

GOVERNMENT
OF
THE DISTRICT OF COLUMBIA

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ZONING COMMISSION

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REGULAR MEETING

+ + + + +

MONDAY

JUNE 10, 2019

+ + + + +

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

ZONING COMMISSION MEMBERS PRESENT:

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

OFFICE OF ZONING STAFF PRESENT:

- SHARON S. SCHELLIN, Secretary

OFFICE OF PLANNING STAFF PRESENT:

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

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D.C. OFFICE OF THE ATTORNEY GENERAL PRESENT:

MAXIMILIAN TONDRO, ESQ.

JACOB RITTING, ESQ.

ALEXANDRA CAIN, ESQ.

The transcript constitutes the minutes from
the Regular meeting held on June 10, 2019.

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

7:01 p.m.

1
2
3 CHAIRMAN HOOD: We're ready to begin. This
4 meeting will please come to order. Good evening, ladies and
5 gentlemen. This is the public meeting of the Zoning
6 Commission for the District of Columbia.

7 My name is Anthony Hood. Joining me are Vice
8 Chair Miller, Commissioner Shapiro, Commissioner May and
9 Commissioner Turnbull.

10 We're also joined by the Office of Zoning staff
11 Ms. Sharon Schellin as well as the Office of Attorney General
12 Mr. Tondro, Ms. Cain, Mr. Ritting and Ms. Lovick.

13 Office of Planning staff we have Ms. Lawson -- I
14 mean, I'm sorry, Ms. Steingasser, Mr. Lawson, Ms. Fothergill
15 and Ms. Vitale.

16 Let me explain that. I was looking at Mr. Lawson
17 and thinking about Ms. Steingasser. So anyway. Anyway.
18 Well, I felt like I had to explain that. So Mr. Lawson,
19 forgive me.

20 Copies of today's meeting agenda are available to
21 you and are located in the bin near the door. We do not take
22 any public testimony at our meetings unless the commission
23 requests someone to come forward.

24 Please be advised that this proceeding is being
25 recorded by a court reporter and is also webcast live.

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1 Accordingly we must ask you to refrain from any disruptive
2 noises or actions in the hearing room including display of
3 any signs or objects. Please turn off all electronic devices
4 at this time.

5 Does the staff have any preliminary matters?

6 SECRETARY SCHELLIN: Just to advise that in the
7 audience is DDOT representative Mr. Van Houten for case 06-
8 10D if needed.

9 And other than that if the commission would just
10 consider voting on closed meetings for the two July meetings
11 next month.

12 CHAIRMAN HOOD: Okay. Let's deal with the last
13 first. As chairman of the Zoning Commission for the District
14 of Columbia in accordance with 405(c) of the Open Meetings
15 Act I move that the Zoning Commission hold the following
16 closed meetings on Monday, July 8 and Monday, July 29, 2019
17 at 6 p.m. for the purpose of receiving legal advice from our
18 counsel per 405(b)(4) and to deliberate but not voting on the
19 contested cases per 405(b)(13) of the act, DC Official Code
20 2-575(b)(4) and (13). Is there a second?

21 COMMISSIONER MAY: Second.

22 CHAIRMAN HOOD: Okay, will the secretary please
23 take roll call that this motion how has been seconded.

24 SECRETARY SCHELLIN: Yes, sir. Chairman Hood.

25 CHAIRMAN HOOD: Yes.

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1 SECRETARY SCHELLIN: Vice Chair Miller.

2 VICE CHAIR MILLER: Yes.

3 SECRETARY SCHELLIN: Commissioner Shapiro.

4 COMMISSIONER SHAPIRO: Yes.

5 SECRETARY SCHELLIN: Commissioner May.

6 COMMISSIONER MAY: Yes.

7 SECRETARY SCHELLIN: Commissioner Turnbull.

8 COMMISSIONER TURNBULL: Yes.

9 SECRETARY SCHELLIN: Motion carries.

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

12 SECRETARY SCHELLIN: No other preliminary matters.

13 CHAIRMAN HOOD: Okay. Let me first -- I meant to
14 do this earlier. I apologize for us coming out late. I like
15 to start on time at 6:30 and I'm now going to officially
16 assign Commissioner Shapiro to make sure that we're out here
17 at 6:30.

18 All right. I do want to announce that cases on
19 our agenda tonight which were under final action 18-07 and
20 18-10 will not be -- we will reschedule those two cases.
21 They were for final action this evening.

22 SECRETARY SCHELLIN: Under further deliberations.

23 CHAIRMAN HOOD: Was it further --

24 SECRETARY SCHELLIN: Yes.

25 CHAIRMAN HOOD: Hold on one second. Oh, okay.

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1 Okay, you're right. Well, at least I got the case numbers
2 right. Under further deliberations 18-07 and 18-10 we're
3 going to be rescheduling those two.

4 All right. And I also would like to move -- under
5 final action I'm just going to move one case first under
6 final action Zoning Commission Case No. 07-08C, DCHA text
7 amendment to extend expiration dates for certificates of
8 occupancy for temporary surface parking lots in the proximity
9 of Nationals Ballpark. Ms. Schellin.

