

GOVERNMENT  
OF  
THE DISTRICT OF COLUMBIA

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ZONING COMMISSION

+ + + + +

REGULAR MEETING

+ + + + +

MONDAY

MARCH 25, 2019

+ + + + +

The Regular Meeting of the District of Columbia Zoning Commission convened in the Jerrily R. Kress Memorial Hearing Room, Room 220 South, 441 4<sup>th</sup> 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  
MICHAEL G. TURNBULL, FAIA, Commissioner (AOC)  
PETER G. MAY, Commissioner (NPS)  
PETER SHAPIRO, Commissioner

OFFICE OF ZONING STAFF PRESENT:

SHARON S. SCHELLIN, Secretary

OFFICE OF PLANNING STAFF PRESENT:

JENNIFER STEINGASSER, Deputy Director, Development  
Review & Historic Preservation  
JOEL LAWSON  
STEPHEN MORDFIN  
STEPHEN COCHRAN  
ELISA VITALE  
JONATHAN KIRSCHENBAUM

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D.C. OFFICE OF THE ATTORNEY GENERAL PRESENT:

JACOB RITTING, ESQ.  
MAXIMILIAN TONDRO, ESQ.

The transcript constitutes the minutes from  
the Regular meeting held on March 25, 2019.

I-N-D-E-X

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

6:33 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.

7 My name is Anthony Hood and we are located at the  
8 Jerrily R. Kress Memorial Hearing Room.

9 I have a request that the dais actually introduce  
10 themselves. I've done this in the past, but the request was  
11 just given to me so I will start with the commissioners  
12 first. We'll go to the Office of Zoning, then the Office of  
13 Attorney General, then the Office of Planning.

14 And maybe the person who introduced themselves can  
15 tell me whose suggestion it was. Again I'm Anthony Hood.  
16 So we'll just introduce ourselves.

17 COMMISSIONER SHAPIRO: I'm Peter Shapiro. It was  
18 my suggestion, Mr. Chair. I felt like hearing my voice I  
19 believe at the beginning.

20 COMMISSIONER TURNBULL: I'm Mike Turnbull  
21 representing the Architect of the Capitol.

22 COMMISSIONER MAY: Peter May representing the  
23 National Park Service.

24 MS. SCHELLIN: Sharon Schellin, Office of Zoning.

25 MR. RITTING: Hi, I'm Jacob Ritting, assistant

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1 attorney general.

2 MR. TONDRO: Maximilian Tondro with the Office of  
3 the Attorney General.

4 MS. STEINGASSER: Jennifer Steingasser with the  
5 Office of Planning.

6 MR. LAWSON: Joel Lawson.

7 MR. COCHRAN: Steve Cochran, OP.

8 MR. MORDFIN: Steve Mordfin, Office of Planning.

9 MR. KIRSCHENBAUM: Jonathan Kirschenbaum, Office  
10 of Planning.

11 MS. VITALE: Elisa Vitale, Office of Planning.

12 CHAIRMAN HOOD: Great. Thank you, everyone.

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

15 For cases under the hearing action portion of the  
16 agenda the only documents in the record before us this  
17 evening are the applications. But anyway, I don't need to  
18 read that part.

19 We do not take any public testimony at our  
20 meetings unless the commission requests someone to come  
21 forward.

22 Please be advised that this proceeding is being  
23 recorded by a court reporter. It's also webcast live.

24 Accordingly, we must ask you to refrain from any  
25 disruptive noises or actions in the hearing room including

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1 display of any signs or objects.

2 Please turn off all electronic devices at this  
3 time.

4 Does the staff have any preliminary matters?

5 MS. SCHELLIN: No, sir.

6 CHAIRMAN HOOD: Okay, I believe we can proceed as  
7 recorded on our agenda for this evening. Let's do consent  
8 calendar item modification of consequence, determination of  
9 scheduling. We may be able to move forward depending upon  
10 how we move.

11 Zoning Commission Case No. 01-01B BP/CRF 901 New  
12 York Avenue LLC - PUD Modification of Consequence at Square  
13 372. Ms. Schellin.

14 MS. SCHELLIN: Yes, the applicant has requested  
15 a modification in order to update the guidelines and design  
16 scheme applicable to the building signage and ground floor  
17 retail street presence.

18 At exhibit 5 is a DDOT report stating that they  
19 have no issues with the request, but the applicant should  
20 pursue a public space permit and work with DDOT on the public  
21 realm surrounding the site.

22 Exhibit 7 is an OP report recommending the case  
23 as a modification of consequence and exhibit 8 is an ANC 2C  
24 report in support of the request. The ANC was the only party  
25 to the case, to the prior case and they have submitted their

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1 report.

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

3 Commissioners, in this case as you noted we have  
4 a favorable ANC report in support of this -- first, let me  
5 back up.

6 Does anyone believe that this is not a  
7 modification of consequence? Okay, not hearing anyone, no  
8 objections.

9 Colleagues, this -- I think the ANC is the only  
10 party as noted by Ms. Schellin and we -- I think this is ripe  
11 for us to have a review of the additional comments that they  
12 have about some of the interior changes and this  
13 modification.

14 Any objections to moving forward this evening?  
15 Not hearing any if somebody could start us off.

16 COMMISSIONER MAY: Mr. Chairman, I think this is  
17 pretty straightforward. The record is pretty full. The ANC  
18 is in favor, Office of Planning is in favor.

19 It is a building that would be fine with a little  
20 bit of updating in this circumstance. The way it was  
21 designed I don't think it really has done a good job of  
22 engaging with the sidewalk and so I think these are all  
23 pretty positive changes.

24 So I'm not only in favor of us considering this  
25 as a modification of consequence but given that we have the

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1 ANC's letter in support I'm okay with moving ahead with the  
2 decision tonight.

3 CHAIRMAN HOOD: Any other comments? Mr. Turnbull.

4 COMMISSIONER TURNBULL: Thank you, Mr. Chair. I  
5 took a look at the request for the signage changes and the  
6 awning changes and some of the features that they wanted to  
7 do.

8 I think everything is fine. I had no problem with  
9 it.

10 CHAIRMAN HOOD: Okay. All right. So with that  
11 I would ask that somebody make a motion.

12 But let me just also note that it was a unanimous  
13 vote, unanimous from the ANC as well. Somebody like to make  
14 a motion? Commissioner May?

