

GOVERNMENT  
OF  
THE DISTRICT OF COLUMBIA

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ZONING COMMISSION

+ + + + +

REGULAR MEETING

+ + + + +

MONDAY,  
DECEMBER 17, 2018

+ + + + +

The Regular Meeting of the District of Columbia Zoning Commission convened at 6:34 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)

OFFICE OF ZONING STAFF PRESENT:

- SHARON S. SCHELLIN, Secretary

OFFICE OF PLANNING STAFF PRESENT:

- JENNIFER STEINGASSER, Deputy Director, Development  
Review & Historic Preservation
- STEPHEN COCHRAN
- ANNE FOTHERGILL
- JOEL LAWSON

D.C. OFFICE OF THE ATTORNEY GENERAL PRESENT:

HILLARY LOVICK, ESQ.

MAX TUNDRA, ESQ.

JACOB RITTING, ESQ.

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

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

6:34 p.m.

1  
2  
3 CHAIRMAN HOOD: This meeting will please come to  
4 order. Good evening, ladies and gentlemen. This is a public  
5 meeting of the Zoning Commission for the District of  
6 Columbia. Today's date is Monday, December the 17th, 2018.

7 My name is Anthony Hood. Joining me are Vice  
8 Chair Miller, Commissioner May, and Commissioner Turnbull.  
9 We're also joined by the Office of Zoning staff, Ms. Sharon  
10 Schellin, as well as the Office of Attorney General, Mr.  
11 Ritting, Ms. Lovick, and Mr. Tundra, as well as the Office  
12 of Planning, Ms. Steingasser, Mr. Lawson, Mr. Cochran, and  
13 Ms. Fothergill.

14 Copies of today's meeting agenda are available to  
15 you and are located on the bin near the door.

16 We do not take any public testimony at our  
17 meetings unless the Commission requests someone to come  
18 forward.

19 Please turn off all electronic devices at this  
20 time. Be mindful that these proceedings are being recorded  
21 by a court reporter who's also webcast live.

22 Does the staff have any preliminary matters?

23 MS. SCHELLIN: No sir.

24 CHAIRMAN HOOD: If not, let us go right into our  
25 agenda. But before I get started, I'd like to wish everyone

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1 a happy holiday, however you celebrate. I figured I'd do  
2 that at the beginning. I usually do it at the end and  
3 there's nobody here but empty seats and us up here. So I  
4 figured I do this at the very beginning.

5 All right. Let's go to advanced party status,  
6 Zoning Commission Case 17-21, As You Like IT, LLC. Ms.  
7 Schellin?

8 MS. SCHELLIN: Yes, first I'd like to find out if  
9 Mr. Eicher is in the audience. Okay. So he is present. And  
10 Exhibits 21 through 21D, there's a request from the United  
11 Neighbors of Southwest for advanced party status in  
12 opposition. There was no opposition received from the  
13 applicant nor the ANC. So I'd ask the Commission to consider  
14 this advanced party status request since Mr. Eicher is  
15 present.

16 CHAIRMAN HOOD: Okay. Thank you, Ms. Schellin.  
17 As stated, the opposition of the United Neighbors of  
18 Southwest, Mr. Eicher has proven to be present. And I think  
19 -- from our standpoint, I think since -- what I appreciate  
20 about this application is that it looks like they  
21 collaborated and everybody is working on one accord. So we  
22 don't have various parties, 12 or 13 different applications.  
23 We have one. And I think that they probably meet the test  
24 to be a party in this case. But let me hear from others.  
25 Vice Chair Miller?

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1 VICE CHAIRMAN MILLER: I concur, Mr. Chairman.

2 COMMISSIONER TURNBULL: I would support that, Mr.  
3 Chair.

4 CHAIRMAN HOOD: Commissioner May?

5 COMMISSIONER MAY: Mr. Chairman, I would agree.  
6 I do have one comment on the material that was submitted  
7 which is that there was information that suggests that part  
8 of the line of argument will have to do with the tax exempt  
9 status of the applicant or something like that.

10 And I would just want to make sure that whatever  
11 is presented to us is actually relevant to the zoning and the  
12 argument for the zoning and the criteria by which the  
13 Commission bases its decision. And hopefully, you understand  
14 what I'm talking about. Just need to be focused on the  
15 zoning issues because sometimes we can get caught up in  
16 extraneous matters that don't help the Zoning Commission make  
17 a decision. So thanks.

18 CHAIRMAN HOOD: All right. Thank you,  
19 Commissioner May. I would agree wholeheartedly with  
20 Commissioner May's comments. As I was reading, I had to kind  
21 of go through to decipher what was relevant to our  
22 proceedings. And I would hope that as we come down, you  
23 argue your cases as Commissioner May mentioned that we would  
24 make sure we stay on target. Okay.

25 So with that, I would move -- any other

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1 discussion? I would move that we give in opposition a party  
2 status in Zoning Commission Case No. 17-21 United Neighbors  
3 of Southwest and ask for a second.

4 VICE CHAIRMAN MILLER: Second.

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

7 (Chorus of aye.)

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

10 MS. SCHELLIN: Yes, staff records the vote four  
11 to zero to one to grant advanced party status to the United  
12 Neighbors Southwest in opposition the Zoning Commission Case  
13 No. 17-21. Commissioner Hood moving, Commissioner Miller  
14 seconding, Commissioners May and Turnbull in support.  
15 Commissioner Shapiro not present, not voting.

16 CHAIRMAN HOOD: Okay. Thank you. Next, let's go  
17 to consent calendar item, minor modification and technical  
18 corrections, Zoning Commission Case No. 03-12W/03-13W. Ms.  
19 Schellin?

20 MS. SCHELLIN: Yes. Are you also going to call  
21 up the hearing action with this one, the case that's  
22 associated with this, 07-08C?

23 CHAIRMAN HOOD: 07-08C?

24 MS. SCHELLIN: Yes sir. So if you set that case  
25 down, then you'll hold this one.

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1 CHAIRMAN HOOD: We're going to wait.

2 MS. SCHELLIN: You're going to wait on this?

3 CHAIRMAN HOOD: Yes, we're going to wait.

4 MS. SCHELLIN: Okay.

5 CHAIRMAN HOOD: Yes, we could do them. But I  
6 think we'll just wait. Must be some more going on with that.  
7 Okay.

8 MS. SCHELLIN: So you want to go ahead and take  
9 this one up?

10 CHAIRMAN HOOD: No, we're going to --

11 MS. SCHELLIN: Or are you going to wait on this  
12 one?

13 CHAIRMAN HOOD: Yes, we're going to wait. We're  
14 going to wait till we get the hearing action. All right.  
15 Let's see where I'm at. Okay.