10 SECRETARY SCHELLIN: Yes, sir. On this case the
11 staff -- there were no new documents that have come in so
12 we'd ask the commission to consider final action.

13 CHAIRMAN HOOD: Okay, Commissioners. Hold on one
14 second. As I've already read this is a final action to
15 extend the expiration dates for certificates of occupancy for
16 temporary surface parking lots in the proximity of Nationals
17 Ballpark.

18 I think this is --

19 SECRETARY SCHELLIN: I'm sorry, there was an NCPC
20 report that came in at exhibit 34 and they had no issues with
21 this case.

22 CHAIRMAN HOOD: Okay. Ms. Schellin, 07-08C.

23 SECRETARY SCHELLIN: Correct.

24 CHAIRMAN HOOD: Okay.

25 SECRETARY SCHELLIN: NCPC found that the project

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1 fell under one of their exceptions.

2 CHAIRMAN HOOD: Under one of their exceptions.

3 SECRETARY SCHELLIN: Right.

4 CHAIRMAN HOOD: Okay. All right. We also do have
5 an ANC report noted on April 22, the hearing. The ANC 6D was
6 in support of the text amendment. The ANC would not support
7 any further extensions. And I think Office of Planning may
8 be in line with that off the top of my head. Maybe this is
9 not the case. No, this is not the case.

10 All right. So, any further discussion or comments
11 on this case? No comments? Okay. Pretty straightforward.
12 Anybody like to make a motion?

13 VICE CHAIR MILLER: Mr. Chairman, I would move
14 that the Zoning Commission take final action on case number
15 07-08C, DC Housing Authority text amendment to extend
16 expiration dates for certificates of occupancy for temporary
17 surface parking lots in the proximity of Nationals Ballpark
18 and ask for a second.

19 COMMISSIONER TURNBULL: Second.

20 CHAIRMAN HOOD: Okay, it's been moved and properly
21 seconded. Any further discussion? 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 SECRETARY SCHELLIN: Staff records the vote 5-0-0

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1 to approve final action, Zoning Commission Case No. 07-08C.
2 Commissioner Miller moving, Commissioner Turnbull seconding,
3 Commissioners Hood, May and Shapiro in support.

4 CHAIRMAN HOOD: Okay, let's go back to the agenda
5 in order. Under consent calendar minor modification and
6 technical correction Zoning Commission Case No. 03-12W/03-13W
7 DCHA minor modifications to PUD to allow temporary parking
8 lots at square 767 and 768 and 882. Ms. Schellin.

9 SECRETARY SCHELLIN: Yes. The commission may
10 recall that action on this case was deferred until final
11 action was taken on the case that was just considered.

12 The applicant requested a minor modification in
13 this case to extend the expiration date for the operation of
14 the temporary parking lots to April 1, 2023. Exhibit 5 is
15 an OP report recommending the case as a modification of
16 consequence.

17 Exhibit 9 is an ANC 6D report supporting the
18 application as a modification of consequence. And exhibit
19 11 is an ANC 6B report in support of the application.

20 I ask the commission to consider first whether the
21 case is a minor modification and proceed from there.

22 CHAIRMAN HOOD: Okay. Colleagues, this being a
23 recommendation that was presented to us as a modification of
24 consequence but -- I mean a minor modification, but we were
25 going to call this a modification of consequence. Does

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1 anybody believe this is not a modification of consequence?

2 COMMISSIONER MAY: No.

3 CHAIRMAN HOOD: So we accept their recommendation.

4 And as you know this actually changed some of our original
5 approval because now we are granting the request is an
6 additional five years to start the project. So let me hear
7 any comments or questions or are we fine with that.

8 COMMISSIONER MAY: I'm fine with what's proposed
9 here.

10 CHAIRMAN HOOD: Okay. I have no objections as
11 well. Any further discussion? Okay, not hearing any I would
12 move that we approve a modification of consequence, Zoning
13 Commission Case No. 03-12W/03-13W and ask for a second.

14 VICE CHAIR MILLER: Second.

15 CHAIRMAN HOOD: Okay, it's been moved and properly
16 seconded. Any further discussion?

17 COMMISSIONER MAY: We just want to note that we --
18 normally for a modification of consequence, when we make that
19 determination we wait for the parties to weigh in. In this
20 circumstance we've already heard from the parties so we are
21 able to move forward immediately.

22 CHAIRMAN HOOD: Thank you for adding that. Right,
23 they've already weighed in. Thank you for that.

24 Anything else? Okay, all in favor?

25 (Chorus of ayes)

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

3 SECRETARY SCHELLIN: Staff records the vote 5-0-0
4 to grant the modification of consequence for five years.
5 Commissioner Hood moving, Commissioner Miller seconding,
6 Commissioners May, Shapiro and Turnbull in support.

7 If we could have the applicant provide a draft
8 order, please.

9 CHAIRMAN HOOD: Okay. Let's move right on.
10 Modification of consequence, deliberation Zoning Commission
11 Case No. 04-14F, Riverfront Holdings II, LLC, PUD
12 modification of consequence at square 708. Ms. Schellin.