15 COMMISSIONER SHAPIRO: Mr. Chair?

16 CHAIRMAN HOOD: Commissioner Shapiro.

17 COMMISSIONER SHAPIRO: Thank you. I would move  
18 that we approve Zoning Commission Case No. 01-01B BP/CRF 901  
19 New York Avenue LLC - PUD Modification of Consequence at  
20 Square 372. Look for a second.

21 COMMISSIONER TURNBULL: Second.

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

24 (Chorus of ayes)

25 CHAIRMAN HOOD: Any opposition? Not hearing any,

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

2 MS. SCHELLIN: Yes. Staff records the vote 4-0-1  
3 to approve final action in Zoning Commission Case No. 01-01B.  
4 Commissioner Shapiro moving, Commissioner Turnbull seconding,  
5 Commissioners Hood and May in support, Commissioner Miller  
6 not present, not voting.

7 CHAIRMAN HOOD: Okay. Next is Zoning Commission  
8 Case No. 80-11A 91 TTPA LESSEE, LLC - PUD Modification of  
9 Consequence at Square 101. Ms. Schellin.

10 MS. SCHELLIN: Yes, the applicant in this case is  
11 seeking a modification of consequence also in order to  
12 modernize and upgrade portions of the building's facade, to  
13 modernize and upgrade the building's entrances, to  
14 reconfigure interior space and reconfigure the loading dock.

15 In exhibit 4 OP is recommending approval as a  
16 modification of consequence. Exhibit 5, the DDOT report  
17 advises they have no issues with the request providing the  
18 applicant pursue a public space permit and work with DDOT on  
19 the final public realm surrounding the site, and that the  
20 applicant replace the planing being removed with a different  
21 form of planing.

22 And at exhibit 6 ANC 2A, the only party to the  
23 case, the original case, has filed a report in support of the  
24 request for the modification. Ask the commission to consider  
25 possibly taking action on this case also.

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1 CHAIRMAN HOOD: Okay. Commissioners, does anyone  
2 believe this is not a modification of consequence as has been  
3 recommended to us? Okay, not seeing anyone.

4 I think we still have some outstanding information  
5 and I may have missed it, but it won't be the first time.

6 There are some issues whether or not the applicant  
7 has accepted some of the conditions. I'm looking.

8 COMMISSIONER MAY: Ms. Schellin, you said that  
9 there was an ANC report in favor and I don't see that.

10 MS. SCHELLIN: At exhibit 6 I thought.

11 COMMISSIONER MAY: That's not coming up in our  
12 system.

13 CHAIRMAN HOOD: I'll tell you what. There are  
14 some questions that we need to have answered. There was some  
15 supplemental information requested by Office of Planning.

16 MS. SCHELLIN: Yes, there was. It just didn't get  
17 released to you. But there was an ANC report that came in.  
18 Let me see if I can --

19 CHAIRMAN HOOD: Okay, let me state where I am.

20 MS. SCHELLIN: Sorry.

21 CHAIRMAN HOOD: I mentioned we need supplemental  
22 information from Office of Planning. We need also  
23 information whether they accepted the two conditions from  
24 DDOT.

25 And I'm hearing now that there may be a potential

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1 issue about us seeing the ANC report. So for me if they can  
2 answer those questions I think we can do a determination of  
3 scheduling. I don't see any rush.

4 COMMISSIONER MAY: I would agree, Mr. Chairman,  
5 and actually I have further comments on the drawings which  
6 I find to be generally not very good.

7 I know the Office of Planning in particular  
8 pointed out the drawing on page A9 which deleted some  
9 features of the existing building in their rendering. That's  
10 just a rendering thing.

11 It's hard to know exactly what's happening with  
12 the portion of the building that they're modifying on A9  
13 because the windows are different from what's shown in the  
14 photograph.

15 And it looks like they're removing a row of  
16 windows, but there's no note indicating that. The windows  
17 that are remaining are in the wrong place compared to where  
18 they were.

19 I mean, it's just -- it's not very well drawn.

20 There's also a reference to eliminating existing  
21 planter and signage and there's lots of references to that  
22 in other locations as well and that's not actually shown in  
23 that image. So I don't know what the planter looks like.

24 I think there's one in another page. Maybe that's  
25 the same thing, but I don't know that for sure.

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1 I mean, it's just sloppy I think. And I would  
2 like to know exactly what it is that we are approving and  
3 what changes.

4 And so I think some general improvement of the  
5 drawings, not just fixing the thing that's on A9. And I  
6 would appreciate it if the Office of Planning could work with  
7 them to address all of the inadequacies that they might find  
8 in those drawings before we make a decision on it.

9 And maybe this was covered somewhere and I missed  
10 it, but isn't this something that has to be reviewed and  
11 approved by HPRB?

12 MS. STEINGASSER: Yes, it does and the HPO staff  
13 has been working with us on this application.

14 COMMISSIONER MAY: So it will go before the whole  
15 board at some point?

16 MS. STEINGASSER: I'm not sure if it's going to  
17 go the whole board or whether it would be delegated to the  
18 staff.

19 COMMISSIONER MAY: I think we need clarity on that  
20 because I don't think we want to approve something and then  
21 wind up having HPRB or staff not approving it. I think we  
22 want to have confidence that it's not going to change.

23 CHAIRMAN HOOD: Okay. Any other comments with the  
24 additional comments that I made? Commissioner Turnbull.

25 COMMISSIONER TURNBULL: I would just concur with

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1 Commissioner May. There are just a lot of changes that are  
2 unrecorded and there's a lot of changes that I don't know if  
3 HPRB would approve. So I think there needs to be more work  
4 done on the drawings.

5 CHAIRMAN HOOD: Okay. Commissioner Shapiro.

6 COMMISSIONER SHAPIRO: Thank you, Mr. Chair. I  
7 would also concur.

8 And in OP's report they lay out a number of the  
9 items that Commissioner May referred to. There are specific  
10 things that they're looking for, and yes, we should see that  
11 before we take action.

12 CHAIRMAN HOOD: Okay, so we have additional  
13 comments by the commissioners as well as some things  
14 requested by the Office of Planning, requested by District  
15 Department of Transportation that you find out about those  
16 I think it's one or two conditions.

17 And we also need to find out a little more  
18 background on HPRB as well as the drawings.

19 So Ms. Schellin, let me ask my colleagues so we  
20 can be predictable. Does anyone see that this needs to come  
21 off as a modification of consequence at this time?

22 COMMISSIONER SHAPIRO: No.

23 CHAIRMAN HOOD: Okay. So I want to make sure that  
24 I'm very clear to the applicant that we try to be  
25 predictable. Sometimes we're not.