16 Modification of Consequence, deliberations on a  
17 Commission Case No. 16-02A, D.C. Stadium, LLC, PUD  
18 Modification of Consequence at Square 665. Ms. Schellin?

19 CHAIRMAN HOOD: Yes, and Exhibit 7, there's a  
20 letter from the applicant proposing a condition of approval  
21 per their meeting with the ANC. And Exhibit A, ANC 6D's  
22 report in support of that proposed condition. I would ask  
23 the Commission to consider final action this evening.

24 CHAIRMAN HOOD: Okay. I appreciate all the time  
25 that the ANC put into it. While I know there was some

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1 reluctance and they have a lot of things that they were  
2 looking at in this. But I think that overall they support  
3 it with those other things that they were looking at. And  
4 I think that's so noted. But let me open it up. Any further  
5 discussion? Not hearing any, would someone like to make a  
6 motion?

7 COMMISSIONER TURNBULL: Mr. Chairman, I would move  
8 that the Zoning Commission approve -- now I've lost my place  
9 here -- Zoning Commission Case No. 16-02A, D.C. Stadium, LLC,  
10 PUD Modification of Consequence at Square 665 with the ANC  
11 condition that was proposed.

12 COMMISSIONER TURNBULL: Second.

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

15 (Chorus of aye.)

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

18 MS. SCHELLIN: Staff records the vote four to zero  
19 to one to approve final action Zoning Commission Case No. 16-  
20 02A. Commissioner Miller moving, Commissioner Turnbull  
21 seconding, Commissioners Hood and May in support, and  
22 Commissioner Shapiro not present, not voting.

23 CHAIRMAN HOOD: Okay. Next final action. Zoning  
24 Commission Case No. 08-34H, Jewish Historical Society of  
25 Greater Washington, Second-Stage PUD at Square 568. Ms.

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1 Schellin?

2 MS. SCHELLIN: On this one, at Exhibits 28 through  
3 28A, we have a letter from the applicant providing a copy of  
4 the lead scorecard and revised language for certain of its  
5 request for flexibility that the Commission asked them to  
6 take a look at. So we ask the Commission to consider final  
7 action on this case.

8 CHAIRMAN HOOD: Okay. Thank you, Ms. Schellin.  
9 I think the only reason we held this up was for the  
10 flexibility language which I think is presented to us. Let's  
11 see if there are any problems. I think it was two major ones  
12 that we were discussing, and I think that's been refined.  
13 Any questions or concerns or problems or we accept they are?

14 COMMISSIONER TURNBULL: I don't have any major  
15 problems. I just wanted to -- on Item No. 7, as I  
16 understand, to construct the rooftop terrace shown on the  
17 plans at a later date than the construction of the rest of  
18 the project. Such date will be determined upon once the  
19 applicant progresses its development and commences  
20 construction of the project.

21 So they're going to hold off doing the rooftop  
22 terrace till a later date. But at a later date, they're  
23 going to do the plan that shown on the drawings. So if  
24 there's any changes, then there would be a modification to  
25 us at that time. That's my understanding of how that would

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1 work. Is everybody in concurrence with that?

2 CHAIRMAN HOOD: So are you thinking the way it's  
3 saying is it explains exactly how that's supposed to work or  
4 do you think we need to fine tune it?

5 COMMISSIONER TURNBULL: That's my reading of what  
6 the language says and that's how I feel. And I'm okay with  
7 that if that's --

8 CHAIRMAN HOOD: Okay, okay.

9 COMMISSIONER TURNBULL: -- everyone else's  
10 understanding. Okay. Then I have no objections.

11 CHAIRMAN HOOD: Okay. Anything else? All right.  
12 Would someone like to make a motion to approve as stated?

13 VICE CHAIRMAN MILLER: Mr. Chairman, I would move  
14 that the Zoning Commission take final action on Case No. 08-  
15 34H, Jewish Historical Society of Greater Washington, Second-  
16 Stage PUD at Square 568 with the refinements that were made  
17 in the latest submissions and ask for a second.

18 COMMISSIONER MAY: Second.

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

21 (Chorus of aye.)

22 CHAIRMAN HOOD: Not hearing any, Ms. Schellin,  
23 would you please record the vote.

24 MS. SCHELLIN: The staff records the vote four to  
25 zero to one to approve final action Zoning Commission Case

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1 No. 08-34H. Commissioner Miller moving, Commissioner May  
2 seconding, Commissioners Hood and Turnbull in support,  
3 Commissioner Shapiro not present, not voting.

4 CHAIRMAN HOOD: You know when I notice whenever  
5 we finish a case, I can always tell whose case it is because  
6 they get up and leave. They don't want to stay with us the  
7 rest of the evening. I'm just breaking the monotony. I  
8 would leave to. Believe me.

9 Okay. Thank you, Ms. Schellin. Zoning Commission  
10 Case No. 18-08, BSREP II Dupont Circle, LLC, Map Amendment  
11 at Square 72. Ms. Schellin?

12 MS. SCHELLIN: At Exhibits 29 and 29A, the  
13 applicant's draft order, Exhibit 30, NCPC report finding that  
14 the map amendment would not be inconsistent with the federal  
15 elements of the comp plan for the national capitol nor would  
16 it adversely affect any other identified federal interests.  
17 I'd ask the Commission to take final action this evening.

18 CHAIRMAN HOOD: Thank you, Ms. Schellin, teeing  
19 this up for us. Any questions or comments? Any additions?  
20 Okay. So in that case, I would move approval of Zoning  
21 Commission Case No. 18-08 and ask for a second.

22 COMMISSIONER TURNBULL: Second.

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

25 (Chorus of aye.)

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1 CHAIRMAN HOOD: Any opposition? Not hearing any,  
2 Ms. Schellin, would you please -- do we have any proxies?

3 MS. SCHELLIN: No.

4 CHAIRMAN HOOD: Okay.

5 MS. SCHELLIN: Staff records the vote four to zero  
6 to one to approve final action Zoning Commission Case No. 18-  
7 08. Commissioner Hood moving, Commissioner Turnbull  
8 seconding, Commissioners May and Miller in support,  
9 Commissioner Shapiro not present, not voting.

