

GOVERNMENT OF
THE DISTRICT OF COLUMBIA

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ZONING COMMISSION

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PUBLIC MEETING

+ + + + +

MONDAY

OCTOBER 22, 2018

+ + + + +

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

ZONING COMMISSION MEMBERS PRESENT:

- ANTHONY J. HOOD, Chairperson
- ROBERT MILLER, Vice Chairperson
- 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:

- MATTHEW JESICK
- JOEL LAWSON
- ELISA VITALE
- STEPHEN COCHRAN
- MAXINE BROWN-ROBERTS
- JONATHAN KIRSCHENBAUM

D.C. OFFICE OF THE ATTORNEY GENERAL PRESENT:

ALAN BERGSTEIN
MAXIMILIAN TONDRO

The transcript constitutes the minutes from the regular meeting held on October 22, 2018.

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

6:32 p.m.

1
2
3 CHAIRMAN HOOD: This meeting will please come to
4 order.

5 Good evening, ladies and gentlemen. This is a
6 public meeting of the Zoning Commission for the District of
7 Columbia. My name is Anthony Hood. We're located in the
8 Jerrily R. Kress Memorial Hearing Room.

9 Joining me is Vice Chair Miller, Commissioner
10 Turnbull, Commissioner Shapiro, and Commissioner May. We are
11 also joined by the Office Zoning staff, Ms. Sharon Schellin;
12 Office of Attorney General, Mr. Bergstein and Mr. Tondro;
13 Office of Planning staff, Mr. Lawson, Mr. Cochran, Ms.
14 Vitale, Mr. Jesick, and we have -- I think I saw him at BZA.
15 Did I see you at BZA? What's the first initial of your name?

16 MR. KIRSCHENBAUM: J. Do you need a second one?

17 CHAIRMAN HOOD: BZA was a long time ago. Could
18 you just identify yourself?

19 (Laughter.)

20 MR. KIRSCHENBAUM: Jonathan Kirschenbaum.

21 CHAIRMAN HOOD: Kirschenelle?

22 MR. KIRSCHENBAUM: Kirschenbaum.

23 CHAIRMAN HOOD: Kirschenbaum? Okay. Didn't
24 somebody ask you at BZA to repeat your name?

25 MR. KIRSCHENBAUM: Probably. It happens often.

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1 CHAIRMAN HOOD: Okay. Kirschenbaum. Okay. Is
2 this your first time to the Zoning Commission

3 MR. KIRSCHENBAUM: That's correct.

4 CHAIRMAN HOOD: Well, welcome to the Zoning
5 Commission.

6 MR. KIRSCHENBAUM: Thank you.

7 CHAIRMAN HOOD: Where was I? Okay.

8 Copies of today's meeting agenda are available to
9 you and are located at the door.

10 We do not take any public testimony at our
11 meetings, unless the Commission requests someone to come
12 forward.

13 Please be advised that this proceeding is being
14 recorded by a court reporter. It is also webcast live.
15 Accordingly, we must ask you to refrain from any disruptive
16 noises or actions in the hearing room. Please turn off all
17 electronic devices at this time.

18 Does the staff have any preliminary matters?

19 MS. SCHELLIN: No, sir.

20 CHAIRMAN HOOD: Okay. All right. Let's go with
21 Consent Calendar, Zoning Commission Case No. 70-16C, CESC
22 2101 L Street, LLC, PUD, minor modification at Square 72.

23 Ms. Schellin.

24 MS. SCHELLIN: Yes. The Applicant is seeking a
25 minor modification in order to add penthouse habitable space.

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1 In Exhibit 3, the OP report advises that OP has
2 no objection to the request and that the additional GFA will
3 provide approximately \$225,000 to the Housing Production
4 Trust Fund.

5 At Exhibit 4, there's a letter from the Applicant
6 providing conditions that the ANC requested to be included
7 in any approval by the Commission.

8 And at Exhibit 6, you have the ANC 2A report in
9 support.

10 CHAIRMAN HOOD: Thank you, Ms. Schellin.

11 Again, Colleagues, Exhibit 4, I believe it is --
12 I just have a note here. What was Exhibit 4 again, Ms.
13 Schellin?

14 MS. SCHELLIN: The OP report.

15 CHAIRMAN HOOD: Okay. Okay.

16 MS. SCHELLIN: I'm sorry, the letter from the
17 Applicant --

18 CHAIRMAN HOOD: Responding, about the response?

19 MS. SCHELLIN: Yes.

20 CHAIRMAN HOOD: Okay. All right. Commissioners,
21 any questions or comments on this?

22 (No response.)

23 And again, the conditions are pretty similar to
24 what was done previously, but we can accept the -- if there
25 are no objections, we can accept the Applicant conditions.

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1 (No response.)

2 Are there any other comments or questions?

3 (No response.)

4 Okay. I'm going to be as handicapped as I am now.

5 Okay. We're ready. Would somebody like to make
6 a motion, if there's no further comment?

7 COMMISSIONER TURNBULL: Mr. Chair, I would move
8 that we accept and approve minor modification at PUD 70-16,
9 2101 L Street, Northwest, and look for a second.

10 COMMISSIONER MAY: Second.

11 CHAIRMAN HOOD: Okay. It's been moved and
12 properly seconded --

13 COMMISSIONER TURNBULL: I should say, with the
14 modification, with the conditions as noted.

15 CHAIRMAN HOOD: Okay. Moved and properly
16 seconded. Any further discussion?

17 (No response.)

18 All in favor?

19 (Chorus of ayes.)

20 Any opposition?

21 (No response.)

22 Ms. Schellin, please record the vote.

23 MS. SCHELLIN: Yes. Staff records the vote 5-to-
24 0-to-0 to approve Zoning Commission Case No. 70-16C, with the
25 changes as provided in the Applicant's letter, per the ANC's

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

3 CHAIRMAN HOOD: Okay. Next we have modification
4 of consequence. This is determination of scheduling.

5 Does anyone believe that any one of these cases
6 -- we have four cases, Zoning Commission Case 11-02C, 16-09A,
7 16-02A, and 15-18B -- anyone believe that any one of these
8 should come off as a modification of consequence?

9 (No response.)

10 Okay. Not hearing any, Ms. Schellin, Zoning
11 Commission Case No. 11-02C. Ms. Schellin?

12 MS. SCHELLIN: Yes. The Applicant is requesting
13 modifications to Conditions Nos. 8 and 15A of Zoning
14 Commission Order No. 11-02/11-02A.