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1 I don't want to leave you on promised land. When  
2 we get the information back we never know where we may end  
3 up so I just wanted to put that out there so there won't be  
4 no surprises.

5 Ms. Schellin, could you do some determination of  
6 scheduling?

7 MS. SCHELLIN: Yes. And just also I misspoke.  
8 ANC was not the only party. There's also Foggy Bottom and  
9 the DC Preservation League. So they also need to respond if  
10 they're going to. So they would need an opportunity.

11 CHAIRMAN HOOD: So let me just interrupt you. I  
12 do see that the ANC letter is here in support.

13 MS. SCHELLIN: Yes.

14 CHAIRMAN HOOD: So we do have that.

15 MS. SCHELLIN: Yes. Okay. So if we could get the  
16 applicant's follow-up from what the commission has asked for  
17 for the applicant to follow up with by 3 p.m. on April 15.

18 And then if the ANC chooses to respond again and  
19 the other two parties along with OP and DDOT, if they want  
20 to file a supplemental report they would have until 3 p.m.  
21 on the 22nd of April.

22 We can put this on for April 29.

23 CHAIRMAN HOOD: So we're good with that date  
24 everyone? Whoever the counsel is. Is the counsel here for  
25 this case?

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1 MS. SCHELLIN: Yes.

2 CHAIRMAN HOOD: So we're good. Anything else on  
3 this, Ms. Schellin?

4 MS. SCHELLIN: No, sir.

5 CHAIRMAN HOOD: Okay. All right. Let's go to  
6 final action. Zoning Commission Case No. 02-38J WFS2  
7 Waterfront Station LLC Second-Stage PUD Planned Unit  
8 Development at Square 542. Ms. Schellin.

9 MS. SCHELLIN: Yes. At exhibits 44 through 49 we  
10 have the applicant's post hearing submissions. Exhibit 50  
11 is a letter in support from Amidon-Bowen PTA.

12 Exhibit 51 is an OP supplemental report. Exhibit  
13 52, the applicant requested to reopen the record to submit  
14 a revised proffer which the chairman approved. And that  
15 submission is at exhibit 53.

16 Exhibit 54 is an email from the SMD indicating the  
17 ANC is in support of the revised proffer. I ask the  
18 commission to consider final action.

19 CHAIRMAN HOOD: Okay. Commissioners, I think the  
20 biggest thing was this issue about the proffer for me in this  
21 case.

22 I think everything else unless I'm mistaken was  
23 pretty straightforward. And I think we held a lot of it up  
24 to continue to work with the PTA.

25 It seemed like we've come to at least something

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1 we can recommend. But I can still tell you that I still have  
2 some reservations about how we're proceeding.

3 But I do understand it. But I've been around long  
4 enough to know that that's the reason this commission doesn't  
5 necessarily put the money out there. We look for results.

6 And in this case it causes a potential problem.  
7 It's not necessarily that we have a trust factor with the PTA  
8 or anyone, but I've been here long enough to see that things  
9 -- I'm not going to say become -- I'm trying to phrase this  
10 nicely so I won't throw any judgment, but sometimes things  
11 do come up missing in these type of circumstances.

12 So I really think there needs to be some more  
13 fine-tuning with this proffer, but I'll open it up to hear  
14 what others may have -- may even have a suggestion that may  
15 be able to help us out. As far as I'm concerned.

16 Commissioner May?

17 COMMISSIONER MAY: Mr. Chairman, I have the same  
18 unease and frankly I'm not comfortable with the idea of doing  
19 an escrow at all because I think that we have had issues with  
20 that in the past.

21 And you know, this one, they might be able to come  
22 up with a way to make it better than things that have  
23 happened in the past, but it's going to get -- it's going to  
24 come up again. There will be another PUD in the future  
25 that's maybe not as good as this one in terms of the way they

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1 handled the proposed escrow account.

2           But they'll point at this case and say well, you  
3 made the exception here and you know, we'll just fall back  
4 into the old trap. And I just think that it's -- I would  
5 rather have greater certainty about where the money is going.

6           It doesn't seem to be a problem with other  
7 projects when they're working with local PTAs to figure out  
8 things that money can be spent on in a timely fashion, and  
9 there are several years between now and when the building  
10 actually gets to C of O and so I don't think it's  
11 unreasonable to expect the funds to be expended by then.

12           I mean, they may not know what they need to do  
13 right now, but I think coming up with a generalized list  
14 probably would be sufficient for the purposes of our  
15 decision-making, and if they need to tweak it at some point  
16 later on they could do a minor mod to the condition. Or a  
17 minor mod -- probably would be a modification of consequence  
18 because it's a condition, but still.

19           I'm just not really enthusiastic about that.

20           CHAIRMAN HOOD: Okay. Anybody else? Commissioner  
21 Shapiro.

22           COMMISSIONER SHAPIRO: Thank you, Mr. Chair. I  
23 share the concerns. I'm also as you noted I think we're also  
24 respecting the work that's been done and the negotiation  
25 between the PTA and the applicant.

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1           And so I have a thought, a suggestion, a different  
2 approach and it could be a bit of a precedent for us as we  
3 hear these to give ourselves some measure of comfort and  
4 security in a process like this that this is not something  
5 that either the applicant or the PTA is obviously agreeing  
6 to.

7           But one thought is that we designate or they  
8 recommend some kind of fiduciary to manage the allocation of  
9 the funds. An organization like the Community Foundation or  
10 other non-profits that do that kind of work are perfectly  
11 suited to do it.

12           From my perspective if there was a fiduciary such  
13 as the Community Foundation it would give me comfort with the  
14 money out there. The leadership of the PTA could change.  
15 We really don't know.

16           And again there's the issue of this may not be the  
17 first time that we are approached with this kind of strategy.

18           So that would give me the comfort to move forward  
19 in this way, to have some kind of a formal fiduciary to help  
20 manage the funds, manage the allocation of the funds.

21           I'm not quite sure how to approach it because I'd  
22 be curious to see where the applicant and the PTA would be  
23 with a strategy like this. And I don't know where my  
24 colleagues are either. For me that would be a workable  
25 solution.

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1 CHAIRMAN HOOD: Okay. Let's see, Mr. Turnbull.

2 COMMISSIONER TURNBULL: Thank you, Mr. Chair. I  
3 would agree with Commissioner May that there's been problems  
4 in the past. We've had issues and we've always been advised  
5 not to do it.