10 CHAIRMAN HOOD: Okay. Next we have Zoning  
11 Commission Case No. 18-03, Dancing Crab Properties, LLC,  
12 Consolidated PUD and Related Map Amendment at Square 1769.  
13 Ms. Schellin?

14 MS. SCHELLIN: Exhibit 38 is an OP supplemental  
15 report regarding IZ calculations. Exhibit 39 is the  
16 applicant's proffers and conditions. Exhibit 40 is Marilyn  
17 Simon's response to the applicant's submission. Exhibit 34,  
18 an OP supplemental report at Exhibit 38. Exhibits 41 through  
19 41B and 42 is the applicant's post-hearing submissions. And  
20 Exhibit 43 is the letter from NCPC advising that their staff  
21 has determined that the project is exempt from their review.  
22 I would ask the Commission to consider final action on this  
23 case also.

24 CHAIRMAN HOOD: Okay. Commissioners, let me open  
25 it up. Any discussion? Any further discussion? Yes, this

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1 the one where we have the use of the bar on the roof and --

2 COMMISSIONER MAY: Yes, so I mean, I think this  
3 is one where some of the issues that came up during the  
4 hearing or during previous decision making -- no, sorry.  
5 Yes, during the previous decision making that it resolved.  
6 I mean, I think I'm satisfied on the question about the IZ  
7 component. But I'm still -- I have concerns about the  
8 conditions related to the rooftop bar -- restaurant bar.

9 And I do not agree with the applicant's  
10 conditions. I don't think that's adequate to address the  
11 concerns that we would have about a rooftop bar operation.  
12 We are not accustomed to simply leaving the hours of  
13 operation to ABRA. I mean, it may be redundant at a certain  
14 level, but it is a zoning issue. It's part of what we look  
15 at. Live music, same way. Lights, same way.

16 And so I don't know. I don't know what the rest  
17 of the Commission thinks, but I'm more inclined to agree with  
18 the conditions suggested by Office of Planning.

19 CHAIRMAN HOOD: I grapple with this one. Let me  
20 hear from others first, whether the Office of Planning or the  
21 applicant wanted to make some more changes. I think  
22 Commissioner May is more in line with the Office of  
23 Planning's requirements -- well, conditions. Commissioner  
24 Miller -- Vice Chairman?

25 VICE CHAIRMAN MILLER: I actually was okay with

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1 the applicant's conditions. I think the ANC was okay with  
2 those. I think there's another. But I'm not going to make  
3 a big issue about it. If the majority of the Commission is  
4 more comfortable with OP's recommending conditions, then I'm  
5 fine with that. But I personally prefer the -- I think the  
6 applicant's conditions are sufficient and ABRA is certainly  
7 capable of dealing with the issues that are in its regulatory  
8 authority as well.

9 CHAIRMAN HOOD: Okay. Mr. Turnbull, do you have  
10 any comments on this?

11 COMMISSIONER TURNBULL: Well, I think we struggled  
12 with this when we had the hearing. And I think at the time  
13 some of us were agreed with the office of planning about the  
14 language. And I think it was sort of left in abeyance just  
15 when the hearing and I think we were hoping we'd get a better  
16 -- I mean, I would concur with Commissioner May I guess that  
17 I could see something a little bit in the language.

18 But I'm not saying that ABRA can't do a good job  
19 and we're going to be fine. But I think for the Zoning  
20 Commission, I think OP has been fairly straightforward in  
21 putting that language in the way it does. So I would go  
22 along with seeing the language a little bit more rigid  
23 following the OP guideline.

24 CHAIRMAN HOOD: So I guess from what I'm hearing,  
25 we're fine with the bar on the roof. It's just that we would

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1 accept the conditions -- and let me know if I'm saying  
2 something -- accept the conditions from the Office of  
3 Planning which I had to think about. Because on those nice  
4 nights, but then again, we have to look at the impacts. So  
5 on those nice nights on the roof, if you aren't playing no  
6 music, I'm not coming.

7 VICE CHAIRMAN MILLER: Yes, and the residents  
8 aren't really next door. They're across the street and  
9 across Wisconsin Avenue, a six-lane highway or main  
10 thoroughfare. I guess there are residents below. And as you  
11 recall from the hearing, it currently has -- the existing  
12 restaurant has an outdoor terrace to the hours that the  
13 applicant was recommending and with the kind of music that  
14 it's recommending.

15 So the existing conditions were what basically it  
16 was proposing as the conditions for our zoning order. And  
17 they'll still have to get an ABC license which may impose  
18 even more restrictive ones. But again, I will go along with  
19 the majority of my commissioners. And it's mostly adjacent  
20 -- isn't it mostly adjacent to your park? Not your park, but  
21 I don't know if there's anybody in that park at 1:00 a.m.

22 COMMISSIONER MAY: It is close to Fort Reno, and  
23 that's not really what the concern is, though.

24 VICE CHAIRMAN MILLER: Okay.

25 COMMISSIONER MAY: It's mostly about the impact

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1 on other -- I think other residents in the area and the --

2 VICE CHAIRMAN MILLER: I think the traffic on  
3 Wisconsin is more impactful.

4 COMMISSIONER MAY: Yes, but I mean, I think even  
5 at the height of the buildings there, I think there's a  
6 likelihood that there's going to be a fair amount of sound  
7 traveling.

8 VICE CHAIRMAN MILLER: I haven't been to that bar,  
9 but I hear that it has it now and we heard testimony that it  
10 does.

11 CHAIRMAN HOOD: So I think with the study and the  
12 consideration that was given by Office of Planning. And also  
13 when we look at the adverse impacts, I don't want to be  
14 selfish and think about what I would do. I have to think  
15 about what's good for that neighborhood. So I would err on  
16 the side of caution and I would go along with those as well  
17 as Commissioner May and the rest. I would go along with the  
18 Office of Planning's conditions. So anything else we need  
19 to consider?

20 COMMISSIONER MAY: I mean, I do think we need to  
21 clarify that the -- again, it's not a -- it's mentioned as  
22 a condition in OP's language. But the ground for restaurant  
23 space and rooftop restaurant lounge should not be considered  
24 a proffered benefit. And I think that is just a matter of  
25 how it's phrased in the order.

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1           CHAIRMAN HOOD:    Okay.    I have no objection to  
2 that.    Any objections?    All right.    Anything else?