15 At Exhibit 7A, you have an ANC 3F report in
16 support of the modifications, and it asks the Commission to
17 consider, first, whether it is a modification of consequence
18 and, two, to schedule the case for deliberations.

19 CHAIRMAN HOOD: Okay. Ms. Schellin, for the
20 second time, all of these cases are under the determination
21 schedule. I just called for that. So, all of them have been
22 determined.

23 So, any further information needed, Colleagues,
24 on this one?

25 (No response.)

1 Okay. Mr. Turnbull?

2 COMMISSIONER TURNBULL: Well, I guess my only
3 concern is that I think there's two neighborhood
4 organizations that are involved when we approve this. And
5 I think they need to be involved in weighing-in on this, I
6 would think.

7 MR. BERGSTEIN: They would be, Mr. Turnbull.
8 They're parties.

9 COMMISSIONER TURNBULL: They're parties. Well,
10 that's why I definitely think that this --

11 MR. BERGSTEIN: That's the point of the
12 rescheduling. It's at this point --

13 COMMISSIONER TURNBULL: Right.

14 MR. BERGSTEIN: -- where the parties will be
15 informed of this and give an opportunity to respond.

16 COMMISSIONER TURNBULL: I guess the only thing is,
17 does this push it to the point of a hearing?

18 MR. BERGSTEIN: That's entirely up to you. I
19 mean, you've just voted that none of these do require a
20 hearing.

21 COMMISSIONER TURNBULL: Right. I'm just having
22 second thoughts, I guess. I just wanted to bring it up and
23 see if there was anything -- does anyone else have any
24 feelings --

25 COMMISSIONER MAY: Well, I mean, there's no reason

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1 -- assuming they get the notice, if we hear anything from any
2 of those groups indicating sufficient concern to require a
3 hearing, we could still elect to have a hearing --

4 COMMISSIONER TURNBULL: Okay.

5 COMMISSIONER MAY: -- at a later date.

6 COMMISSIONER TURNBULL: That sounds good.

7 CHAIRMAN HOOD: Right. Because they would have
8 weighed-in in that time.

9 COMMISSIONER TURNBULL: Yes.

10 CHAIRMAN HOOD: And if something comes to us that
11 we think we need to talk about parking and everything, we can
12 go through it.

13 COMMISSIONER TURNBULL: Then, I'm fine with it.

14 CHAIRMAN HOOD: Okay. All right. Did we make a
15 motion on this one?

16 MS. SCHELLIN: No, we just --

17 CHAIRMAN HOOD: Okay. Oh, determination of
18 scheduling.

19 MS. SCHELLIN: Yes.

20 CHAIRMAN HOOD: Okay. Ms. Schellin, would you
21 determine the schedule?

22 MS. SCHELLIN: Yes. So, the next meeting is
23 November 19th. So, any submissions by the parties would be
24 due by -- let's see, this is the 22nd -- if we could get them
25 by November 9th, then we can schedule this for the 19th.

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1 CHAIRMAN HOOD: Okay. Any further questions?

2 (No response.)

3 What I did, I just wanted to make sure that we
4 considered all of them as a modification of consequence. Now
5 I'm going back through each one just in case, yes.

6 Well, there may be comments. Let's do it like
7 this.

8 All right. Zoning Commission Case No. 16-09A,
9 1200 3rd Street, LLC, PUD, modification of consequence at
10 Square 747.

11 Ms. Schellin?

12 MS. SCHELLIN: Yes, sir. On that one, the
13 Applicant is proposing to modify the hotel materials and the
14 parking lot. The Applicant wishes to change two of the
15 materials on the eastern facade of the hotel. With regard
16 to the parking relief, the Applicant is requesting relief to
17 allow compact spaces in clusters comprising less than five
18 spaces and to allow standard spaces at 9 feet by 18 feet,
19 rather than 9 feet by 19 feet.

20 Exhibit 5 is an OP report advising that, pursuant
21 to Subtitle X, Section 703.6, a request for additional
22 flexibility could be viewed as a modification of
23 significance. However, it finds there would be no benefit
24 to having a hearing. And therefore, it is supportive of the
25 application as a modification of consequence, and it supports

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1 the approval.

2 While the ANC did not make a submission, staff did
3 communicate with the SMD Commissioner 6C06, who advised that
4 the ANC has no objections and is not going to be taking this
5 matter up.

6 CHAIRMAN HOOD: Okay. Anything else?

7 (No response.)

8 Colleagues, I think that's a pretty
9 straightforward put. We don't have to look for anything from
10 the ANC, as already noted. And the recommendation is not to
11 have a hearing, but we can deal with this when we do our
12 determination of scheduling.

13 Any other comments?

14 (No response.)

15 And, Ms. Schellin, could you do the determination
16 of scheduling?

17 MS. SCHELLIN: Yes. So, it would be the same
18 thing. The ANC is the only party, I believe, in this case.
19 So, any submissions, if they changed their mind, would be due
20 by 11/9, and we'll put it on for the 11/19th meeting.

21 CHAIRMAN HOOD: Okay. All right. As all these
22 determinations have already been made, so it will just be
23 scheduling. I've been saying "determination of scheduling".

24 Zoning Commission Case No. 16-02A, DC Stadium,
25 LLC, PUD, modification of consequence, at Square 665.

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1 Ms. Schellin?

2 MS. SCHELLIN: On this case, the Applicant is
3 requesting to use different materials for the screening of
4 the rooftop mechanical equipment on just part of the stadium.

5 Exhibit 4 is an OP report in support of the
6 request.

7 And so, to ask the Commission to set the
8 scheduling on this one also.

9 CHAIRMAN HOOD: Okay. Anything else needed on
10 this?

11 (No response.)

12 Okay. Ms. Schellin, could you set the schedule?

13 MS. SCHELLIN: Yes. The same schedule, parties
14 would submit by 11/9, and we will put this on for 11/19.

15 CHAIRMAN HOOD: Okay. Zoning Commission Case No.
16 15-18B, Initio, LLP, modification of consequence at Square
17 1194.

18 Ms. Schellin?

19 MS. SCHELLIN: On this one, this case is a
20 carryover from last month's agenda, in which the Commission
21 advised the Applicant that they needed to request additional
22 relief, and if they worked with the ANC and had their
23 support, it was possible to have action at the next meeting.

24 The Applicant did submit a letter at Exhibit 9
25 amending their application to include flexibility from lot

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1 occupancy. However, there has not been an ANC report
2 submitted in the case.