6 I sort of like Commissioner Shapiro's thought on  
7 this and I think this does need a mechanism of control for  
8 me anyway too, that there should be some kind of procedure  
9 or process -- put some process in place that there is an  
10 accountability of the funds somehow.

11 And if it can be done that way I could possibly  
12 go along with that.

13 CHAIRMAN HOOD: Okay. I kind of like the idea of  
14 -- that's new. I haven't heard of that. I don't have any  
15 problems exploring it.

16 But let me ask Commissioner Shapiro, is there a  
17 fee that would go against the fee that's being offered to the  
18 PTA?

19 COMMISSIONER SHAPIRO: So I can't speak to a  
20 specific situation. I can say generally when a community  
21 foundation or this community foundation, when they take on  
22 a responsibility like this as a fiduciary just to manage an  
23 allocation process they usually do charge a small fee.

24 I would imagine in this case that the applicant  
25 probably wouldn't be averse to having that 75 move up to

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1 whatever it is, 78. Because the fee is small for something  
2 like this. It's just -- it's a few percentage points.

3 But again there is -- it just keeps the process  
4 clean. So I'm sure the applicant won't be the obstacle on  
5 something like that. And there would be a way to hold the  
6 community harmless on the amount.

7 CHAIRMAN HOOD: Okay. So Commissioner May, you've  
8 heard the idea proposed by Commissioner Shapiro. Before we  
9 shoot it back to the parties involved what are your thoughts  
10 on that scheme?

11 Well, let me not say scheme. On that proposal.

12 COMMISSIONER MAY: On that proposal. I'm not  
13 enthusiastic about it. I appreciate the notion that we would  
14 get or that there would be greater control over it and we'd  
15 have greater certainty about the benefits being delivered  
16 over time.

17 But I do think it is something of a slippery  
18 slope. Maybe that's something that we should be thinking  
19 about, whether we need to change our standards or something  
20 like this.

21 But we specifically have tried to avoid situations  
22 like this and require that whatever benefits are delivered  
23 be delivered before the completion of the project.

24 I'm not sure what's so special about this  
25 circumstance that we should be going in a different

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1 direction.

2           So I would -- well, regardless it doesn't sound  
3 like we're going to make a decision on this today so I would  
4 suggest that the applicant look at and work with the PTA  
5 about trying to find some way to get certainty and to pay out  
6 all the money before the C of O.

7           And if not, then certainly what Commissioner  
8 Shapiro is suggesting is better than a standard escrow  
9 account kind of situation.

10           CHAIRMAN HOOD: Okay. So what we're going to do  
11 with this, colleagues, we're going to kick this back to the  
12 parties and the applicant.

13           They've heard our discussion. I don't think we  
14 need to prolong that anymore. They've heard our discussion  
15 and our concern. And we'll look forward to seeing what they  
16 come back with.

17           I hate to ask for some more work, but we're doing  
18 this for good reason, very good reason actually.

19           So let's see if -- do we need to assign some more  
20 dates? I don't know whose case this is. We can give them  
21 as long as they need.

22           MS. SCHELLIN: So, the applicant needs a week and  
23 then I'm assuming you'll want a response from the parties and  
24 maybe OP.

25           CHAIRMAN HOOD: Sure. Everybody who responded.

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1 MS. SCHELLIN: So that means it would come up at  
2 the second meeting in April then.

3 CHAIRMAN HOOD: Yes, that's fine. As long as they  
4 can make sure they --

5 MS. SCHELLIN: So then we'll give them a couple  
6 of weeks.

7 CHAIRMAN HOOD: If they can shore it up with the  
8 PTA. If they're sure they can shore it up with the PTA or  
9 have a conversation with the PTA in these two or three weeks  
10 then that's fine.

11 If they need more time ask for it now.

12 MS. SCHELLIN: All right. We'll just give them  
13 until -- we'll just go ahead and give it to them now since  
14 it won't come up until the second meeting, until April 15.

15 And if there's any responses from the parties --  
16 actually the PTA even though they're not a party I'm assuming  
17 you'll allow them to respond.

18 CHAIRMAN HOOD: Sure, yes.

19 MS. SCHELLIN: They'll have till 3 p.m. on the  
20 22nd and then we can put this on for 4/29.

21 CHAIRMAN HOOD: Okay. Is that the only meeting  
22 we have in April?

23 MS. SCHELLIN: No, we have one on the 8th, but  
24 that's exactly two weeks from today so it doesn't leave much  
25 time.

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1 CHAIRMAN HOOD: All right. Was this the only --  
2 go ahead.

3 MS. SCHELLIN: Okay. The applicant is saying that  
4 they can work it out and have everything submitted prior to  
5 the 8th. So if they can -- between them and the PTA if they  
6 want to file maybe a joint filing by April 1 then we can put  
7 it on -- and they're going to work with the ANC also.

8 Then if all of those filings come in by April 1  
9 we can put it on for April 8.

10 CHAIRMAN HOOD: All right. That's fine. As long  
11 as they have a level of confidence that we can make that  
12 happen. Okay, so we'll look forward to dealing with that on  
13 April 8.

14 Anything else for this, Ms. Schellin?

15 MS. SCHELLIN: No, sir.

16 CHAIRMAN HOOD: All right. Thank you everyone.  
17 Let's move on to the next agenda item.

18 Okay, next Zoning Commission Case No. 04-13C 1210C  
19 R Street LLC - PUD Modification of Consequence at Square 277.  
20 Ms. Schellin.

21 MS. SCHELLIN: Yes, sir. At exhibits 81 and 81A  
22 the applicant filed a motion to waive the late filing of the  
23 proffers and conditions which was approved.

24 And the applicant filed those proffers and  
25 conditions at exhibit 79 and 80.

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1           However, the applicant did not request a waiver  
2 for their late submittal of their post hearing submissions.  
3 And those submissions are at 83 through 86.

4           And I'd ask the commission if they would waive  
5 Subtitle Z Section 602.6 which requires staff to return the  
6 documents. They came in when I was out and my staff did not  
7 return those documents since a waiver was not requested. So  
8 they are already in the record and I would ask the commission  
9 if they want to waive that section in order to receive those  
10 --

11           CHAIRMAN HOOD: Any objections? Any objections?  
12 No objections.

13           MS. SCHELLIN: Okay. So they are in the record  
14 at exhibits 83 through 86. The applicant's post hearing  
15 submissions.

16           And exhibit 82 is OP's supplemental report. And  
17 the commission would not be able to take final action this  
18 evening because of the fact that the proffers and condition  
19 process was filed late. There needs to be time for that  
20 process to play out.