3           VICE CHAIRMAN MILLER:    I would just say that I  
4 think the ANC, as I recall, wanted a restaurant that was not  
5 a fast food restaurant and not they had specific retail types  
6 that they did not want.    So I would think that it actually  
7 is a benefit if it's the kind of restaurant that they asked  
8 for.    But I'll leave it to OAG to figure that out.

9           CHAIRMAN HOOD:    Okay.    So are we ready?    My  
10 biggest thing in this case was the conditions.    I could've  
11 probably flipped either way.    But I better move on the side  
12 of caution as I mentioned.    Anything else?    All right.    Not  
13 hearing anything, somebody like to make a motion?    Always  
14 call on someone.    I could make all of them, but I don't want  
15 my name to be down as the one who made the motion for  
16 everything.

17           COMMISSIONER MAY:    I would move approval of Zoning  
18 Commission Case No. 18-03, Dancing Crab Properties, LLC,  
19 Consolidated PUD and Map Amendments, Square 1769 with the  
20 conditions as proposed by the Office of Planning for the use  
21 of the rooftop restaurant and bar.

22           COMMISSIONER TURNBULL:    Second.

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

25   (Chorus of aye.)

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

3 MS. SCHELLIN: Yes, staff records the vote four  
4 to zero to one. As discussed this evening, to approve final  
5 action Zoning Commission Case No. 18-03. Commissioner May  
6 moving, Commissioner Turnbull seconding, Commissioners Hood  
7 and Miller in support, Commissioner Shapiro not present, not  
8 voting.

9 CHAIRMAN HOOD: Okay. Let's go to Zoning  
10 Commission Case No. 18-15. This is Square 656 Owner, LLC,  
11 Design Review at Square 656. Ms. Schellin?

12 MS. SCHELLIN: Yes. For this one, 18-15, Exhibits  
13 28 through 29E2, you have the applicant's post-hearing  
14 submissions. Exhibit 30, ANC 6D letter authorizing Ms.  
15 Hamilton to speak on its behalf. Exhibit 31 is ANC 6D's  
16 comments on the project. I'd ask the Commissioner to  
17 consider final action.

18 CHAIRMAN HOOD: Okay. Give me one moment.  
19 Somebody like to get it started? Give me one moment.

20 COMMISSIONER MAY: So Mr. Chairman, I think that  
21 since we had the hearing in this case, the applicant has  
22 addressed the concerns that were raised fairly well. They  
23 submitted the lead scorecard that had been requested. They  
24 did make some refinements to the tower element. And I was  
25 skeptical that it really needed any refinement. But I

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1 actually like what was most recently submitted. So I'm happy  
2 with that as it is now proposed.

3 And I think they did a good job of addressing what  
4 would happen if they attempted to put in a floor of parking  
5 below grade because I think it would have pretty damaging  
6 effects on the building and still would require relief in the  
7 end. So I don't think that's a -- I think that's been well  
8 addressed. So I'm okay with moving forward tonight.

9 CHAIRMAN HOOD: One of the things I wanted to  
10 revisit. This letter that came in from Ms. Hamilton to  
11 speak. Typically, we don't have anyone come speak at our  
12 meetings. But I'm going to ask Ms. Hamilton to tell you, Ms.  
13 Schellin, if this letter that came from the Commission is  
14 what she was wanted -- what she was going to speak about.

15 Ms. Hamilton, if you just go up and explain to Ms.  
16 Schellin because typically we don't have speaking at our  
17 meetings. So I want to just know if this is a concern that  
18 I see here about the illumination. Is this what you were  
19 going to speak about. And if you can just tell Ms. Schellin.

20 (Pause.)

21 MS. SCHELLIN: Okay. So what I understand is that  
22 their biggest concern is the digital signage because there  
23 are several in the area that are wanting to have -- other  
24 developers wanting to have very bright signage in the area.  
25 And so the residents are concerned about that. So that's the

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1 biggest concern.

2 CHAIRMAN HOOD: Okay. So that's the same thing  
3 talking about the illumination in the letter. And I don't  
4 remember. I think didn't we discuss this?

5 COMMISSIONER TURNBULL: We raised some questions  
6 about the signage and the lighting and the back lighting.  
7 I thought it was going to be light, but it's not active  
8 lighting. It's static, just regular lighting that you would  
9 normally see. And they've provided several sheets of  
10 drawings in the packet on that. And I feel fine with it.

11 CHAIRMAN HOOD: Okay. I thought we did. But I  
12 want to also encourage this applicant to make sure they look  
13 in our record which is Exhibit 31, I believe. That's what  
14 the -- so this applicant to look and see some of the concerns  
15 so we can make sure. Because as Commissioner Turnbull  
16 mentioned, I feel confident. But I think I want to make sure  
17 we keep that relationship.

18 And actually, the Commission hopes to develop,  
19 upholds the values and appeal of this residential community  
20 for current residents to live on the block as well as the  
21 future residents of the 1st and Q Street. And it talks about  
22 the illumination. So I think this letter will help you  
23 understand about the glaring impacts. And I thought we had  
24 discussed a lot of that. So we want to make sure that their  
25 concern doesn't fall off the radar. Anything else? Okay.

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1 Would someone like to make a motion?

2 COMMISSIONER TURNBULL: Mr. Chair, I would move  
3 that we approve Zoning Case No. 18-15, Square 656 Owner, LLC,  
4 Design Review of Square 656.

5 VICE CHAIRMAN MILLER: Second.

6 CHAIRMAN HOOD: Okay. It's been moved and  
7 properly seconded, noted Exhibit 31. All in favor?

8 (Chorus of aye.)

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

11 MS. SCHELLIN: Staff records the vote four to zero  
12 to one to approve final action Zoning Commission Case No. 18-  
13 15. Commissioner Turnbull moving, Commissioner Miller  
14 seconding, Commissioners Hood and May in support,  
15 Commissioner Shapiro not present, not voting.

16 And I will note that the applicant did nod in  
17 agreement to the statement that Commissioner Turnbull made  
18 about the lighting -- the signage, I'm sorry, and the  
19 lighting. So what you stated, they did nod in agreement to  
20 that.

21 CHAIRMAN HOOD: Okay, good. All right. So the  
22 nod is on the transcript is on the record. Okay, great.  
23 Let's go to proposed action, Zoning Commission Case No. 18-  
24 16, Office of Planning, Text and Map Amendments to Change  
25 Certain Zone Names and Mapping Phase. Ms. Schellin?