3 So, I would ask the Commission to schedule this
4 one for deliberations also.

5 CHAIRMAN HOOD: Okay. Any objections to
6 scheduling?

7 (No response.)

8 We do have a request, Colleagues, as to the
9 flexibility request --

10 COMMISSIONER MAY: I thought we saw an ANC report.
11 I've seen an ANC report from September 13th. Resolved not
12 to --

13 MS. SCHELLIN: But it did not include the
14 additional flexibility.

15 COMMISSIONER MAY: Oh, it didn't include the
16 additional flexibility?

17 MS. SCHELLIN: Right.

18 COMMISSIONER MAY: Got it.

19 MS. SCHELLIN: That was the issue.

20 COMMISSIONER MAY: Got it.

21 CHAIRMAN HOOD: So, back to what I was saying, it
22 was about the flexibility issue.

23 Any objections to what's being asked for? If not,
24 if I hear none, then we can just schedule.

25 (No response.)

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1 Okay. Ms. Schellin, could you schedule?

2 MS. SCHELLIN: So, we'll use the same schedule.
3 The ANC report for the additional flexibility would be due
4 by 11/9, and the meeting would be 11/19.

5 CHAIRMAN HOOD: Okay. Let's get into our
6 deliberations. I believe I'm looking at two agendas here.
7 Let me see.

8 This first one, is this the one that fell off?
9 Okay. So, the agenda I have, it's already off?

10 MS. SCHELLIN: Yes.

11 CHAIRMAN HOOD: Okay. All right. I just wanted
12 to make sure.

13 Okay. Deliberations on Commission Case No.
14 16-13C, JS Congress Holdings, LLC, modification of
15 consequence, the Zoning Commission Order 16-13B, at Square
16 748, Lots 78 and 819.

17 Ms. Schellin?

18 MS. SCHELLIN: Staff has nothing further on this
19 case.

20 CHAIRMAN HOOD: Okay. Okay. Again,
21 Commissioners, in this case, it looks like we are doing
22 Condition 2B. Prior to issuance of the building permit, the
23 Applicant shall provide proof that the Zoning Administrator
24 has been placed -- and it goes on to talk about habitable,
25 Habitat for Humanity -- no later than December 31st, 2018;

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1 that the D.C. Habitat for Humanity consists of a minimum of
2 900 square feet and two bedrooms, and that the units will be
3 constructed as a single-family residence or flats.

4 Any objections on what's being asked for?

5 (No response.)

6 All right. So, somebody can make a motion.

7 VICE CHAIR MILLER: Mr. Chairman, I would move
8 that the Zoning Commission approve Zoning Commission Case No.
9 16-13C, JS Congress Holdings, LLC, modification of
10 consequence. It's the Zoning Commission Order 16-13B, at
11 Square 748, Lots 78 and 819. And ask for a second.

12 COMMISSIONER MAY: Second.

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

15 (No response.)

16 All in favor?

17 (Chorus of ayes.)

18 Any opposition?

19 (No response.)

20 Not hearing any, Ms. Schellin, would you please
21 record the vote?

22 MS. SCHELLIN: Staff records the vote 5-to-0-to-0
23 to approve final action in Zoning Commission Case No. 16-13C,
24 Commissioner Miller moving, Commissioner May seconding;
25 Commissioners Hood, Shapiro, and Turnbull in support.

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1 CHAIRMAN HOOD: Okay. Next, we have Zoning
2 Commission Case No. 16-06B, Jemal's Lazriv Water, LLC, design
3 review modification of consequence, at Square 666. That's
4 some rough numbers. But, anyway, 666.

5 MS. SCHELLIN: Exhibit 5 is ANC 6D report advising
6 they are withholding support of the modification -- and they
7 actually say "significance," but this is a modification of
8 consequence -- for reasons listed in their report.

9 Exhibit 6 is the Applicant's response to the ANC's
10 objections.

11 We ask the Commission to consider action on this
12 case this evening.

13 CHAIRMAN HOOD: Okay. Commissioners, two of the
14 -- let me get my place here. Okay. In this case, as we
15 know, the ANC broke their objections into two parts. I
16 think, as stated in the Applicant's letter, two of those
17 parts we had already dealt with, and that's in our order and
18 it's not being asked for relief. So, I don't know if we can
19 revisit that because that's not necessarily before us.

20 COMMISSIONER TURNBULL: I agree, Mr. Chair.

21 CHAIRMAN HOOD: Okay. And actually, what I had
22 planned on doing was going through what we had already
23 approved versus the improvements. But I can just cut to the
24 chase. But, in my view of what's being asked for, and also
25 with the explanation from the Applicant about being able to

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1 build what we had approved -- sometimes we come down with
2 these great ideas, but it's obviously not cost-effective.
3 It costs quite a bit. And I think even with the reductions
4 in what they're asking for now, it actually looks better, in
5 my opinion.

6 But I can open it up for further discussion.

7 Mr. May?

8 COMMISSIONER MAY: Yes, Mr. Chairman, I feel like
9 the previous version was marginally better. I mean, it was
10 a little bit more life to the building with the additional
11 terraces and balconies, and so on. But I don't feel strongly
12 about it. Certainly, if this is what we have been presented
13 with for the design review previously, I'm sure we would have
14 accepted it.

15 And I also think that the ANC had argued that
16 there should be more affordable units and they should be more
17 two-bedroom units, but those are outside the realm of what
18 we would consider in a case like this in the first place.
19 So, unfortunately, I don't think that that particular
20 argument can carry much weight in this circumstance. So, I'm
21 comfortable with approving this the way it is now proposed.

22 CHAIRMAN HOOD: Okay. Any objections?

23 (No response.)

24 Not hearing any -- Mr. Turnbull?

25 COMMISSIONER TURNBULL: Yes, I would agree with

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1 Commissioner May. I think one of the other things is that,
2 without getting into the appearances, we're dealing with an
3 existing building. It's a complicated building to remodel
4 it, tear it apart, rebuild it and reconfigure it.

5 Now I think that the items that the Applicant has
6 cited, and it's true of the physical conditions and the
7 complications that they ran into in the process of doing
8 this, is something we need to take into consideration. I
9 think it was a complicated job, a complicated project. So,
10 I'm more than willing to acquiesce on this.

11 CHAIRMAN HOOD: Right, and I think Exhibit 6, by
12 the explanation of the Applicant, I think is very well -- it
13 gives me a definite comfort level to move forward with the
14 merits in this case.