21           But I'd just ask the commission to consider what's  
22 before them this evening.

23           CHAIRMAN HOOD: Okay. Again, Commissioners, I  
24 still think the issue about the offsite affordability being  
25 on Kennedy Street is still at issue.

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1           And I really want to thank whoever's report this  
2 is from Office of Planning. Who did the supplemental report  
3 for Office of Planning? Mr. Mordfin. Raise that hand up  
4 high.

5           I want to thank you. I want to really thank you  
6 because that helped me capture all in a nutshell the way it  
7 was written. If you look at his supplemental report it  
8 explains verbatim what the issue is.

9           And I actually, I know we have another issue, one  
10 we can consider and final -- some other, the proffers. I  
11 know all that came in late.

12           But if you look at the last, it says in an email  
13 from DHCD, DHCD informed OP that it continues to request that  
14 the affordable unit remain at the subject property.

15           And I think there were some concerns from my  
16 colleagues as well. However, if the commission were to  
17 permit the unit to be relocated to Kennedy Street DHCD  
18 continues to recommend that the level of affordability of the  
19 unit be 50 percent MFI.

20           A level of affordability of 70 percent MFI as now  
21 proposed by the applicant would be difficult as DHCD does not  
22 administer -- we've been through this before. And I have a  
23 problem with us coming right back doing the exact same thing.

24           I know there are some other issues that we have  
25 to deal with. I'm not certain why we can't -- if you want

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1 us to do it and I think, Mr. Turnbull, I want to say that you  
2 really pushed this about being up on Kennedy Street.

3 I can't remember exactly who it was. It's right  
4 there. Mr. Mordfin captured this very well right there.  
5 That's what the whole crux of some of the issues were, why  
6 we're even here.

7 It seems like we're still here in the same spot  
8 except for now we just dropped it down to 70 percent. I  
9 think we need to -- and if we drop it to 70 it can't be  
10 administered by DHCD. That makes no sense even for us even  
11 to consider. I want to not even talk about it, just move it  
12 to the next hearing, give them more time to deal with this.

13 Because it seems to me we're in the same place.  
14 Let me hear from others.

15 COMMISSIONER TURNBULL: No, I would agree  
16 absolutely with you, Mr. Chair.

17 CHAIRMAN HOOD: All right. Anybody else? Okay.  
18 So, we're going to send it back, Ms. Schellin, and then maybe  
19 that will clarify that other issue about the lateness of the  
20 proffers. But we've got to come up with something better  
21 than this.

22 MS. SCHELLIN: Okay.

23 CHAIRMAN HOOD: This is not working.

24 MS. SCHELLIN: Okay. I'll go ahead and first of  
25 all set the deadlines for the proffer and condition process.

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1 The receipt of the -- you guys acknowledge receipt of the  
2 March 19 filing, the proposed proffers.

3 The next deadline would be April 1 for the agency  
4 comments pursuant to Subtitle X Section 308.11.

5 Then April 8 would be the deadline for the  
6 applicant's response pursuant to Section 308.12.

7 And then April 15 is the deadline for agency  
8 responses pursuant to 308.13.

9 And so the earliest that this case could come back  
10 would be after April 22. So again we could put this case on  
11 for April 29 also using those same dates.

12 I think that if we use -- give the applicant until  
13 April 15 to submit -- respond to the commission's concerns  
14 this evening and if the parties which I believe was only the  
15 ANC, but of course OP and any other government agencies,  
16 DHCD, want to respond thereto they can do so and then we can  
17 put this on for April 29.

18 CHAIRMAN HOOD: I'm going to encourage the  
19 applicant to look at in the record, the case record of  
20 exhibit 82, the Office of Planning supplemental report, the  
21 last paragraph.

22 Let's not come back with the same thing. Let's  
23 come back with something so we can kind of get this off our  
24 docket. Anything else?

25 MR. RITTING: Yes, I wanted to mention one other

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1 thing and that's when I sort of suggested these dates I was  
2 assuming that the applicant's proffer would remain unchanged  
3 from what they submitted on the 19th.

4 And I was going to suggest that you leave the  
5 possibility open that they submit a revised proffer that  
6 addresses the issues you mentioned on the dais this evening.

7 And if they do so anytime before say March 28 that  
8 I can still get the comments back to them by April 1.

9 CHAIRMAN HOOD: So will that change Ms. Schellin's  
10 schedule she just laid out?

11 MR. RITTING: No. I think it wouldn't change the  
12 schedule she laid out, it just would open up the possibility  
13 for the applicant to submit a revised proffer sometime this  
14 week.

15 And if they did I'd get them their response in  
16 time to keep with that schedule.

17 CHAIRMAN HOOD: So noted. So we will leave it  
18 open for our counsel to do what he needs to do pertaining to  
19 this case.

20 All right, anything else?

21 MS. SCHELLIN: No, sir.

22 CHAIRMAN HOOD: All right. Let's go to next case,  
23 Zoning Commission Case No. 18-07 Lean Development LLC - Map  
24 Amendment at Square 750. Ms. Schellin.

25 MS. SCHELLIN: Yes, the proposed rulemaking was

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1 published in the register on February 15.

2           One comment was received at exhibit 66 from  
3 Concerned Residents of Washington, DC known as -- they're  
4 calling themselves CROW DC in opposition to the rezoning as  
5 a rulemaking case because the three lots are owned by one  
6 owner who will build a single apartment building.

7           And so we'd ask the commission to consider final  
8 action this evening.

9           CHAIRMAN HOOD: Okay and if I'm not mistaken I  
10 believe that the owner, the person who's asking for this map  
11 amendment owns all of the lots, all three of the lots I  
12 believe in this rulemaking.

13           Okay. Commissioners, let me open it up to  
14 comments, questions, concerns about the letter which is our  
15 exhibit 66. Mr. Shapiro, Commissioner Shapiro.

16           COMMISSIONER SHAPIRO: Thank you, Mr. Chair. I  
17 think it's just worth stressing that what's before us is a  
18 map amendment and the only issue that we are considering is  
19 the consistency with the comprehensive plan, that we're not  
20 getting into more details around the specifics of prospective  
21 projects and future.

22           I just wanted to make sure that that's out there.

23           CHAIRMAN HOOD: Okay. All right. Anything else  
24 on this? I think the record pretty much speaks for itself.

25           COMMISSIONER SHAPIRO: And I have no objection to

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1 moving forward with this, Mr. Chair.