13 SECRETARY SCHELLIN: Yes. At exhibit 5 the only
14 new document is a letter from ANC -- a report rather from ANC
15 6D in support.

16 CHAIRMAN HOOD: Okay. Thank you. We do have a
17 letter as stated by Ms. Schellin from ANC 6D. It's a letter
18 of support.

19 First, let me ask does anyone believe this is not
20 a modification of consequence? Okay, not hearing any let me
21 open it up for any discussions. And we can move forward with
22 this because the parties have already -- to the final order
23 have been modified have responded on the record.

24 COMMISSIONER SHAPIRO: So we're ready to take
25 action, Mr. Chair.

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1 CHAIRMAN HOOD: Okay. Any discussion? Would
2 somebody like to make a motion then?

3 COMMISSIONER SHAPIRO: Mr. Chair, I move that we
4 approve Zoning Commission Case No. 04-14F Riverfront Holdings
5 II, LLC, PUD modification of consequence at square 708. Look
6 for a second.

7 VICE CHAIR MILLER: Second.

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

10 (Chorus of ayes)

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

13 SECRETARY SCHELLIN: Staff records the vote 4-0-1
14 to approve the modification of consequence in Zoning
15 Commission Case No. 04-14F. Commissioner Shapiro moving,
16 Commissioner Miller seconding, Commissioners Hood and May in
17 support, Commissioner Turnbull abstaining.

18 CHAIRMAN HOOD: Okay, I believe I'm at Zoning
19 Commission Case No. 06-10D. Zoning Commission Case No. 06-
20 10D, The Morris and Gwendolyn Cafritz Foundation, 1st stage
21 PUD modification of significance and 2nd stage PUD at squares
22 3765 and 3767. Ms. Schellin.

23 SECRETARY SCHELLIN: At exhibit 53 you have an OP
24 supplemental report. Exhibit 54 is the applicant's response
25 to supplemental filings from DDOT and the Lamond-Riggs

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1 Citizens Association. Exhibit 55 is DDOT's response to
2 questions raised by the commission at the last meeting. And
3 exhibit 56 is the response from Lamond-Riggs to the filings
4 by the applicant and DDOT that were filed at exhibits 54 and
5 55. I'd ask the commission to consider final action on this
6 case this evening.

7 CHAIRMAN HOOD: Okay. Again I would -- let me
8 just start off. I want to commend the LRCA and the applicant
9 and DDOT and everyone for working on some of the issues.

10 It looks like some of the things, for example, the
11 parking, continue to work on the parking. I don't know how
12 enforceable that is within our order but I would ask that
13 they continue to work on that, work on the library.

14 And I believe it sounds as though through the
15 hearing and also through the submissions that -- while we may
16 not have gotten everything that we're holding hands yet, but
17 it sounds like we're still having those discussions so I
18 would encourage all those parties and those parties involved
19 to continue to move in that fashion.

20 And also the traffic light issue, I believe that
21 there are some certain things that DDOT that are required by
22 DDOT. And I know that LRCA would like to see that traffic
23 light happen right away. But I know that technically we make
24 sure we want to have a study. And I know there are different
25 mechanisms that are being put in place if that traffic light

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1 is warranted.

2 So I'm fine with what I see here even though we're
3 not going to put a traffic light there right away. But I
4 believe that those things will kind of be ongoing as we see
5 how things continue to work in progress in that area.

6 Let me open up. Any further discussion or
7 comments?

8 COMMISSIONER MAY: Mr. Chairman, I just want to
9 underscore the point that it's not really our place to make
10 a decision about doing -- installing a traffic signal at an
11 intersection. That requires a warrant analysis and DDOT has
12 to do that. I appreciate the fact that the applicant is
13 willing to do that right now and is willing to take a second
14 look after this next phase is developed to make sure that if
15 it's needed it can be put in.

16 So I think in the end if it's needed it will be
17 put in. And it's in the hands of the right people to make
18 that decision.

19 CHAIRMAN HOOD: Any other comments, questions?
20 Vice Chairman.

21 VICE CHAIR MILLER: Thank you, Mr. Chairman. I
22 would concur with the comments of my commissioners, fellow
23 commissioners that -- appreciating the applicant concurring
24 now with all of the traffic mitigation conditions that DDOT
25 recommended and working with the Lamond-Riggs Citizens

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1 Association on many of their concerns as well.

2 I'm really pleased to see this project move
3 forward including the Meow Museum.

4 CHAIRMAN HOOD: Okay. Anything else? All right.
5 With that I would -- okay, I would move approval of Zoning
6 Commission Case No. -- okay, I would move approval of Zoning
7 Commission Case No. 16-10D, The Morris and Gwendolyn Cafritz
8 Foundation, 1st stage PUD modification of significance and
9 2nd stage PUD at square 3765 and 3767 and take note that as
10 discussion on the dais today as well as through the
11 proceedings and ask for a second.