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1 MS. SCHELLIN: Yes. There were no new exhibits  
2 provided for this. So I would ask the Commission to consider  
3 the proposed action.

4 CHAIRMAN HOOD: Okay. Commissioners, let me  
5 start off with this one on whole issue about overlays. And  
6 that came up from Ms. Gates' testimony. And I took the  
7 liberty of asking for a little homework to be done. And  
8 looking through the regulations, I noticed that it's a one  
9 for one, like in the 58 regulation. I'll just take 16-  
10 1565.3, the CBUT overlay district.

11 It says, applies to the area bounded on the south  
12 of MacArthur Boulevard and the east of Battery Kemble and it  
13 goes on. And then you look under ZR16-1300.2, the R-21 zone  
14 says the exact same thing, applies to the area bounded on the  
15 south of MacArthur Boulevard.

16 So for me, the way I interpret this is that the  
17 only thing that's missing is the word "overlay". But we  
18 still have the same intent. We still have the same actions.  
19 It's just the word "overlay". And I feel confident in moving  
20 forward without the word "overlay" because as we stated,  
21 because as you noticed during the ZR16, I kept talking about  
22 the overlay. And it looks to me like it's there.

23 And I don't think we're missing anything other  
24 than the word. And I will stand to be corrected. Let me go  
25 to Ms. Steingasser. Is that a fair assessment?

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1 MS. STEINGASSER: Yes sir, that's exactly correct.

2 CHAIRMAN HOOD: Okay. Thank you. All right. And  
3 it's there. It's in the regulation. You can look at it.  
4 It's 1536.3 and then you ZR16-1300.2. The language is there.  
5 And there are others on and on and on. Exact squares and  
6 everything, it's there. It's a one for one the way I see it.  
7 Okay. Anything else on this?

8 VICE CHAIRMAN MILLER: I would concur with you,  
9 Mr. Chairman. And I think that these name changes help make  
10 the zoning code more understandable to all of us. So I'm  
11 ready to move forward.

12 CHAIRMAN HOOD: All right. So with that, unless  
13 there's something else, I would move that we take the  
14 proposed action of Zoning Commission Case No. 18-16, Office  
15 of Planning text and map amendments to change certain zone  
16 names and mapping phase and ask for a second.

17 VICE CHAIRMAN MILLER: Second.

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

20 MS. LOVICK: Excuse me. I just wanted to point  
21 out there were some additional amendments that the Office of  
22 Planning included to remove the dashes. There were two  
23 dashes in the zone names. And can you just please include  
24 in your motion that those additional amendments are included  
25 in your action?

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1 CHAIRMAN HOOD: Does anyone believe -- there's a  
2 motion on the table that's moved and seconded. Does anyone  
3 have any issues with any of that?

4 COMMISSIONER MAY: No, and I mean, I assumed it  
5 was inclusive of the changes in the hyphens and so on.

6 CHAIRMAN HOOD: Right. Yes, but if I need to  
7 spell it out, I will. But I just want to make sure there's  
8 no problems and we didn't deliberate. So this would be  
9 inclusive of everything?

10 MS. LOVICK: I just wanted you to clarify. That's  
11 all. Thank you.

12 CHAIRMAN HOOD: Okay. So that's inclusive of  
13 everything. Okay. It's been moved and properly seconded.  
14 Any further discussion? All in favor?

15 (Chorus of aye.)

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

18 MS. SCHELLIN: Yes. Staff records the vote four  
19 to zero to one to approve proposed action Zoning Commission  
20 Case No. 18-16 which includes the removal of the second  
21 hyphen per OP's supplemental report. Commissioner Hood  
22 moving, Commissioner Miller seconding, Commissioners May and  
23 Turnbull in support, Commissioner Shapiro not present, not  
24 voting.

25 CHAIRMAN HOOD: Okay. Let's go to hearing action,

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1 Office of Planning Zoning Commission -- okay, let me call --  
2 I'm going to call both of these together. Let me call it  
3 minor modification and technical corrections, Zoning  
4 Commission Case No. 03-12W/03-13W. And I will call the case  
5 on the hearing action as well with Zoning Commission Case No.  
6 07-08C, District of Columbia Housing Authority text amendment  
7 to Subtitle 718.1, 718.3, 718.7(a), extension of temporary  
8 surface parking lots in Square 767, 768, and 882. And let's  
9 go to Mr. Cochran.

10 MR. COCHRAN: Thank you, Mr. Chair. Both the  
11 proposed minor modification or modification of consequence  
12 and the petition deal with the same squares near the baseball  
13 stadium ballpark. They're Square 767, Lots 44 to 47, 768,  
14 Lots 19 to 22, and Square 882, Lots 77.

15 The proposed modification of consequence deals  
16 with Condition 30 and what was originally Order 03-12/03-13  
17 which was the Capper-Carrollsborg PUD. The other one deals  
18 with the text in Subtitle C, Chapter 7 that specifically  
19 addresses temporary parking lots near the ballpark.

20 The petitioner for the text amendment has asked  
21 that the termination date for possible certificates of  
22 occupancy for those parking lots be extended to April 2nd,  
23 2023 and the changes that have been requested in the PUD  
24 order basically do the same thing. It's just they're in both  
25 places. So OP recommends that you set down the text

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1 amendment or the petition for the text change and that at  
2 whatever time you think appropriate that you approve the  
3 proposed modification of consequence.

4 CHAIRMAN HOOD: Okay. Let me make sure I  
5 understand something. Thank you, Mr. Cochran. Let me ask  
6 OAG. Are we saying that your recommendation to us is to keep  
7 this as a minor modification? Mr. Tundra?

8 MR. TUNDRA: Yes, Chairman. I believe that in  
9 this particular case, the time to consider the modification  
10 would be only after the Commission makes the decision and  
11 final action approves the rule change because the  
12 modification would require that the rule change take effect  
13 first.

14 CHAIRMAN HOOD: So we will set it down, then we  
15 would -- everybody all right? Okay. So we need to set it  
16 down and then we need to wait until we deal with that part  
17 of a hearing in a case. And then we need to do scheduling?