2 CHAIRMAN HOOD: I do know that we had a letter  
3 from -- was this a new letter from the ANC, Ms. Schellin?

4 COMMISSIONER TURNBULL: It goes back to January  
5 7.

6 CHAIRMAN HOOD: Okay. All right. And I think  
7 they are -- they were in support, right?

8 COMMISSIONER TURNBULL: Well, they appreciated  
9 them not going to -- they appreciate them going to MU-4 but  
10 I think they still would like MU-3B.

11 CHAIRMAN HOOD: Okay. Commissioners, does any of  
12 us believe that we need to do some further discovery on this  
13 MU-3B? Even though the applicant I think has asked for MU-4.  
14 Any comments from anybody? No?

15 COMMISSIONER TURNBULL: The only other thing, I  
16 mean it brings up map amendment questions which we're going  
17 to talk about later on. That will come up later.

18 CHAIRMAN HOOD: But I mean for this case.

19 COMMISSIONER TURNBULL: For this case I don't have  
20 any other.

21 CHAIRMAN HOOD: Okay. I don't think so. I think  
22 we do have some support. I understand what they mean by MU-  
23 3, cutting back some of the density more or less.

24 But I think that MU-4 will work for this  
25 applicant. That's what is requested.

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1           And I do know that we have the letter from CROW.  
2 And as has already been stated we're not talking about  
3 specific projects.

4           So I think this is ripe for us to go ahead and  
5 move forward. I think we've vetted it out. I know you never  
6 get 100 percent in agreeance, but I think we have more. And  
7 I think we've vetted out all the merits of this case and the  
8 changes to the zoning.

9           So with that I'll accept a motion if someone would  
10 like to make one.

11           COMMISSIONER SHAPIRO: Mr. Chair, I move that we  
12 take final action on Zoning Commission Case No. 18-07 Lean  
13 Development LLC Map Amendment at Square 750. Look for a  
14 second.

15           CHAIRMAN HOOD: I'll second that and I think that  
16 the merits of this case speak for themselves and I think it's  
17 self-explanatory for the most part and the record, Office of  
18 Planning's report, the pictures and the testimony provided  
19 in the hearing.

20           Any further discussion? It's moved and properly  
21 seconded. All in favor?

22           (Chorus of ayes)

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

25           MS. SCHELLIN: Staff records the vote 4-0-1 to

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1 approve final action in Zoning Commission Case No. 18-07.  
2 Commissioner Shapiro moving, Commissioner Hood seconding,  
3 Commissioners May and Turnbull in support, Commissioner  
4 Miller not present, not voting.

5 CHAIRMAN HOOD: Okay, next hearing action Zoning  
6 Commission Case No. 19-01 Wesley Hawaii LLC - Consolidated  
7 PUD and Related Map Amendment at Parcels 124/77. Mr.  
8 Kirschenbaum.

9 MR. KIRSCHENBAUM: Good evening, Chair Hood and  
10 members of the commission. The Office of Planning recommends  
11 set down of this PUD application and related map amendment  
12 from RA-1 to RA-2 in Ward 5.

13 The proposal would be an all affordable multiple  
14 dwelling building containing 78 dwelling units for families  
15 with incomes between 30 percent and 80 percent MFI.

16 The existing two-story rent controlled multiple  
17 dwelling building containing 34 dwelling units would be  
18 demolished.

19 The proposal would be a 58 and one-half feet tall  
20 building which would contain 68,238 square feet of  
21 residential floor area and would not be inconsistent with the  
22 comprehensive plan including the future land use map and the  
23 generalized policy map.

24 Please let me know if you have any questions  
25 regarding this application.

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1 CHAIRMAN HOOD: Okay, thank you. Is this in Ward  
2 5 or Ward 4?

3 MR. KIRSCHENBAUM: Ward 5.

4 CHAIRMAN HOOD: All right, we'll find out. So  
5 Ward 5 is where it is now. Okay. All right. I don't know  
6 why I thought that was Ward 4. Okay. All right.

7 MR. KIRSCHENBAUM: I believe it's in Ward 5. It's  
8 on the border with Ward 4 so the applicant submitted the  
9 application to both ANCs. But it is in Ward 5.

10 CHAIRMAN HOOD: Okay. I shouldn't even say this,  
11 but I was on the redistributing committee so I don't remember  
12 us putting that, but anyway it is what it is. My memory must  
13 be getting bad to some extent.

14 Okay. Let's open it up. Any questions or  
15 comments?

16 COMMISSIONER TURNBULL: Mr. Chair, my major  
17 comment is on the IZ. I noticed that there is a cluster of  
18 IZ units. It seems that sometimes this always happens on  
19 other projects we've had. They cluster them around the  
20 loading dock and the trash area, especially at the ground  
21 floor, the immediate areas.

22 And I really think they're doing -- I don't like  
23 that, where they single out the IZ units and try to put it  
24 in probably the worst area of the building that probably is  
25 not going to sell very well. But that's just my feeling.

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1 But I really think they need to really think about  
2 that.

3 I just think that -- is this all affordable?

4 MR. KIRSCHENBAUM: It's an all affordable  
5 building, yes.

6 COMMISSIONER TURNBULL: I guess somehow when you  
7 distinguish between affordable and IZ again I see the IZ  
8 units seem to get singled out. And I'm not sure why. Did  
9 you talk to the applicant about this?

10 MR. KIRSCHENBAUM: We haven't discussed it, but  
11 so the IZ units which are 11 units would be affordable for  
12 perpetuity. The rest of the units would be affordable for  
13 40 years.

14 COMMISSIONER TURNBULL: Well.

15 MR. LAWSON: Commissioner Turnbull, we'll pursue  
16 this with the applicant.

17 (Simultaneous speaking)

18 COMMISSIONER TURNBULL: Yes, I'm just curious how  
19 that happens.

20 CHAIRMAN HOOD: That's an action question.  
21 Commissioner Shapiro?

22 COMMISSIONER SHAPIRO: I actually agree. It would  
23 be interesting to explore why the IZ units would be treated  
24 differently in that context when it's an all affordable  
25 project.

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1           And there's one thing that stood out to me in  
2 terms of areas of flexibility, Mr. Chair. With the  
3 flexibility being asked for around the size of the loading  
4 and asking for flexibility on the vertical clearance, 6 feet  
5 rather than 14 feet. I don't know if you have any comments  
6 about that.

7           MR. KIRSCHENBAUM: We haven't analyzed that yet,  
8 but we'll provide further analysis before the public hearing.

