

6           Organizations five minutes, individuals three  
7 minutes.

8           All persons wishing to testify before the  
9 Commission are asked to register at the witness kiosk. The  
10 staff will be available throughout the hearing to discuss  
11 procedural questions.

12           Please turn off all electronic devices at this  
13 time so as not to disrupt these proceedings. At this time  
14 the Commission will accept preliminary matters. Does the  
15 staff have any preliminary matters?

16           MS. SCHELLIN: Yes, sir, just two short ones. The  
17 petitioner posted on August 31 which was provided for a 30-  
18 day notice instead of 40 as required. And they have  
19 submitted a request for a waiver at exhibit 21. So I would  
20 ask the Commission to consider that waiver.

21           And then also I was looking for the affidavit of  
22 maintenance. Did you guys submit that? Okay, so that's been  
23 submitted.

24           And the only other preliminary matter is that  
25 they've proffered Mr. Dettman as an expert.

1 CHAIRMAN HOOD: Okay. Certainly we don't have any  
2 questions I believe of Mr. Dettman. No objection as always.

3 Let me just ask about the notice. It was supposed  
4 to be 40 days it was only done for 30. Thirty-one. I wonder  
5 if those nine days would subject us to any scrutiny. I think  
6 we're good. Any objections? All right.

7 Anything else?

8 MS. SCHELLIN: No, sir.

9 CHAIRMAN HOOD: Did your heart stop beating, Mr.  
10 Glasgow?

11 MR. GLASGOW: It's already stopped a couple of  
12 times today.

13 CHAIRMAN HOOD: All right, you all may begin. You  
14 can just stand on the record. If you want to introduce  
15 yourselves.

16 MR. GLASGOW: Yes, sir, we will stand on the  
17 record. Norman N. Glasgow, Jr., law firm of Holland &  
18 Knight.

19 MS. ALBERT: Nina Albert, managing director of  
20 real estate and parking for WMATA.

21 MR. DETTMAN: Shane Dettman, director of planning  
22 services for Holland & Knight.

23 CHAIRMAN HOOD: Okay. All right, thank you all.  
24 I think the text and everything was pretty straightforward  
25 for us.

1           Let me ask this before we get into our questions.  
2 Do we have anyone who's here in opposition of this text  
3 amendment? Okay.

4           Colleagues, any questions or comments from up  
5 here?

6           VICE CHAIR MILLER: We do have a letter as you  
7 know from ANC 2C in support.

8           CHAIRMAN HOOD: Any questions or comments? Okay.  
9 Not hearing anything from us let's go to the Office of  
10 Planning. Mr. Cochran.

11          MR. COCHRAN: We're happy to stand on the record.

12          CHAIRMAN HOOD: And we've already mentioned the  
13 ANC report. Vice Chairman, do you have it readily available?  
14 You want to read it? Not all of it, but just what the vote  
15 was.

16          VICE CHAIR MILLER: The ANC 2C letter in front of  
17 me is dated May 15, 2008. ANC 2C with a quorum of three to  
18 three commissioners and the public present this case came  
19 before us. Mr. Shane Dettman of the law firm of Holland &  
20 Knight and Ms. Nina Albert of WMATA presented the petition  
21 to rezone from D2 to D5-R square 587 WMATA headquarters at  
22 600 5th Street NW.

23          The commission voted 3-0-0 to support this  
24 petition. Thank you for giving great weight to the  
25 recommendations of ANC 2C. On behalf of ANC 2C it's signed

1 by John Tinpe, chairman.

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

4 Do we have any organizations or persons in  
5 support? Any organizations or persons here in opposition?  
6 Any organizations or persons here who are undeclared?

7 Okay. We will close that part of our hearing and  
8 see what colleagues, any further questions?

9 VICE CHAIR MILLER: I just want to clarify for the  
10 record, Mr. Chairman, that the amendment that's proposed,  
11 text amendment that's proposed makes clear that this site is  
12 subject to inclusionary zoning even though a lot of downtown  
13 is not. Is that correct? If either the representatives of  
14 the property.

15 MR. COCHRAN: Yes, if the site is developed  
16 residentially it will be subject to inclusionary zoning.

17 VICE CHAIR MILLER: And if it's office the housing  
18 linkage requirements would also -- the affordable housing  
19 linkage requirements of the zoning regulations would apply.

20 MR. COCHRAN: Not necessarily. For the penthouse  
21 yes, but not for the rest of the building. They would have  
22 to meet a residential requirement but they would buy credits  
23 and those credits would not have to have been generated by  
24 affordable housing.

25 VICE CHAIR MILLER: Okay. I thought the way the

1 zoning regulations read -- I mean this of course will become  
2 matter of right. D5-R zoning except for the inclusionary  
3 zoning caveat for residential.

4 I thought the way that they read and that the way  
5 the comp plan reads that if you get additional bonus office  
6 space -- Mr. Glasgow knows this because we wrote this  
7 together. If we get additional bonus office space either  
8 from zoning density increase or from an alley closing I think  
9 additional office space the housing linkage would apply.

10 But I guess this is a map amendment so it becomes  
11 matter of right. It's not necessarily a zoning density  
12 increase at that point of development.

13 MR. GLASGOW: That's correct. And we also had a  
14 provision in there where if you were doing something  
15 consistent with the comprehensive plan and this site is  
16 designated high density commercial.

17 VICE CHAIR MILLER: All right. Maybe you'll need  
18 an alley closing or a penthouse space and we'll get the  
19 housing linkage if you do office. Hopefully it will be mixed  
20 use mixed income development but we'll look forward to seeing  
21 this site being activated in a positive way for downtown.  
22 Thank you.

23 CHAIRMAN HOOD: Okay. Any other questions or  
24 comments? Okay. Well, colleagues I would move that we  
25 approve the WMATA map and text amendment, Zoning Commission



1 case number 18-05 and ask for a second.

2 VICE CHAIR MILLER: Second.

3 CHAIRMAN HOOD: 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, Ms.  
7 Schellin, would you please record the vote.

8 MS. SCHELLIN: Staff records the vote 5-0-0 to  
9 approve proposed action in Zoning Commission case number 18-  
10 05. Commissioner Hood moving, Commissioner Miller seconding,  
11 Commissioners May, Shapiro and Turnbull in support.

12 CHAIRMAN HOOD: Anything else?

13 MS. SCHELLIN: I think you may need to check with  
14 Mr. Bergstein. Since this is a rulemaking usually they do  
15 the proposed rulemaking so I don't think we need anything  
16 from you.

17 MR. GLASGOW: That's correct.

18 MS. SCHELLIN: That's it.

19 CHAIRMAN HOOD: So with that I want to thank  
20 everyone for their participation tonight. This hearing is  
21 adjourned.

22 (Whereupon, the above-entitled matter went off the  
23 record at 7:05 p.m.)

24

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C E R T I F I C A T E

This is to certify that the foregoing transcript

In the matter of: Public Hearing

Before: DCZC

Date: 10-01-18

Place: Washington, DC

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



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Court Reporter

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