15 So, with that, I would --

16 VICE CHAIR MILLER: Mr. Chairman --

17 CHAIRMAN HOOD: Yes?

18 VICE CHAIR MILLER: -- I just wanted to agree with
19 my colleagues about the complications of the building and
20 that. But I do agree with the comments that were made in the
21 previous -- I personally liked the previous design because
22 I always like more balconies and more terraces and more
23 sculpting. But I think the Applicant gave a reasonable
24 explanation of why that creates some construction challenges,
25 especially given that we're dealing with an existing

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1 building, as Commissioner Turnbull pointed out. So, I'm
2 ready to move forward.

3 CHAIRMAN HOOD: Okay. Since everybody likes the
4 previous design, I like this one better.

5 (Laughter.)

6 When I looked at the previous one, I said, I can't
7 believe we even approved that. But that's what I said by
8 myself.

9 (Laughter.)

10 VICE CHAIR MILLER: I just hope I'd be on the
11 river to be able to view it because that's the only changes
12 that are being --

13 CHAIRMAN HOOD: All right. Okay. So, with that,
14 I would move the design review modifications of consequence
15 at Square 666 in Zoning Commission Case No. 16-06B, and ask
16 for a second.

17 VICE CHAIR MILLER: Second.

18 CHAIRMAN HOOD: It's been moved and properly
19 seconded. Any further discussion?

20 (No response.)

21 All in favor?

22 (Chorus of ayes.)

23 Any opposition?

24 (No response.)

25 Not hearing any, Ms. Schellin, would you please

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1 record the vote?

2 MS. SCHELLIN: Yes. Staff records the vote
3 5-to-0-to-0 to approve final action on Zoning Commission Case
4 No. 16-06B, Commissioner Hood moving, Commissioner Miller
5 seconding; Commissioners May, Shapiro, and Turnbull in
6 support.

7 CHAIRMAN HOOD: Okay. Next, Zoning Commission
8 Case No. 17-05A, 2100 2nd Street, Southwest, LLC, Capital
9 Gateway, design review modifications of consequence, at
10 Square 613 and Lot 10.

11 Ms. Schellin?

12 MS. SCHELLIN: At Exhibit 7 through 7B, you have
13 the Applicant's responses to the ANC and the DOEE reports.
14 We ask the Commission to consider final action this evening.

15 CHAIRMAN HOOD: Okay. Commissioner Shapiro?

16 COMMISSIONER SHAPIRO: Mr. Chair, I would just say
17 that I thought that the Applicant's rationale, in response
18 to the ANC, I thought the Applicant's rationale was sound.
19 So, I didn't have any problem with that.

20 CHAIRMAN HOOD: A response to the ANC as well as
21 DOEE acceptance --

22 COMMISSIONER SHAPIRO: Right.

23 CHAIRMAN HOOD: -- and I think I saw an email.

24 COMMISSIONER SHAPIRO: Yes.

25 CHAIRMAN HOOD: Okay. All right. Anything

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1 further on this?

2 Commissioner May?

3 COMMISSIONER MAY: Mr. Chairman, I would just say,
4 you know, again, this is very similar to the previous case
5 where they are reusing an existing building and modifying it.
6 I mean, it's pretty remarkable that these projects are being
7 undertaken in this manner in the first place. And I think
8 it's of substantial benefit to the surrounding neighbors that
9 they don't have -- you know, that these buildings are not
10 being demolished first and, then, replaced; that they're
11 doing selective demolition and adaptively reusing these
12 former federal office buildings for this purpose.

13 So, I think it's a commendable project, and I
14 think the proposed changes actually are an improvement over
15 what we had previously seen.

16 CHAIRMAN HOOD: Okay. All right. Anything else?

17 (No response.)

18 Would somebody like to make a motion on this?

19 VICE CHAIR MILLER: Mr. Chairman, I would move
20 that the Zoning Commission approve Zoning Commission Case No.
21 17-05A, 2100 2nd Street, Southwest, LLC, Capital Gateway,
22 design review modification of consequence, at Square 613, Lot
23 10, and ask for a second.

24 COMMISSIONER TURNBULL: Second.

25 CHAIRMAN HOOD: Okay. It's been moved and

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1 properly seconded. Any further discussion?

2 (No response.)

3 All in favor?

4 (Chorus of ayes.)

5 Any opposition?

6 (No response.)

7 Not hearing any, Ms. Schellin, would you please
8 record the vote?

9 MS. SCHELLIN: Staff records the vote 5-to-0-to-0
10 to approve final action in Zoning Commission Case No. 17-05A,
11 Commissioner Miller moving, Commissioner Turnbull seconding;
12 Commissioners Hood, May, and Shapiro in support.

13 CHAIRMAN HOOD: Okay. The next case, Zoning
14 Commission Case No. 06-14E, Washington Gateway III, LLC,
15 modification of consequence to Order No. 06-14D, at Square
16 3584.

17 Ms. Schellin?

18 MS. SCHELLIN: Yes. At Exhibits 12 through 12C,
19 we have the Applicant's response to the Commission's comments
20 and to OP's report.

21 Exhibit 13 through 13A is a copy of the response
22 to DDOT's request for additional information.

23 Exhibit 14 through 14A is a copy of the response
24 to DDOT's request for further additional information.

25 Exhibit 15 is a letter from the Applicant

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1 regarding revised flexibility language.

2 Exhibit 16 is an OP final report.

3 Exhibit 17 is a letter from the Applicant
4 regarding community outreach.

5 And finally, Exhibit 18 is the Applicant's
6 response to OP regarding revised flexibility language.

7 We ask the Commission to consider final action on
8 this case.

9 CHAIRMAN HOOD: Okay. Thank you.

10 I want to commend this Applicant for giving me a
11 confidence level. With all the different agencies and
12 reaching out, when I saw that, I said, "Lisa, I know that
13 this request has made" -- they mention how they went to the
14 different ANCs, and the ANCs wouldn't respond, don't plan on
15 responding. They think their presentation was unnecessary,
16 and on and on and on.

17 So, I think this is a true example of what's
18 right. We've done what we can do. We have a part in the
19 record for submissions. So, I really appreciated that, that
20 outreach piece.

21 Okay. Any other comments on this flexibility or
22 anything like that?

23 Mr. Turnbull?

24 COMMISSIONER TURNBULL: Thank you, Mr. Chair.

25 As you know, I struggle a lot of times with

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1 language which talks about exterior changes to materials and
2 all that. But I think the language that's proposed
3 sufficiently addresses the requirements that they want, and
4 I feel comfortable in approving it.