12 VICE CHAIR MILLER: Second.

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

15 (Chorus of ayes)

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

18 SECRETARY SCHELLIN: Staff records the vote 5-0-0
19 to approve final action on Zoning Commission Case No. 06-10D.
20 Commissioner Hood moving, Commissioner Miller seconding,
21 Commissioners May, Shapiro and Turnbull in support.

22 CHAIRMAN HOOD: Okay. Next, Zoning Commission
23 Case No. 18-21, Hanover R.S. Limited Partnership,
24 consolidated PUD and related map amendment at square 3832 and
25 3835. Ms. Schellin.

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1 SECRETARY SCHELLIN: At exhibits 40 through 42 you
2 have the applicant's proffers and conditions. Exhibit 43 is
3 an OP supplemental report. Exhibits 44 through 44A you have
4 the applicant's draft order. And finally, exhibit 45 is an
5 NCPC letter advising that the project falls under one of
6 their exceptions and is exempt from review. So we'd ask the
7 commission to consider final action this evening.

8 CHAIRMAN HOOD: Okay. Commissioners, any
9 additional comments or questions on this? Commissioner
10 Shapiro.

11 COMMISSIONER SHAPIRO: Thank you, Mr. Chair. The
12 only thing I would note is that according to the OP report
13 there was a bit of follow-up on this question of whether it
14 would be appropriate or whether there's a mechanism to
15 designate IZ units specifically for seniors.

16 And currently there is no mechanism in place, but
17 I appreciate that the respective agencies are going to look
18 into this and see if there's a way to develop a process to
19 allow that in the future.

20 CHAIRMAN HOOD: Thank you. Anything else? All
21 right. I want to respond to RPP so I'll leave that alone
22 myself. All right, anything else? Would somebody like to
23 make a motion?

24 COMMISSIONER TURNBULL: Mr. Chair, I would move
25 that we approve Zoning Commission Case No. 18-21 Hanover R.S.

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1 Limited Partnership consolidated PUD and related map
2 amendment at squares 3832 and 3835. Look for a second.

3 COMMISSIONER SHAPIRO: Second.

4 CHAIRMAN HOOD: Okay, it's been moved and properly
5 seconded. Any further discussion? I will just note that --
6 I will say this about RPP. And I appreciate the applicant
7 providing additional information regarding the enforcement
8 and exclusion. So we'll be looking -- we need to mark this
9 in the parking lot and see how this works. It's in exhibit
10 41. Any further discussion? All in favor?

11 (Chorus of ayes)

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

14 SECRETARY SCHELLIN: Staff records the vote 5-0-0
15 to approve final action Zoning Commission Case No. 18-21.
16 Commissioner Turnbull moving, Commissioner Shapiro seconding,
17 Commissioners Hood, May and Miller in support.

18 CHAIRMAN HOOD: Okay. Next final action, Zoning
19 Commission Case No. 17-21 As You Like It, consolidated PUD
20 and related map amendment at square 498. Ms. Schellin.

21 SECRETARY SCHELLIN: At exhibit 61 and 63 you have
22 the applicant's proffers and conditions. We'd ask the
23 commission to consider final action on this case.

24 CHAIRMAN HOOD: Okay. Colleagues, any additional
25 comments or questions? All right. Would somebody like to

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1 make a motion then? I think it's pretty straightforward.

2 COMMISSIONER SHAPIRO: Mr. Chair, I move that we
3 take final action on Zoning Commission Case No. 17-21 As You
4 Like It, consolidated PUD and related map amendment at square
5 498. Look for a second.

6 VICE CHAIR MILLER: Second.

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

9 (Chorus of ayes)

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

12 SECRETARY SCHELLIN: Staff records the vote 5-0-0
13 to approve final action, Zoning Commission Case No. 17-21.
14 Commissioner Shapiro moving, Commissioner Miller seconding,
15 Commissioners Hood, May and Turnbull in support.

16 CHAIRMAN HOOD: Okay. Next, final action Zoning
17 Commission Case No. 18-22 Forest City Southeast Federal
18 Center LLC - Southeast Federal Center Design Review for
19 Parcel G of the Yards at square 743. Ms. Schellin.

20 SECRETARY SCHELLIN: At exhibits 28 through 28A(2)
21 and exhibit 29 you have the applicant's post hearing
22 submissions. And behind you this evening you have the hard
23 copies of the samples of the materials. And so I'd ask the
24 commission to consider final action on this case also.

25 CHAIRMAN HOOD: Okay. Commissioners, I know that

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1 some of the things that we looked at were the brick range,
2 the window headers, upper storage, facade, lobby entrance and
3 the bike room. There may be some other design related issues
4 that I may not have brought up.

5 I appreciate the applicant at least looking at the
6 window headers. While they chose not to do them. May be a
7 missed opportunity for them, but I appreciate them at least
8 considering my recommendation. I want you to know that I
9 paid very much attention to that and noticed that you at
10 least considered it. I don't know how much you considered
11 it but at least you made the attempt that you looked at it
12 at least to tell me you looked at it. But I appreciate it.