9           COMMISSIONER SHAPIRO: Yes, that's -- not a lot  
10 of trucks are going to be making their way into that, so.  
11 Okay.

12           I just want to -- maybe I can channel Vice Chair  
13 Miller, but it's nice to see this all affordable project and  
14 I appreciate the design that's going into it. So it was nice  
15 to see. That's all I have, Mr. Chair.

16           CHAIRMAN HOOD: And I'm sure Vice Chair Miller is  
17 watching us so we hope he gets well quick and get back here  
18 with us. And I'm sure he'll appreciate you mentioning that.

19           All right. Any other questions or comments?  
20 Okay. With that can I get a motion to set down?

21           COMMISSIONER SHAPIRO: Mr. Chairman, I move that  
22 we set down Zoning Commission Case No. 19-01 Wesley Hawaii  
23 LLC Consolidated PUD and Related Map Amendment at Parcel  
24 124/77. Look for a second.

25           CHAIRMAN HOOD: I'll second that. It's been moved

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1 and properly seconded. Any further discussion? All in  
2 favor?

3 (Chorus of ayes)

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

6 MS. SCHELLIN: Staff records the vote 4-0-1 to set  
7 down Zoning Commission Case No. 19-01 as a contested case.  
8 Commissioner Shapiro moving, Commissioner Hood seconding,  
9 Commissioners May and Turnbull in support, Commissioner  
10 Miller not present, not voting.

11 CHAIRMAN HOOD: Okay. Next we have another  
12 hearing action, Zoning Commission Case No. 19-05 Office of  
13 Planning - Text Amendment for Practice and Procedure  
14 Revisions for Subtitles X, Y and Z.

15 Mr. Kirschenbaum, is that you again?

16 MR. KIRSCHENBAUM: That is correct.

17 CHAIRMAN HOOD: Okay.

18 MR. KIRSCHENBAUM: And good evening again, Chair  
19 Hood and members of the commission.

20 The Office of Planning recommends set down of this  
21 zoning text amendment to Subtitles X, Y and Z for revisions  
22 to various rules, practices and procedures for the Board of  
23 Zoning Adjustment and the Zoning Commission.

24 The Office of Attorney General and the Office of  
25 Zoning in close coordination with the Office of Planning

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1 proposes to provide additional clarity for existing rules and  
2 practices, and also to create new rules for the processing,  
3 notification and evaluation of a variety of applications.

4 Please let me know if you have any questions  
5 regarding this proposed text amendment.

6 MS. STEINGASSER: Chairman Hood, I'd also like to  
7 add you'll see on one of the amendments that we're also  
8 bringing forward the issue of rulemaking and contested cases.

9 And we'll be working with OAG on the legal  
10 confines of that and we're looking forward to hearing from  
11 the public because we have followed along with you in  
12 noticing that there's a lot of interest in that recently.

13 CHAIRMAN HOOD: Okay. Let's see if we have any  
14 questions of Office of Planning? Commissioner Shapiro.

15 COMMISSIONER SHAPIRO: Thank you, Mr. Chair.  
16 Perhaps, Mr. Chair, as the newer member of this I'm more  
17 sensitive to this, but there's a lot in this.

18 And so if there's a way to provide a summary of  
19 the changes that are being proposed in some kind of a  
20 matrixed format that -- it's a little bit easier to look at  
21 with a snapshot about what's being proposed.

22 Some of this is duplicative for obvious reasons,  
23 but that makes it even harder for me to grasp exactly what  
24 specifically is being proposed.

25 And of course then the why becomes quite

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1 important. So I've seen you do this before in ways that are  
2 quite helpful and I would just encourage that assuming we set  
3 this down. I'd like to see that at the hearing.

4 CHAIRMAN HOOD: Okay, I think that sheet that  
5 you're asking for, that matrix that you're asking for may be  
6 a running matrix because as we get into the hearing we're  
7 going to have more conversations. So I think that may be a  
8 livable, workable document for us which would be very  
9 helpful, especially after the hearing.

10 So if you want to start it now that's great, but  
11 and I really agree with Commissioner Shapiro, but especially  
12 let's just keep it moving. Let's keep it a living document.

13 Anything else? Any other questions? Mr.  
14 Turnbull.

15 COMMISSIONER TURNBULL: Yes, thanks, Mr. Chair.  
16 I just wanted to thank -- I understand we're going to make  
17 map amendments as rulemaking. That's one of the proposals.  
18 I'm fine.

19 But I'm glad that on page 2 and 3 you are  
20 clarifying how we're going to -- you're going to be setting  
21 up map amendments. And I think from the standpoint of some  
22 of the cases we've had. I know OP has taken some heat on  
23 some of these map amendment situations.

24 And I think that the clarity in trying to bring  
25 transparency to it is -- I appreciate what you're trying to

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1 do, I really do.

2 I just think that, again, I think you're going to  
3 -- before a map amendment comes toward the -- before the  
4 Zoning Commission that you've fully vetted it with the ANC  
5 and the neighborhoods in the area so that we're not surprised  
6 that there's suddenly neighbors coming before us that say  
7 they've never been -- they don't know what's going on.

8 I mean, that still may happen, but I mean I think  
9 that trying to fully vet this. When you're talking about  
10 going to the ANCs I don't know if you're also including civic  
11 associations.

12 I'm not sure how when a map amendment -- it seems  
13 like in a lot of cases there can be five or six zones that  
14 can be not inconsistent with the comp plan.

15 And I think a lot of people get confused and  
16 they're like well, wait a minute, now you're going to be 30  
17 feet higher, or 20 feet higher.

18 I guess the Zoning Commission, I sometimes feel  
19 like there's guns pointing at us that they're suddenly saying  
20 you guys really haven't looked at this. You're thrusting  
21 this down our throats and we've had no input.

22 So I appreciate what you're trying to do and lay  
23 out a process here to get the map amendment in place before  
24 it comes here.

25 It's not something that is unfamiliar with the

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1 neighbors. So I greatly appreciate that.

2 CHAIRMAN HOOD: Okay. Any other questions or  
3 comments? Okay, I'm looking forward to this discussion. I'm  
4 sure it will be quite interesting as we move forward and we  
5 appreciate all the work that is going to be put into this  
6 whole process.

7 So I would move that we set down Zoning Commission  
8 Case No. 19-05 with the comments as noted and ask for a  
9 second.