5 CHAIRMAN HOOD: Okay. Thank you.

6 Any other comments on this?

7 (No response.)

8 All right. So, we have the -- make the minor
9 refinements to location. It mentions the exterior details.
10 So, Mr. Turnbull is fine with that. I think we all are. No
11 comments.

12 Any other comments on this case?

13 (No response.)

14 Would somebody like to make a motion?

15 COMMISSIONER TURNBULL: Mr. Chair, I would move
16 that we approve Zoning Case 06-14E, Washington Gateway III,
17 LLC, modification of consequence to Order No. 06-14D, at
18 Square 3584.

19 CHAIRMAN HOOD: Second.

20 It's been moved and properly seconded. Any
21 further discussion?

22 (No response.)

23 I seconded.

24 All in favor?

25 (Chorus of ayes.)

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1 Any opposition?

2 (No response.)

3 Not hearing any, Ms. Schellin, would you please
4 record the vote?

5 MS. SCHELLIN: Yes. Staff records the vote
6 5-to-0-to-0 to approve final action on Zoning Commission Case
7 No. 06-14E, Commissioner Turnbull moving, Commissioner Hood
8 seconding; Commissioners May, Miller, and Shapiro in support.

9 CHAIRMAN HOOD: Okay. Next, we have final action,
10 which is actually Zoning Commission Case No. 15-16, MRP Rhode
11 Island Avenue Investors, LLC, and B&R Associates, LP, and
12 Shadrock, LP, motion to extinguish PUD.

13 Ms. Schellin?

14 MS. SCHELLIN: Yes. At Exhibit 106, the Applicant
15 is requesting to extinguish the PUD, as you stated. The PUD
16 order was published in The Register on December 9th, 2016.
17 It was appealed on January 4th, 2017, and is still pending.

18 Any construction would be at the Applicant's own
19 risk, which it doesn't want to take at this time. It has
20 explored some matter-of-right development options and wishes
21 to proceed immediately with one of those options. In order
22 to do so, it needs to have the PUD extinguished. So, we
23 would ask the Commission to consider the request before it
24 this evening.

25 CHAIRMAN HOOD: Okay. Commissioner Shapiro?

1 COMMISSIONER SHAPIRO: I would just say, Mr.
2 Chair, I have no objection to the Applicant extinguishing the
3 order.

4 CHAIRMAN HOOD: Okay. Any objections?

5 (No response.)

6 Do we need a motion?

7 Vice Chair Miller?

8 VICE CHAIR MILLER: Yes, I just wanted to briefly
9 comment that this is one of those, again, one of those
10 unfortunate cases where an appeal has resulted in an
11 Applicant not wanting to move forward with the PUD due to the
12 risk and financial burden involved with that. And so, he's
13 going to proceed with a matter of right, although I
14 understand it's going through large tract review at the
15 Office of Planning. Is that correct?

16 And can the record say, if you happen to know --
17 if you don't, it's fine -- I know that housing units were
18 reduced, in the process of our consideration of this case due
19 to concerns about density, I think from maybe 1600 to 1400.
20 I really don't remember, but that's just off the top of my
21 head. Do you know what the number of housing units is going
22 to be under the matter of right versus the PUD that we
23 approved?

24 MR. LAWSON: I'm sorry -- Joel Lawson with the
25 Office of Planning -- off the top of my head, I don't know.

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1 I know there was a reduction in housing units, but it wasn't
2 an enormous amount. It was -- I shouldn't guess --

3 VICE CHAIR MILLER: Right.

4 MR. LAWSON: -- but there was a reduction in
5 housing. It's already actually gone through the large tract
6 review process.

7 VICE CHAIR MILLER: Okay.

8 MR. LAWSON: So, that process is now --

9 VICE CHAIR MILLER: That's good. So, that will
10 be moving forward --

11 MR. LAWSON: Yes.

12 VICE CHAIR MILLER: -- more quickly than if it
13 went through the appellant process. But I just wanted it on
14 the record, the loss of housing as a result of that whole
15 situation.

16 CHAIRMAN HOOD: Anything further?

17 (No response.)

18 I would just say a missed opportunity.

19 I would make a motion to extinguish the PUD of
20 Zoning Commission Case No. 15-16 and ask for a second.

21 VICE CHAIR MILLER: Second.

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

24 (No response.)

25 All in favor?

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1 (Chorus of ayes.)

2 Any opposition?

3 (No response.)

4 Not hearing any, Ms. Schellin, would you please
5 record the vote?

6 MS. SCHELLIN: Staff records the vote 5-to-0-to-0
7 to grant extinguishment of the PUD in Case No. 15-16,
8 Commissioner Hood moving, Commissioner Miller seconding;
9 Commissioners May, Shapiro, and Turnbull in support.

10 CHAIRMAN HOOD: Okay. Next, we have the time
11 extension, Zoning Commission Case No. 15-32B, 1129 9th
12 Street, Northwest, LLC, two-year PUD time extension, at
13 Square 369.

14 Ms. Schellin?

15 MS. SCHELLIN: The Applicant cites the reasons for
16 the extension is its efforts to modify the original project
17 and working to address existing market and financing, as
18 challenges beyond the reasonable control of the Applicant,
19 along with the existence of some other factors.

20 Exhibit 3 is an ANC 2F report in support.

21 Exhibit 4 is an OP report in support.

22 We ask the Commission to consider final action.

23 CHAIRMAN HOOD: Okay. We have the report before
24 us.

25 Commissioner Shapiro?

1 COMMISSIONER SHAPIRO: I have nothing, Mr. Chair.
2 I was just going to make a motion.

3 CHAIRMAN HOOD: Okay. I think that's in order,
4 unless I hear any other comments.

5 Oh, hold on. Hold on a second.

6 VICE CHAIR MILLER: I just want to make a very
7 brief comment that I just thought it was interesting that the
8 proposed tariffs on steel have led to a 10-percent increase
9 in construction costs that weren't foreseen for this project,
10 and that's one of the reasons why they made the modifications
11 they did and why they need the extension.

12 CHAIRMAN HOOD: Okay. Commissioner Shapiro?

13 COMMISSIONER SHAPIRO: Thank you, Mr. Chair.

14 I would move that we approve a two-year PUD time
15 extension in Zoning Commission Case No. 15-32B, 1126 9th
16 Street, Northwest, LLC, at Square 369, and look for a second.