13 So any other comments or questions?

14 COMMISSIONER MAY: Mr. Chairman?

15 CHAIRMAN HOOD: Commissioner May.

16 COMMISSIONER MAY: So, I do appreciate some of the
17 changes that have been made, the modification, the brick
18 selection I think is an improvement although the rendering
19 looks a lot darker than the samples that I see behind us.
20 But I'm not going to fuss about that.

21 They attempted to make the front door awning or
22 whatever seem more like a front door and I'm not sure that
23 what was done is a really substantial improvement using the
24 metal panels instead of the -- just wrapping the brick
25 through there.

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1 But I appreciate the attempt and the
2 consideration. They did fix the bike room entrance which I
3 think works better.

4 However, I think the overall form of the building
5 is still bizarre and I'm not really in favor of approving it
6 as it is. So. And I'll leave the whole issue of further CFA
7 review to the side since the applicant indicated they have
8 no intention to go back there.

9 CHAIRMAN HOOD: Okay. Any other questions or
10 comments? Would somebody like to make a motion?

11 VICE CHAIR MILLER: Mr. Chairman, I would move
12 that the Zoning Commission take final action on Case No. 18-
13 22 Southeast Federal Center Design Review for Parcel G of the
14 Yards at square 743 and ask for a second.

15 COMMISSIONER TURNBULL: Second.

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

18 (Chorus of ayes)

19 CHAIRMAN HOOD: Any opposition?

20 (Chorus of nays)

21 CHAIRMAN HOOD: So noted. Ms. Schellin, would you
22 record the vote.

23 SECRETARY SCHELLIN: Staff records the vote 4-1-0
24 to approve final action, Zoning Commission Case No. 18-22.
25 Commissioner Miller moving, Commissioner Turnbull seconding,

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1 Commissioners Hood and Shapiro in support, Commissioner May
2 opposed.

3 CHAIRMAN HOOD: Okay. Next let's go to time
4 extensions. Zoning Commission Case No. 13-18B WBJ Wheeler
5 Road, LLC, two-year PUD time extension at square 5925. Ms.
6 Schellin.

7 SECRETARY SCHELLIN: Yes, the applicant as you
8 stated is requesting a two-year time extension of previously
9 approved PUD. They have stated that the real estate market
10 especially Wards 7 and 8 have been subject to severe
11 financing, construction and leasing impediments.

12 This is the applicant's second time extension
13 request which would require an application for a building
14 permit to be filed -- I'm sorry, it's their second time
15 extension and they are asking for the building permit to be
16 filed no later than April 17, 2021 and construction to start
17 no later than April 17, 2022.

18 They've requested a waiver of Subtitle Z Section
19 705.5 to grant a two-year extension instead of a one-year for
20 the second time extension.

21 Exhibit 5 is an OP report in support of the
22 request. We'd ask the commission to consider final action
23 this evening.

24 CHAIRMAN HOOD: Okay. Commissioners, you've heard
25 the request. You've heard the material -- the applicant's

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1 continuing inability to secure project financing as the basis
2 for this time extension.

3 And they would like also in this case to give them
4 an additional two years. The recommendations from the OP are
5 saying approval of the requested extension, but two years and
6 that possibly would be the cutoff. And I think the ANC as
7 well.

8 But anyway. Not on this one, okay. Office of
9 Planning did. So anyway, colleagues, what is your pleasure
10 on this?

11 COMMISSIONER MAY: I have no concerns, Mr. Chair.

12 CHAIRMAN HOOD: All right. And no problems with
13 the waiver granting an additional two-year extension. To
14 grant it for two years as opposed to the one year for the
15 second time.

16 So I think we would grant all of their requests.
17 Any objections to not granting anything? Okay. So in that
18 case I would move that we would grant the requests as noted
19 and ask for -- in Zoning Commission Case No. 13-18B and ask
20 for a second.

21 VICE CHAIR MILLER: Second.

22 COMMISSIONER TURNBULL: Mr. Chair, under
23 discussion do we need to request for a waiver as well as part
24 of that?

25 CHAIRMAN HOOD: I actually included everything,

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1 the waiver and everything in my motion.

2 COMMISSIONER TURNBULL: Thank you, Mr. Chair.

3 CHAIRMAN HOOD: The whole request. Was that clear
4 with everybody?

5 VICE CHAIR MILLER: It was clear with the second.

6 CHAIRMAN HOOD: Okay. Okay, well that was
7 important. Any further discussion? All in favor?

8 (Chorus of ayes)

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

11 SECRETARY SCHELLIN: Staff records the vote 5-0-0
12 to grant the two-year time extension and the waiver request
13 in Zoning Commission Case No. 13-18B. Commissioner Hood
14 moving, Commissioner Miller seconding, Commissioners May,
15 Shapiro and Turnbull in support.

16 CHAIRMAN HOOD: Okay, next another time extension.
17 Zoning Commission Case No. 15-19A 411 New York Avenue
18 Holdings, LLC, two-year PUD time extension at square 359.
19 Ms. Schellin.