18 MS. SCHELLIN: Come back, we'll take that case up  
19 after --

20 CHAIRMAN HOOD: But then we have to do scheduling  
21 --

22 MS. SCHELLIN: -- the rulemaking cases.

23 CHAIRMAN HOOD: -- termination of scheduling and  
24 all of that?

25 MS. SCHELLIN: Just defer action on the other case.

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1 CHAIRMAN HOOD: Yes, I'm just trying to figure out  
2 the course.

3 COMMISSIONER MAY: So I would think that we could  
4 take up -- or once we've made a decision on the text  
5 amendment that we could take up this change to the PUD as a  
6 minor modification because we've already heard from the party  
7 in the case that is the ANC. And they support it. They have  
8 issues with the rest of the PUD and the timing. But they've  
9 been supportive of this. So I think we have discretion to  
10 consider it. We can still call it a modification of  
11 consequence but act on it when the final decision is made on  
12 the text amendment.

13 CHAIRMAN HOOD: I guess what I was getting to, I  
14 was making sure we don't have to do the termination of  
15 scheduling?

16 MS. SCHELLIN: Not tonight.

17 CHAIRMAN HOOD: No, I know not tonight. But I  
18 mean, even if they can finish. That's what I'm saying.

19 COMMISSIONER MAY: Yes, I don't think we have to  
20 do it at all.

21 CHAIRMAN HOOD: I was just trying to figure out  
22 the path going forward because if we approve it, then we have  
23 to take the modification of consequence, then we have to do  
24 the termination of scheduling. And I was making sure we can  
25 cut a step out. Okay. I think we're on the same page.

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1 Let's see. Any questions of Mr. Cochran? Any questions?  
2 All right. So we have both requests before us. Okay. Well,  
3 we have the hearing action before us. All right. Somebody  
4 like to make a motion?

5 COMMISSIONER MAY: Well, so I'm not ready to make  
6 a motion just yet. I just want to acknowledge the concerns  
7 that were voiced by the ANC. And I think it would not be  
8 unreasonable for me to suggest that the whole Commission  
9 shares that concern about how long it has taken to deliver  
10 the entirety of this PUD since it has been going on for a  
11 very long time.

12 And that being said, there isn't really that much  
13 that we can do about it. I mean, it's not like we drive the  
14 schedule when it comes to delivering on a PUD. It is  
15 unfortunate that it has taken this long, and our options are  
16 to approve this change or not approve this change. And I  
17 don't see how not approving this change makes anything happen  
18 any faster. So I would just say that I'm sympathetic to the  
19 concerns of ANC and agree that we should move forward, set  
20 this down, and try to move forward with the text amendment.

21 CHAIRMAN HOOD: Okay. I would agree because we  
22 knew going into this that we were changing a whole area. But  
23 I agree. It has been going on for a while. I think I've  
24 been here for most of it. So anyway, we are where we are.  
25 But like I say, it doesn't do any good to not continue to try

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1 to get this done.

2           And hopefully those families that may have been  
3 removed or maybe they are still. And hopefully they have a  
4 list because I've said this in other cases that we can  
5 continue to call them, give them an opportunity to be able  
6 to come back. So I'm sure all that's being done. I'm sure  
7 all that's being done. And I said all that for a reason.  
8 So anything else? Vice Chair Miller?

9           VICE CHAIRMAN MILLER: Thank you. I concur with  
10 the comments of both my colleagues and appreciate the Office  
11 of Planning's presentation. I don't know if this is a fair  
12 question to you, Mr. Cochran. But how confident are you that  
13 this development will proceed in the next five years? Are  
14 you able to make any kind of assessment of your sister  
15 agency's partnership with the private --

16           MR. COCHRAN: It doesn't involve just the sister  
17 agency. It has to do with the entire economy. And I  
18 wouldn't want to make any prediction.

19           VICE CHAIRMAN MILLER: Okay.

20           CHAIRMAN HOOD: Okay. Did somebody make a motion?

21           VICE CHAIRMAN MILLER: Not yet.

22           CHAIRMAN HOOD: Would somebody like to make one?

23           VICE CHAIRMAN MILLER: Thank you, Mr. Chair. I  
24 would move that the Zoning Commission set down for a hearing  
25 Case No. 07-08C, D.C. Housing Authority text amendment to

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1 Subtitle C, Section 718.1 to 718.3 and 718.7(a), extension  
2 of temporary service parking lots in Squares 767, 768, and  
3 882 and ask for a second.

4 COMMISSIONER TURNBULL: Second.

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

8 (Chorus of aye.)

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

11 MS. SCHELLIN: Staff records the vote four to zero  
12 to one to set down Zoning Commission Case No. 07-08C as a  
13 rulemaking case. Commissioner Miller moving, Commissioner  
14 Turnbull seconding, Commissioners Hood and May in support,  
15 Commissioner Shapiro not present, not voting.

16 CHAIRMAN HOOD: Okay. And thank you, Mr. Cochran,  
17 for that report. Let's go to Zoning Commission Case No. 18-  
18 21, Hanover R.S. Limited Partnership, Consolidated PUD and  
19 Related Map Amendment at Square 3832 and 3835. Ms.  
20 Fothergill?

21 MS. FOTHERGILL: Good evening, Chairman Hood and  
22 members of the Commission. For the record, I'm Anne  
23 Fothergill with the Office of Planning.

24 OP recommends that the Zoning Commission set down  
25 Hanover R.S. Limited Partnership's request for a PUD and

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1 related zoning map amendment for the properties located at  
2 3201 and 3135 H Street Northeast which are on the east side  
3 of 8th Street between Kearney and Irving Streets. The site  
4 is a third of a mile from the Brookland Metro Station.

5 This site is currently zoned PDR and the proposed  
6 zoning is MU-4 which is intended to permit moderate density  
7 mixed use development and be located in low and moderate  
8 density residential areas.

9 The PUD consists of a residential building with  
10 375 units in two separate buildings with a plaza between the  
11 buildings. It would be 65 feet tall with six stories and an  
12 FAR of 3.6. There would be 186 below grade parking spaces  
13 accessed off of new curb cut and driveway at the north end  
14 of the site.

15 In terms of the comprehensive plan's future land  
16 use map, this site is appropriate for low density commercial  
17 and moderate density residential uses. The generalized  
18 policy map denotes it at a neighborhood conservation area.  
19 The proposal is consistent with the 2009 Brookland-CUA Metro  
20 Station small area plan's guidance for this area as well as  
21 policies from various elements from the comprehensive plan,  
22 including the upper northeast area element.