17 VICE CHAIR MILLER: Second.

18 CHAIRMAN HOOD: It's been moved and properly
19 seconded. Any further discussion?

20 (No response.)

21 All in favor?

22 (Chorus of ayes.)

23 Any opposition?

24 (No response.)

25 Not hearing any, Ms. Schellin, would you please

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1 record the vote?

2 MS. SCHELLIN: Staff records the vote 5-to-0-to-0
3 to grant the two-year PUD time extension in Case No. 15-32B,
4 Commissioner Shapiro moving, Commissioner Miller seconding;
5 Commissioners Hood, May, and Turnbull in support.

6 CHAIRMAN HOOD: Okay. Next, under final action,
7 Zoning Commission Case No. 17-03. Again, this is Office of
8 Planning, TA to Subtitle A, clarification of divesting rule.

9 MS. SCHELLIN: This is proposed action.

10 CHAIRMAN HOOD: Did I say -- what did I say?

11 MS. SCHELLIN: You said final, I think.

12 CHAIRMAN HOOD: Oh, maybe I wanted it to be final.

13 (Laughter.)

14 MS. SCHELLIN: Yes.

15 CHAIRMAN HOOD: Okay. Proposed action, it's
16 proposed action. So, okay.

17 MS. SCHELLIN: Yes, and the only thing staff has
18 is that Exhibit 8 is OP's post-hearing report. We would ask
19 that the Commission consider proposed action.

20 CHAIRMAN HOOD: Okay. Again, Colleagues, we have
21 the language in front of us. "No BZA Zoning Commission order
22 shall be deemed to include relief from any zoning regulations
23 unless such relief was expressly requested by the Applicant
24 and expressly granted in the order." And it goes into detail
25 in our report.

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1 Any objections or any comments on this?

2 VICE CHAIR MILLER: Just a quick question. So,
3 that language doesn't take away any existing authority from
4 the ZA to make deviations?

5 MR. BERGSTEIN: And actually, I added it, or
6 suggested adding, in response to some language we got from
7 the ZA, who was just concerned that applicants might come to
8 him and say, "Well, I know we didn't ask for this relief, but
9 it's in the plans." You know, there's substandard parking
10 spaces. So, although it wasn't granted, it's in the plans,
11 so it must have been approved.

12 So, the ZA requested some language that would
13 basically say that the only thing that is vested is what was
14 actually requested and approved.

15 And I went back and I noticed that this language
16 was only in the PUD provisions. It's an existing provision,
17 but it only applies to PUD. So, I suggested let's just apply
18 this to all approvals that the Zoning Commission or BZA
19 makes.

20 So, no, it doesn't take away from his ability to
21 grant deviations.

22 VICE CHAIR MILLER: Right.

23 MR. BERGSTEIN: So, it just clarifies that he
24 doesn't -- nothing gets vested under this rule unless it was
25 both affirmatively requested and approved.

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1 VICE CHAIR MILLER: Okay.

2 MR. BERGSTEIN: And the fact that it may be shown
3 in plans shows some non-conformance with zoning, that is not
4 vested.

5 VICE CHAIR MILLER: Yes, that all makes sense.
6 Thank you for that explanation.

7 CHAIRMAN HOOD: Any comments on this text
8 amendment?

9 (No response.)

10 Okay. Okay. So, with that, I would move approval
11 of Zoning Commission Case No. 17-03 for proposed action, and
12 ask for a second.

13 COMMISSIONER SHAPIRO: Second.

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

16 (No response.)

17 Shapiro seconded, didn't he? Shapiro seconded.
18 All in favor?

19 (Chorus of ayes.)

20 Any opposition?

21 (No response.)

22 Not hearing any, Ms. Schellin, would you please
23 record the vote?

24 MS. SCHELLIN: Staff records the vote 5-to-0-to-0
25 to approve proposed action in Zoning Commission Case No.

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1 17-03, Commissioner Hood moving, Commissioner Shapiro
2 seconding; Commissioners May, Miller, and Turnbull in
3 support.

4 CHAIRMAN HOOD: Mr. Schellin, I believe -- did
5 18-18 fall off or?

6 MS. SCHELLIN: It didn't. It was 18-19 that fell
7 off.

8 CHAIRMAN HOOD: Oh, it was? Okay. All right.

9 So, let's go to hearing action 18-18, Zoning
10 Commission Case No. 18-18, Office of Planning, text amendment
11 to Subtitle K, to create the Northern Howard Road Zone.

12 Mr. Jesick?

13 MR. JESICK: Thank you, Mr. Chairman and members
14 of the Commission.

15 The Office of Planning recommends that the
16 Commission set down a proposed text amendment for a new zone
17 known as the Northern Howard Road Zone, or NHR. The NHR
18 would be written into Subtitle K, the special purpose zones,
19 and would be available for remapping by property owners near
20 Howard Road in the area adjacent to Poplar Point and between
21 the Suitland Parkway and the Anacostia Freeway.

22 The lots along Howard Road all share the high
23 density commercial/high density residential/institutional
24 mixed used designation on the Comprehensive Plan's future
25 land use map, and the proposed text amendment would help to

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1 implement the future land use map.

2 And in addition to many written policies in the
3 Comprehensive Plan, the text would also help to implement the
4 generalized policy map, which designates this area as part
5 of the Central Employment Area.

6 The NHR zone would allow high density and height
7 for development, and would require Zoning Commission design
8 review. The zone would have increased affordable housing
9 requirements, street-front use and design requirements, and
10 would require renewable energy onsite generation.

11 Overall, the NHR zone would not be inconsistent
12 with the Comprehensive Plan and would allow implementation
13 of the Plan's maps and written policies. And OP recommends
14 set down of the text amendment.

15 Thank you.

16 CHAIRMAN HOOD: Okay. Thank you, Mr. Jesick.

17 Colleagues, any questions or comments?

18 (No response.)

19 And it's straightforward. Would someone like to
20 make a motion?

21 COMMISSIONER SHAPIRO: As there's no further
22 discussion, Mr. Chairman, I will make a motion that we set
23 down Zoning Commission Case No. 18-18, Office of Planning,
24 text amendment to Subtitle K, to create the Northern Howard
25 Road Zone, and look for a second.

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1 COMMISSIONER MAY: Second.

2 CHAIRMAN HOOD: Okay. It's been moved and
3 properly seconded. Commissioner May seconded. Any further
4 discussion?

5 (No response.)