20 SECRETARY SCHELLIN: In this case the applicant
21 is also requesting a two-year PUD time extension. They cited
22 the primary delay is due to the selection of the hotel brand
23 and the operator and also a combination of external factors
24 like obtaining financing, construction costs and an issue
25 with litigation.

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1 So I'd ask the commission to consider this request
2 and consider taking final action this evening.

3 CHAIRMAN HOOD: Commissioners, you've heard the
4 request. You've heard the rationale behind asking for the
5 extension especially due to the issue with litigation.
6 That's always a flag raised for me.

7 So let me hear any discussions or if somebody
8 would like to make a motion. Commissioner Shapiro.

9 COMMISSIONER SHAPIRO: No discussion. I'm happy
10 to make a motion, Mr. Chair.

11 CHAIRMAN HOOD: Yes.

12 COMMISSIONER SHAPIRO: I move that we approve the
13 time extension for Zoning Commission Case No. 15-19A 411 New
14 York Avenue Holdings, LLC two-year PUD time extension at
15 square 359. Look for a second.

16 CHAIRMAN HOOD: I'll second it. It's been moved
17 and properly seconded. Any further discussion? All in
18 favor?

19 (Chorus of ayes)

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

22 SECRETARY SCHELLIN: Staff records the vote 5-0-0
23 to grant the time extension, two-year time extension, Zoning
24 Commission Case No. 15-19A. Commissioner Shapiro moving,
25 Commissioner Hood seconding, Commissioners May, Miller and

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1 Turnbull in support.

2 CHAIRMAN HOOD: Okay. Next under proposed action
3 Zoning Commission Case No. 19-04. This is the Office of
4 Planning text amendment to establish community renewable
5 energy facilities, CREFs. Ms. Schellin.

6 SECRETARY SCHELLIN: At exhibit 30 you have an OP
7 supplemental report in which OP recommends that the
8 commission extend the emergency rulemaking and take proposed
9 -- and also a proposed rulemaking this evening based on the
10 text that they have provided in section 3 of their
11 supplemental report. Ask the commission to consider taking
12 those actions this evening. Thank you.

13 CHAIRMAN HOOD: Okay. I think it looks to me --
14 and I was not here at the last meeting, but it looks to me
15 that my colleagues, you all asked for them to narrow some of
16 the scope. It looks like at least some of it was done. I'm
17 not sure if it met what everybody had asked for, particularly
18 at that last meeting.

19 And I think this is kind of where we were trying
20 to get. I think we have really -- with the discussion back
21 and forth, I really think that we've gotten to a point now
22 where I am comfortable with moving forward.

23 I was comfortable earlier, but I'm glad that we
24 had the discussion holdup as far as trying to narrow some of
25 the scope about some of the height, some of the setbacks.

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1 It looks like that has been discussed. From what I read it
2 looks like it was a lot of collaboration with DOEE as well
3 as Office of Planning and others. So I am ready to move
4 forward. But let me hear from others.

5 COMMISSIONER MAY: Mr. Chairman, I'd like to ask
6 a question of the Office of Planning.

7 CHAIRMAN HOOD: Sure.

8 COMMISSIONER MAY: So, there's a new component to
9 this that was introduced having to do with a 40 foot setback
10 for ground-mounted arrays adjacent to certain zones.

11 And I want to understand better what the
12 definition is of adjacent in this circumstance. I mean, how
13 do alleys and streets play into that?

14 MS. VITALE: You know, an alley or a street, we --
15 the way that that distance is measured is 40 feet from the
16 panel to an adjacent residential property. So I think a
17 street or alley would certainly probably meet that buffer.
18 Certainly a street potentially, not an alley.

19 COMMISSIONER MAY: So the width of the alley would
20 be considered part of that 40 feet.

21 MS. VITALE: Yes.

22 COMMISSIONER MAY: I ask this just because we had
23 gotten into this whole discussion of the definition of
24 abutting and whether alleys were abutting and those sorts of
25 triggers. I just want to have clarity about what that means.

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1 All right, well I appreciate that. I do have comments to
2 make as well, Mr. Chairman.

3 So, I do appreciate the new report from the Office
4 of Planning. I think that the explanation of the 20 height
5 maximum I guess now I'm a bit more comfortable with that, the
6 way it's been explained.

7 I appreciate the fact that a buffer requirement
8 has been reintroduced when a special exception is required.
9 Although I think I liked the earlier version of the buffer
10 a little bit better, but I'm not going to quibble about that.

11 I also think that the 40 foot setback for ground-
12 mounted arrays adjacent to R, RF and RA-1 zones is a good
13 thing.

14 And I also appreciate finally getting the
15 information about the projects in the pipeline and what's
16 actually affected by this. And there are only three ground-
17 mounted arrays that are even in here and only one of them
18 would actually be large enough to trigger review although
19 there is one in RF-3 that's a 1.25 acre array which is I
20 think very large.

21 And I think that overall the total acreage that's
22 tied up or potentially tied up in special exception review
23 if everything on the ground were subject to a special
24 exception review is still relatively small given the total
25 overall power generation that would come out of this round

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1 of projects.