23 Flexibility is needed to allow the GAR  
24 requirements to be satisfied based on the entire site. For  
25 public benefits and amenities, 12 percent of the units would

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1 be designated as IZ units at a deeper level of affordability  
2 than required including 6 percent at 30 percent MFI. The  
3 building would be LEED Gold and have green roofs and solar  
4 panels.

5           The applicant will work with DDOT on improvements  
6 to the Metropolitan Branch Trail along 8th Street. OP will  
7 continue to work with the applicant on issues raised in our  
8 report including offering more three bedroom units in the two  
9 buildings and providing additional information on the  
10 proffered benefits and amenity package including financial  
11 contributions and the location of the IZ units and additional  
12 plans for the plaza, lighting, and signage.

13           The proposal is not inconsistent with the proposed  
14 zoning district and the comprehensive plan maps and the  
15 Office of Planning recommends that the Hanover R.S. Limited  
16 Partnership applicant be set down for public hearing. And  
17 I'm happy to take any questions.

18           CHAIRMAN HOOD: Okay. Thank you, Ms. Fothergill.  
19 Let's see if we have any questions or comments up here.

20           COMMISSIONER MAY: I just had a comment which is  
21 I'm just a little bit concerned about the proposed materials  
22 for the building. I mean, the design of it seems to be okay.  
23 It seems to be like a lot of other apartment buildings of its  
24 approximate massing and so on. But there seems to be  
25 extensive use of cementitious panels, particularly on the

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1 street side and then also vinyl windows.

2           And I mean, any project with vinyl windows sets  
3 off alarm bells for me. So I'm just very concerned about the  
4 quality of the construction. I just have never known vinyl  
5 windows to last very long, and they don't look very good  
6 after a while. So I would just -- like I said, I'd be  
7 concerned about the quality of construction. I think the  
8 design is generally okay, but it's the material choices.

9           CHAIRMAN HOOD: Okay. Displeasure has been noted.  
10 Anything else? Commissioners, what is your pleasure as far  
11 as the request of setting this down? Vice Chair Miller?

12           VICE CHAIRMAN MILLER: I support setting down this  
13 case for a hearing. I appreciate the Office of Planning's  
14 report. I agree with its recommendations in terms of trying  
15 to maybe have an additional three bedroom units in the mix.  
16 The LEED Gold is certainly to be commended. I always love  
17 the balconies on the residential buildings.

18           And I don't know as much about vinyl windows as  
19 Commissioner May, but I think the applicant will take that  
20 into -- hope they'll take that into consideration when they  
21 come back for the hearing. Otherwise, I think the materials  
22 and the facade is very attractive for this neighborhood. So  
23 I'm ready to move forward.

24           CHAIRMAN HOOD: Okay. Commissioner Turnbull?

25           COMMISSIONER TURNBULL: Yes. Thank you, Mr. Chair.

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1 No, I think the project for the most part is ready for set  
2 down. I would agree that the applicant will probably need  
3 to look at the windows -- the vinyl windows. But Ms.  
4 Fothergill, they're going for LEED Gold. Do you know if it's  
5 going to be certified or is it just trying to reach the LEED  
6 Gold criteria?

7 MS. FOTHERGILL: I believe at this point, it says,  
8 designed to LEED Gold standards.

9 COMMISSIONER TURNBULL: But no certification as  
10 yet?

11 MS. FOTHERGILL: I can clarify that with the  
12 applicant.

13 COMMISSIONER TURNBULL: All right. Thank you.

14 CHAIRMAN HOOD: Okay. So with that and the comments  
15 noted, I would move that we set down Zoning Commission Case  
16 No. 18-21 with the comments noted and ask for a second.

17 VICE CHAIRMAN MILLER: Second.

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

20 (Chorus of aye.)

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

23 MS. SCHELLIN: Staff records the vote four to zero  
24 to one to set down Zoning Commission Case No. 18-21 as a  
25 contested case. Commissioner Hood moving, Commissioner

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

3 CHAIRMAN HOOD: Okay. Next we have Zoning  
4 Commission Case No. -- under correspondence Zoning Commission  
5 Case No. 08-07C, Four Points, Second-Stage PUD at Square  
6 5784. Ms. Schellin?

7 MS. SCHELLIN: Yes. Exhibit 50, there's a request  
8 from CARE to waive the requirement that only parties may file  
9 a motion for reconsideration. At Exhibit 51, you have the  
10 applicant's opposition to the waiver request and also a  
11 motion to strike the attachments to the motion that was filed  
12 by CARE. So I would ask the Commission to consider the  
13 waiver request from CARE, the applicant's opposition thereto  
14 and the motion from the applicant to strike the attachments.

15 CHAIRMAN HOOD: Okay. Commissioners, we have a  
16 request from CARE first of all to waive a requirement that  
17 only parties can file a motion for reconsideration. Since  
18 CARE was not a party in underlying second-stage PUD, it has  
19 requested that the Commission waive the rule. I think that's  
20 the first action.

21 I typically am not in favor -- it has to be for  
22 a good cause. I'm not in favor of waiving this rule and as  
23 the applicant has mentioned in this submission as well. I  
24 understand it has to say that it provides the Commission we  
25 can do that with good cause. I don't think in the exhibit,

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1 this is Exhibit 50, I didn't see where it was good cause that  
2 was presented.

3           So again, I'm not in favor of waiving the rule.  
4 But our rules do say we can do it for good cause. But I  
5 don't think good cause was exhibited in this particular  
6 instance. But anyway, let me open it up for others. Any other  
7 comments? Okay. Let me make a motion that we not -- okay.

8           MS. SCHELLIN: Yes, please make a motion to deny  
9 if that's what you want to do.

10           CHAIRMAN HOOD: Okay. So I'm going to make a  
11 motion that we deny the waiver request from CARE in Zoning  
12 Commission Case No. 08-07D. Is that sufficient, that motion?

13           MS. SCHELLIN: C, it's C and not D.

14           CHAIRMAN HOOD: What'd I say?

15           MS. SCHELLIN: You said D.

16           CHAIRMAN HOOD: Oh, 08-07C.

17           MS. SCHELLIN: Yes, but that motion was  
18 sufficient.

19           COMMISSIONER MAY: Second.

20           CHAIRMAN HOOD: Okay. It's been moved and  
21 properly seconded. Any further discussion? Commissioner May  
22 seconded. Who did I say?