6 All in favor?

7 (Chorus of ayes.)

8 Any opposition?

9 (No response.)

10 Not hearing any, Ms. Schellin, would you please
11 record the vote?

12 MS. SCHELLIN: Staff records the vote 5-to-0-to-0
13 to approve Zoning Commission Case No. 18-18 for set down as
14 a rulemaking case. Commissioner Shapiro moving, Commissioner
15 May seconding; Commissioners Hood, Turnbull, and Miller in
16 support.

17 CHAIRMAN HOOD: Okay. Next, we have Zoning
18 Commission Case No. 18-11, the Riggs Road Center, LLC, and
19 Avissar Riggs Road, LLC, map amendment, at Square 3710.

20 Mr. Kirschenbaum?

21 MR. KIRSCHENBAUM: That's correct.

22 CHAIRMAN HOOD: I got it right. I actually asked
23 somebody before I asked you.

24 (Laughter.)

25 I have to admit that. I can't sit up here like

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1 I did it. I leaned over to Rob. I said, "How do you
2 pronounce that again?"

3 (Laughter.)

4 Mr. Kirschenbaum?

5 MR. KIRSCHENBAUM: Good evening, Mr. Chairman and
6 members of the Commission.

7 The Office of Planning recommends set down of this
8 petition to rezone the subject property from PDR-1 to MU-4
9 in Ward 4. The proposed rezoning would contain 1.94 acres
10 of land and would not be inconsistent with Comprehensive
11 Plan, including the future land use map and the generalized
12 policy map.

13 Please let me know if you have any questions
14 regarding this petition.

15 Thank you.

16 CHAIRMAN HOOD: Thank you.

17 Any questions? Colleagues, any questions or
18 comments?

19 (No response.)

20 All right. Would somebody like to make a motion?
21 I'll make a motion that we set down Zoning Commission Case
22 No. 18-11, and I ask for a second.

23 VICE CHAIR MILLER: Second.

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

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1 (No response.)

2 All in favor?

3 (Chorus of ayes.)

4 Any opposition?

5 (No response.)

6 Not hearing any, Ms. Schellin, would you please
7 record the vote?

8 MS. SCHELLIN: Staff records the vote 5-to-0-to-0
9 to set down Zoning Commission Case No. 18-11 as a rulemaking
10 case. Commissioner Hood moving, Commissioner Miller
11 seconding; Commissioners May, Shapiro, and Turnbull in
12 support.

13 COMMISSIONER SHAPIRO: Mr. Kirschenbaum, I would
14 remind you that you had an easy first day, huh?

15 (Laughter.)

16 CHAIRMAN HOOD: Yes, don't get used to it.

17 (Laughter.)

18 Next, Zoning Commission Case No. 18-14, 3840 South
19 Capitol, LLC, and 3848 South Capitol, LLC, consolidated PUD
20 and related map amendment, at Square 6129.

21 Ms. Brown-Roberts?

22 MS. BROWN-ROBERTS: Good evening, Mr. Chairman and
23 members of the Commission.

24 The Applicant proposes to demolish two existing
25 multi-unit apartment buildings at 3836 to 3838 South Capitol

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1 Street, Southeast, and to replace them with a four-story
2 apartment building with 106 all-affordable one-, two-, and
3 three-bedroom units, for a residence of 30, 50, and 60
4 percent of MFI.

5 The Applicant has requested a related map
6 amendment from the RA-1 to the RA-2 zone. The future land
7 use map indicates that the site is appropriate for moderate
8 density residential, and for a small portion of the site, a
9 mix of moderate density residential/low density commercial
10 uses. The generalized policy map indicates that the site is
11 a Neighborhood Enhancement Area.

12 The proposed RA-2 zone is not inconsistent with
13 these recommendations, and the recommendations of many of the
14 city-wide elements, and the Small Area Plan, which is called
15 the Bellevue, enhancing the revitalization.

16 OP will continue to work with the Applicant to
17 resolve issues identified in the OP report prior to the
18 public hearing.

19 The Office of Planning recommends that the
20 application be set down for public hearing.

21 Thank you, Mr. Chairman, and I'm available for
22 questions.

23 CHAIRMAN HOOD: Thank you, Ms. Brown-Roberts.

24 Colleagues, any questions or comments?

25 Vice Chair Miller?

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1 VICE CHAIR MILLER: Thank you, Mr. Chairman.

2 And thank you, Ms. Brown-Roberts, for your report,
3 your verbal report and the Office of Planning's written
4 report, which identified a number of issues that should be
5 addressed and worked on by the Applicant with your office.
6 And I would agree with those issues that have been
7 identified, particularly the provision of outdoor space and
8 open space, especially compared to what's there now.

9 The relocation and return plan, the details of
10 that, that's the 30 households that are there now. And we
11 certainly would want to know more information about that and
12 make sure that those tenants, existing tenants, are
13 protected.

14 And I think this is the one where you might have
15 expressed some concern about one of the facades being fiber-
16 cement versus brick.

17 MS. BROWN-ROBERTS: Yes.

18 VICE CHAIR MILLER: And I think some of the
19 facades are brick, and I think they are much more attractive.
20 If I was looking at the renderings correctly, I think some
21 of the facades are -- are they all fiber-cent?

22 MS. BROWN-ROBERTS: They're all, yes.

23 VICE CHAIR MILLER: Oh, maybe I was just looking
24 at --

25 MS. BROWN-ROBERTS: I think there's a wall, the

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1 wall that is brick --

2 VICE CHAIR MILLER: Okay.

3 MS. BROWN-ROBERTS: -- from the implementations --

4 VICE CHAIR MILLER: I had -- well --

5 MS. BROWN-ROBERTS: But I'll take another look at
6 it.

7 VICE CHAIR MILLER: The pictures I saw of brick,
8 what looked like brick, looked better than the fiber-cement
9 part. I don't mind the differentiation in color between the
10 red brick and the other, but I think all brick would fit in
11 more with the neighborhood. But I appreciate the
12 articulation.

13 I think these are very commendable. I support the
14 set down of this case. I think these issues can be worked
15 out between now and the hearing. The all-affordable housing
16 component and increasing the number of affordable units from
17 30 now to over 100 is very commendable, with a large number
18 of family-sized units. But that's why we need the replace
19 space for those family-sized units.

20 And I think, again on that affordable housing, it
21 goes all the way from 30 percent to 50, to 60, and it's all
22 in that affordable range.