2 So, I am still opposed to the very large allowance
3 before you need to have a special exception. I think the
4 idea that you could have one and a half acres of solar panels
5 and that's just panels as a matter of right in any zone
6 before you need even special exception review I think is just
7 way too big.

8 I appreciate the fact that it's come down from
9 where it was originally. And I understand that I'm probably
10 not in the majority in thinking this. But as long as the
11 acreage of panel is that high and I had suggested that it go
12 down to something more like a half an acre which is also very
13 large. But at one and a half acres I simply can't vote in
14 favor of this.

15 CHAIRMAN HOOD: Okay. Anybody else? Any other
16 comments? Okay, I'll stick with my comments. I think this
17 is -- I'm going to make a motion that we -- with the comments
18 noted that we approve Zoning Commission Case No. 19-04 and
19 also that the text that the -- the revised text is what we
20 approve.

21 And also the revised text will now become the new
22 emergency. And that's my motion.

23 VICE CHAIR MILLER: Second.

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

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1 COMMISSIONER MAY: Mr. Chairman, I would like to
2 suggest that perhaps we could separate those two. Take them
3 up one at a time rather than voting both.

4 CHAIRMAN HOOD: So you're asking me to withdraw
5 the motion. Okay, we can do that. All right. So I'll take
6 that motion off the table.

7 I would move that we approve the revised text
8 first as noted -- was given to us here tonight, the revised
9 text and make a motion we approve that and ask for a second.

10 VICE CHAIR MILLER: Second.

11 COMMISSIONER SHAPIRO: Mr. Chair, just so we're
12 clear, are we -- so what's before us is the specific case or
13 the emergency?

14 CHAIRMAN HOOD: No, I'm doing the text first.

15 VICE CHAIR MILLER: Proposed action.

16 CHAIRMAN HOOD: I'll do the emergency second.

17 COMMISSIONER SHAPIRO: I just want to clarify.

18 CHAIRMAN HOOD: Right.

19 COMMISSIONER SHAPIRO: Thank you.

20 CHAIRMAN HOOD: Revised text which is dealing with
21 the one and a half acres, the 20 feet in height, the setback.
22 So that's --

23 COMMISSIONER SHAPIRO: Zoning Commission Case 19-
24 04 is what -- is that right?

25 COMMISSIONER MAY: The most recent language

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1 proposed by the Office of Planning.

2 CHAIRMAN HOOD: Correct. Zoning Commission Case
3 19-04 excluding the emergency. I'm taking the emergency out
4 as requested by Commissioner May.

5 VICE CHAIR MILLER: Second.

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

8 (Chorus of ayes)

9 CHAIRMAN HOOD: Any opposition?

10 (Chorus of nays)

11 CHAIRMAN HOOD: Okay, Ms. Schellin, would you
12 please record the vote.

13 SECRETARY SCHELLIN: Staff records the vote 4-1-0
14 to approve proposed action in Zoning Commission Case No. 19-
15 04 and that is the revised text as contained in OP's
16 supplemental report. Commissioner Hood moving, Commissioner
17 Miller seconding, Commissioners Shapiro and Turnbull in
18 support, Commissioner May opposed.

19 CHAIRMAN HOOD: Okay, so I'm going to ask OAG if
20 this is correct. Do we make this motion? Now I move that
21 we place the revised text in an emergency status replacing
22 the old emergency status text and ask for a second.

23 VICE CHAIR MILLER: Second.

24 CHAIRMAN HOOD: Is that clear? Okay. It's been
25 moved and properly seconded. Any further discussion? All

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1 in favor?

2 (Chorus of ayes)

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

5 SECRETARY SCHELLIN: Staff records the vote 5-0-0
6 to take emergency action based on the revised text in Zoning
7 Commission Case No. 19-04. Commissioner Hood moving,
8 Commissioner Miller seconding, Commissioners Turnbull,
9 Shapiro and May in support.

10 CHAIRMAN HOOD: And I will ask the -- this is not
11 the first time. I will ask the Office of Planning as we move
12 along even though we approved this if we need to make some
13 tweaks in this language that we've done let's continue to do
14 this as we have done on other cases in the past. I would ask
15 that.

16 If there's a potential problem with what we have
17 or we need to narrow it down even more I would ask that we
18 do that. But at least the folks now who -- we can spread
19 some of the wealth around to those, the low-income as far as
20 getting some revenue in some of this solar.

21 So anyway. All right, anything else on this?

22 COMMISSIONER MAY: Mr. Chairman, I just want to
23 make clear that I voted in favor of the emergency text
24 enactment at this point because it is more restrictive than
25 what we had originally set down as an emergency. Not because

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1 I truly support it, but because it is more restrictive and
2 I think that that's -- what we have before us today is better
3 than what we originally had approved as emergency action some
4 months ago.

5 And I look forward to hearing what the public has
6 to say about this because between proposed and final we may
7 hear more from the public about whether this is the
8 appropriate action.