10 COMMISSIONER SHAPIRO: Second.

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

13 (Chorus of ayes)

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

16 MS. SCHELLIN: Staff records the vote 4-0-1 to set  
17 down Zoning Commission Case No. 19-05 as a rulemaking case.  
18 Commissioner Hood moving, Commissioner Turnbull seconding,  
19 Commissioners May and Shapiro in support, Commissioner Miller  
20 not present, not voting.

21 CHAIRMAN HOOD: Okay. I do have one thing after  
22 this, but Zoning Commission Case No. 19-06 Office of Planning  
23 - Text Amendment to Subtitle X to Clarify Voluntary Design  
24 Review FAR Aggregation. Ms. Vitale.

25 MS. VITALE: Sorry, I just wanted to slide down

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1 a little closer.

2 Good evening, Mr. Chair and members of the  
3 commission. Elisa Vitale with the Office of Planning.

4 Based on the commission's March 11 request OP is  
5 bringing forward a text amendment to Subtitle X Chapter 6 to  
6 clarify the floor area ratio or FAR may be aggregated across  
7 a voluntary design review project boundary.

8 OP is also recommending proposed language  
9 regarding the limitations of the voluntary design review  
10 process and a requirement that a covenant be recorded upon  
11 approval of a voluntary design review application.

12 These last two provisions that are proposed that  
13 I mentioned would actually track existing language that's in  
14 the PUD section also in Subtitle X.

15 OP recommends that the proposed text amendment be  
16 set down for a public hearing. We would also request  
17 flexibility to work with OAG on the final language.

18 This concludes my report and I'm available to  
19 answer any questions. Thank you.

20 CHAIRMAN HOOD: Okay. I do have one request, Ms.  
21 Vitale, and maybe Ms. Steingasser.

22 On this particular text amendment if we could, if  
23 we know of other areas who may potentially have these  
24 voluntary design reviews let's really push.

25 I don't want it to be duplicate of what we had

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1 with -- everybody we hear from just around a certain  
2 neighborhood of a certain case that we had.

3 I'd like for us to try our best effort to make  
4 sure that we push and try to hear from other comments across  
5 the city.

6 I know we're going to get a certain area which is  
7 good, but I also want to make sure that we're inclusive in  
8 our discussion and our thoughts so we can hear from others  
9 as well. So that's kind of where I am.

10 I don't know, that may be a task that may be kind  
11 of hard to do, but at least let's make the attempt.

12 MS. STEINGASSER: As you know every ANC gets  
13 notification from the Office of Zoning and we'll follow up  
14 with civic groups. We have a couple of listservs that we can  
15 draw attention to this.

16 CHAIRMAN HOOD: Okay, that would be very helpful.  
17 Thank you. Commissioner Shapiro.

18 COMMISSIONER SHAPIRO: Thank you, Mr. Chair. I  
19 would agree, I think that proactive reaching out because this  
20 obviously has citywide implications.

21 Also, this is essentially at our request and I  
22 appreciate the -- how quickly you were able to get this back  
23 to us. That's all I have, Mr. Chair.

24 CHAIRMAN HOOD: We're going to need to go back to  
25 the next case. We have some things we need to mention.

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1 So any other comments or questions? Okay, so we  
2 kind of knew this was coming. So anyway I would move that  
3 we set down Zoning Commission Case No. 19-05 Office of  
4 Planning Text Amendment for Practice and Procedures Revisions  
5 for Subtitle -- no, that's the wrong one. I'm sorry.

6 I move that we set down Zoning Commission Case No.  
7 19-06 Office of Planning - Text Amendment to Subtitle X to  
8 Clarify Voluntary Design Review FAR Aggregation and ask for  
9 a second.

10 COMMISSIONER SHAPIRO: Second.

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

13 (Chorus of ayes)

14 CHAIRMAN HOOD: Any opposition? Any opposition?  
15 Ms. Schellin, would you please record the vote.

16 MS. SCHELLIN: Staff records the vote 4-0-1 to set  
17 down Zoning Commission Case No. 19-06 as a rulemaking case.  
18 Commissioner Hood moving, Commissioner Shapiro seconding,  
19 Commissioners May and Turnbull in support, Commissioner  
20 Miller not present, not voting.

21 CHAIRMAN HOOD: Okay. Let's go back to Zoning  
22 Commission Case No. 19-05. Mr. Turnbull.

23 COMMISSIONER TURNBULL: I just had a question for  
24 OP. If we're moving map amendments for rulemaking is there  
25 a situation where some map amendments would still be

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1 considered a contested case if properties by owners are being  
2 changed against their wishes?

3 MS. STEINGASSER: Right now the regulations set  
4 out the categories of what makes a rulemaking, what makes a  
5 contested case and map amendments that further the  
6 comprehensive plan are typically considered rulemakings in  
7 furtherance of the comprehensive plan.

8 There's also ownership becomes a bit of an issue  
9 also when that ownership is concentrated, when it's  
10 dispersed. So we'll be looking at all of that.

11 The commission has the authority within its own  
12 rules to make its own determination. So if somebody files  
13 for a rulemaking or a contested case the commission can  
14 decide otherwise at the time of set down.

15 COMMISSIONER TURNBULL: So you'll be working with  
16 OAG to clarify all that language.

17 MS. STEINGASSER: Absolutely, yes.

18 COMMISSIONER TURNBULL: Okay, thank you.

19 CHAIRMAN HOOD: Okay, anything else on that?  
20 Okay, Ms. Schellin, do we have anything else on our agenda?

21 MS. SCHELLIN: No, sir.

22 CHAIRMAN HOOD: Well, let me just ask the Office  
23 of Planning. Can you give us a status of the short-term  
24 rental?

25 MS. STEINGASSER: Yes, sir. We're still in the

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1 research phases of short-term rental. We're doing kind of  
2 a comprehensive survey of other cities and jurisdictions to  
3 see how they're regulating them, how they're licensing them.

4 We've had a couple of meetings with the DCRA staff  
5 to see how it would fit in as well.

6 CHAIRMAN HOOD: Okay. All right, thank you. Ms.  
7 Schellin, could you help me remember that tomorrow, please?  
8 That exact answer.

9 Thank you, Ms. Steingasser, I appreciate it.

10 Okay. Anything else before -- does Office of  
11 Planning have anything else? Okay. So with that I want to  
12 thank everyone for their participation and this meeting is  
13 adjourned.

14 (Whereupon, the above-entitled matter went off the  
15 record at 7:29 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: Regular Meeting

Before: DC Zoning Commission

Date: 03-25-19

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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