23           COMMISSIONER MAY: I did.

24           CHAIRMAN HOOD: Oh, Commissioner May seconded.  
25 Okay. It's been moved and properly seconded. Any further

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1 discussion? All in favor?

2 (Chorus of aye.)

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

5 MS. SCHELLIN: Staff records the vote four to zero  
6 to one to deny the request -- I'm sorry -- the waiver request  
7 from CARE that only parties may file a motion for  
8 reconsideration. Commissioner Hood moving, Commissioner May  
9 seconding, Commissioners Miller and Turnbull in support of  
10 denial, Commissioner Shapiro not present, not voting.

11 CHAIRMAN HOOD: Ms. Schellin, do we have anything  
12 else?

13 MS. SCHELLIN: Yes, the applicant's motion to  
14 strike the attachments from the record that CARE included in  
15 their request. The applicant would like those attachments  
16 stricken from the record.

17 CHAIRMAN HOOD: Let me hear what others have to  
18 say about that. I don't see where that's necessary, but let  
19 me open it up for others.

20 COMMISSIONER MAY: The attachments being the CARE's  
21 argument? I mean, if we don't grant the waiver, then they  
22 shouldn't be in the record, right?

23 MS. SCHELLIN: The waiver request stays in the  
24 record.

25 COMMISSIONER MAY: But the attachments, they were

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1 attached to the waiver.

2 MS. SCHELLIN: Right, and they -- I'm sorry. I  
3 have to pull it up really quick because I didn't make notes  
4 on it. But do you want to go ahead and speak to it?

5 MS. LOVICK: Since you denied it, you're not  
6 accepting them into the record technically speaking. So I  
7 think you can grant the request.

8 CHAIRMAN HOOD: Okay. All right. With that, do  
9 we need to make a motion on it? Okay. That makes sense.  
10 That makes sense.

11 MS. SCHELLIN: I'm sorry, yes. Unfortunately,  
12 CARE made their waiver and their motion for reconsideration  
13 all in one document. So that's the problem. So those  
14 attachments that they included, yes, they need to be --

15 CHAIRMAN HOOD: So it can stay in the record. But  
16 the thing is the waiver was not granted. So we really don't  
17 get to the merits of what was in his --

18 MS. SCHELLIN: But it's the attachments that they  
19 want stricken.

20 COMMISSIONER MAY: May I ask a question, Ms.  
21 Schellin. I mean, the mechanics of how these documents are  
22 submitted and become part of the electronic records of the  
23 agency. I mean, do we have any control over that, we being  
24 you? It's all just based on how they submit it. And so when  
25 we get something, it comes in like a submission that comes

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1 in 15 parts. It's because it came to us in 15 parts.

2 MS. SCHELLIN: And unfortunately, the way that  
3 CARE filed this, they should have filed their waiver request  
4 as one document and the motion for reconsideration as an  
5 attachment.

6 COMMISSIONER MAY: So in the future --

7 MS. SCHELLIN: And they didn't.

8 COMMISSIONER MAY: So in order to avoid this  
9 problem in the future, should --

10 MS. SCHELLIN: We should reject it.

11 COMMISSIONER MAY: -- that should be rejected.

12 MS. SCHELLIN: We will.

13 COMMISSIONER MAY: Okay. All right.

14 MS. SCHELLIN: And what they did is they -- I'm  
15 sorry, but on the materials that they attached, they were  
16 supplemental information that the applicant is saying it  
17 doesn't bear -- in this case, they've got new information  
18 that bears upon substance. So the application that was  
19 released after the hearing, they submitted information that  
20 Reunion Square Development would be receiving 60 million  
21 dollars in tax increment financing.

22 CHAIRMAN HOOD: Ms. Schellin, we don't want to get  
23 into that. Let's just do this. Since it happened like it  
24 did, I would move that we strike as request on our own, not  
25 necessarily -- we appreciate the applicant. But as to this

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1 discussion, I think that we need to strike that from the  
2 record. I move that and ask for a second.

3 COMMISSIONER MAY: Second.

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

6 (Chorus of aye.)

7 CHAIRMAN HOOD: Any opposition? So Ms. Schellin,  
8 would you please record the vote.

9 MS. SCHELLIN: Staff records the vote four to zero  
10 to one to strike the attachments to CARE's motion.  
11 Commissioner Hood moving, Commissioner Miller seconding,  
12 Commissioners Turnbull and May in support, Commissioner  
13 Shapiro not present, not voting.

14 CHAIRMAN HOOD: Okay. I appreciate you trying to  
15 explain that to us, Ms. Schellin.

16 MS. SCHELLIN: Yes.

17 CHAIRMAN HOOD: But after all that in our  
18 discussion, that's what I'll base my motion on.

19 MS. SCHELLIN: Yes.

20 CHAIRMAN HOOD: Ms. Schellin, do we have anything  
21 else?

22 MS. SCHELLIN: Staff has nothing else?

23 CHAIRMAN HOOD: Office of Planning, do you have  
24 anything?

25 MS. STEINGASSER: No sir.

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1 CHAIRMAN HOOD: Office of the Attorney General,  
2 do you have anything else for us? Okay. I know the answer  
3 is no. So I wish everyone a happy holiday.

4 Also I want to put on the record Ms. Esther  
5 Bushman is going to be leaving us. And since I won't be here  
6 to be able to say some nice congratulatory remarks, I'm going  
7 to say them now. I would just say that I've known Ms.  
8 Bushman a long time. She has brought a lot to this office.  
9 She has brought a lot of service to the city. She's done a  
10 good job and wish her well in her retirement as she moves  
11 forward. So with that, and I think that can be said by all  
12 of us. We've known Ms. Bushman for a while. So some of us  
13 may even have worked with her.

14 VICE CHAIRMAN MILLER: Yes, I have worked with  
15 her, both at the council and here at the zoning office.

16 CHAIRMAN HOOD: Okay. So we wish her well and we  
17 thank her for all of her service, not just at the Office of  
18 Zoning but to the city. Ms. Schellin, do we have anything  
19 else?

20 MS. SCHELLIN: No sir.

21 CHAIRMAN HOOD: Okay. So with that, I want to  
22 thank everyone for their participation. And this meeting is  
23 adjourned.

24 (Whereupon, the above-entitled matter went off the  
25 record at 7:29 p.m.)

C E R T I F I C A T E

This is to certify that the foregoing transcript

In the matter of: Regular Meeting

Before: DCZC

Date: 12-17-18

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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