23 I think there are some issues that the Applicant
24 may need to work out with OP and OAG on the interplay of the
25 inclusionary zoning covenant that kicks in after the 40

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1 years, and the ADU covenant that would be in effect for those
2 first 40 years.

3 Just off the top of my head, it would seem to me
4 that the 60-percent median family income units, which are at
5 about 11 or 12 percent, as I recall, they should just be all
6 IZ units in perpetuity from the outset, unless that messes
7 up the whole tax credit financing, low-income tax credit
8 financing mechanism.

9 But, at least for those units, we would know that
10 they are going to be -- they would be the IZ 60 percent in
11 perpetuity units from the outset. And then, somehow this
12 interplay when the covenant on the other lower-income level
13 units ends in 40 years, and what happens -- well, just I
14 think some discussions need to occur between the Applicant
15 and OP and OAG on that. And I made one suggestion on how it
16 could possibly be, one part of it could be addressed.

17 So, I support the set down, Mr. Chairman.

18 CHAIRMAN HOOD: Anything else? Okay. Any other
19 comments?

20 Mr. Turnbull?

21 COMMISSIONER TURNBULL: Yes, Mr. Chair, I would
22 agree with the Vice Chair. It's a very commendable project.
23 I think it's very rewarding.

24 And I think, as Ms. Brown-Roberts brought up about
25 the design, I think South Capitol Street, the facade is all

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1 brick. There's some bays, I think, that may be fiber-cement,
2 but it would appear that the rear of the building facing the
3 alley is all fiber-cement, except for maybe the base belt
4 course that goes around the bottom. That might be brick.

5 I would agree that the Applicant ought to,
6 especially as it turns the corner, how it looks, and if they
7 could incorporate some brick in turning or introduce some
8 more brick at the back, that would be worthwhile.

9 But, other than that, I think it's a very
10 commendable project in the scope of what it's trying to do.

11 The only other thing, Mr. Chair, is that the
12 Department of Housing and Community Development has requested
13 a waiver for the fee, which we would need to approve.

14 CHAIRMAN HOOD: I was waiting for all the
15 comments. Then, I was going to bring that up.

16 Any other comments on anything other than DHCD?

17 (No response.)

18 Okay. Commissioner May?

19 COMMISSIONER MAY: Yes, I read the document the
20 same way. I mean, it looks like the bays of the building
21 that are closest to South Capitol Street are all a brick
22 facade, and then, the ones that are more recessed are either
23 a fiber-cement or some combination of brick bays and fiber-
24 cement.

25 I don't necessarily have a huge issue with the use

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1 of fiber-cement, even though on the front elevation, but what
2 I am a little concerned about is that there just seems to be
3 a little bit lacking in the detailing of those brick facades.
4 I mean, there are some nice touches there with the horizontal
5 banding that tie the windows together. And I think that the
6 Applicant has included images of a number of precedent
7 apartment buildings that are very attractively detailed that
8 are a particular era of design. And, you know, they're
9 trying to emulate that on some level, but I think that they
10 could be a little stronger in that and a little bit more
11 consistent with the way things are detailed.

12 And then, I think the biggest issue I saw design-
13 wise is the cornice just seems to be, you know, kind of
14 nothing. It just goes up and there's a -- it almost looks
15 like a metal flashing at the top. And it does not seem to
16 be -- I mean, I understand that's probably consistent with
17 some of the images that they're showing. Some of the
18 apartment buildings, the precedent buildings are like that,
19 but there are other aspects of those designs that I think
20 help do something more in that top space of the building
21 between the upper level of windows and the cornice line. So,
22 I think a little bit more attention to that would be
23 warranted.

24 So, that's about it.

25 CHAIRMAN HOOD: Either everybody right there in

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1 the front row were getting text messages or they were taking
2 good notes of what you all were saying. I'm not sure. Oh,
3 he was taking notes. Everybody else was texting.

4 (Laughter.)

5 I'm just curious. You know, we observe up here,
6 too. So, okay.

7 COMMISSIONER MAY: You know, it's recorded for
8 posterity.

9 CHAIRMAN HOOD: Oh, okay.

10 COMMISSIONER MAY: And I know they go back and
11 they watch these things over and over again.

12 CHAIRMAN HOOD: Don't watch it after 10:30,
13 believe me.

14 (Laughter.)

15 Okay. Anything else, Commissioners?

16 (No response.)

17 Do we need to do the letters, Mr. Tondro? Any
18 objections for the affordable part? DHCD is asking for a
19 waiver of the fees. And I think typically, because of the
20 affordability -- okay. So, do we need to do that as a
21 motion, Mr. Tondro, or can we just say -- nobody has any
22 objections. I know we need to do a motion to set it down,
23 but let's just do it in the motion. Let's do it in the
24 motion. Okay.

25 Would somebody like to make a motion?

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1 VICE CHAIR MILLER: Mr. Chairman, I would move
2 that the Zoning Commission set down for public hearing Case
3 No. 18-14, 3840 South Capitol, LLC, and 3848 South Capitol,
4 LLC, consolidated PUD and related map amendment, at Square
5 6129, and include in the motion our approval of the waiver
6 of the hearing fees, since it's an all-affordable housing
7 project.

8 COMMISSIONER TURNBULL: Second.

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

11 (No response.)

12 All in favor?

13 (Chorus of ayes.)

14 Any opposition?

15 (No response.)

16 Not hearing any, Ms. Schellin, would you please
17 record the vote?

18 MS. SCHELLIN: Yes. Staff records the vote
19 5-to-0-to-0 to set down Zoning Commission Case No. 18-14 as
20 a contested case, and to waive the hearing fee. Commissioner
21 Miller moving, Commissioner Turnbull seconding; Commissioners
22 May, Hood, and Shapiro in support.

23 CHAIRMAN HOOD: Ms. Schellin, do we have anything
24 else?

25 MS. SCHELLIN: Nothing here.

1 CHAIRMAN HOOD: I truly want to thank you all for
2 this evening, being able to get out a little early.

3 And I also want to thank the Office of Planning,
4 the Office of the Attorney General, as well as the Office of
5 Zoning staff, as well as the public, for helping us as we
6 move through making these decisions.

7 And we hope Mr. Epstein recovers very quickly.

8 So, with that, this meeting is adjourned.

9 (Whereupon, the above-entitled matter went off the
10 record at 7:21 p.m.)

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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 Meeting

Before: DCZC

Date: 10-22-18

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.



Court Reporter

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