9 CHAIRMAN HOOD: And I also ask -- piggyback on
10 that, Commissioner May. I know that's exactly what you did,
11 but I also have asked the Office of Planning continue to as
12 we evolve, this evolves and we look at this if there are
13 things that we need to come back and change let's do it.
14 This is not our first time doing it that way.

15 All right. Anything else on this? All right,
16 let's go to the next case. Hearing case.

17 Zoning Commission Case 19-08 Georgetown 29K
18 Acquisition LLC, map amendment at square 1193. Ms. Schellin.
19 Oh, I'm sorry. I'm calling Ms. Schellin the whole time. I
20 need to go to -- who is it, Ms. Vitale? Okay, hold on for
21 a second. Commissioner May?

22 COMMISSIONER MAY: I just wanted to say I need to
23 recuse myself from this case because the Park Service is
24 involved in the development at 29K in some ways so I'm simply
25 going to recuse.

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1 CHAIRMAN HOOD: Okay. And let the record reflect
2 Commissioner May is recused in this case. Ms. Fothergill,
3 I'm sorry.

4 MS. FOTHERGILL: Good evening, Chairman Hood and
5 members of the commission. For the record I'm Anne
6 Fothergill with the Office of Planning.

7 OP recommends that the Zoning Commission set down
8 Georgetown 29K Acquisition LLC's request for a map amendment
9 to establish initial zoning on a previously federal owned
10 site to the MU-13 zone.

11 The comprehensive plan future land use map shows
12 the northern half of the subject property striped for both
13 medium density residential and moderate density commercial
14 uses and the southern half for parks, recreation and open
15 space.

16 The generalized policy map shows the property as
17 parks, federal and District owned.

18 The proposed map amendment to MU-13 would be
19 consistent with these maps and is the same zone as the
20 properties across 29th Street to the west and across the
21 canal to the north.

22 The MU-13 zone is intended to permit medium
23 density mixed use development generally in the vicinity of
24 the waterfront.

25 In the OP report there's a brief discussion of the

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1 complex history of the site and we intend to discuss that
2 more in detail at the public hearing.

3 The proposed map amendment has the support of ANC
4 2E and is not inconsistent with the comprehensive plan and
5 OP recommends that the application be set down for public
6 hearing. And I'm happy to take any questions.

7 CHAIRMAN HOOD: Okay, Commissioners, any questions
8 or comments? Commissioner Shapiro.

9 COMMISSIONER SHAPIRO: Thank you, Mr. Chair. I
10 have no questions or comments for OP. I don't think it's a
11 question or comment for OP. But I would suggest that if we
12 were to set this down that we set it down as a contested
13 case.

14 CHAIRMAN HOOD: Okay. We've heard the
15 recommendation of Office of Planning. We heard our colleague
16 setting this down as a contested case.

17 And I would concur with Commissioner Shapiro. Let
18 me hear from others.

19 COMMISSIONER TURNBULL: Mr. Chair, I would concur
20 with the both of you. I think this gives the public an
21 opportunity to be involved as parties and also I think that
22 this is just a single owner of this property and I would
23 agree for it to be a contested case.

24 CHAIRMAN HOOD: Okay. All right. I think that's
25 the only caveat, what we want to change. Any other questions

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1 or comments? All right. So I would move that we set down
2 Zoning Commission Case No. 19-08 as a contested case and ask
3 for a second.

4 VICE CHAIR MILLER: Second.

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

7 (Chorus of ayes)

8 CHAIRMAN HOOD: Any opposition? Not hearing any,
9 also Commissioner May has recused himself. Ms. Schellin,
10 would you record the vote.

11 SECRETARY SCHELLIN: Staff records the vote 4-0-1
12 to set down Zoning Commission Case No. 19-08 as a contested
13 case. Commissioner Hood moving, Commissioner Miller
14 seconding, Commissioners Shapiro and Turnbull in support,
15 Commissioner May not voting having recused himself.

16 CHAIRMAN HOOD: Next case, Zoning Commission Case
17 19-10 Valor Development, LLC, consolidated PUD at square
18 1499. Ms. Vitale.

19 MS. VITALE: Good evening, Mr. Chair, members of
20 the commission. Elisa Vitale with the Office of Planning.

21 The commission is familiar with the case before
22 it this evening. You reviewed this project as a voluntary
23 design review case and it's now before the commission as a
24 planned unit development application in substantially the
25 same form.

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1 The Office of Planning recommends that the Zoning
2 Commission set down for public hearing Valor Development's
3 request for a PUD for property in square 1499.

4 The PUD project site consists of four lots, lots
5 802 and 803, the historic Massachusetts Avenue parking shops,
6 lot 806 the former AU Law School building, and lot 807 or the
7 Valor lot which is the old Super Fresh building and is the
8 site of the proposed development.

9 The site is zoned MU-4 and the applicant is not
10 requesting a PUD related map amendment. The MU-4 zone
11 permits moderate density mixed use development.

12 And the applicant is proposing a mixed use
13 building on the northern portion of lot 807 as well as five
14 townhomes on the southern portion of the lot.

15 This would be for a total of 219 residential units
16 and approximately 16,500 square feet of retail the majority
17 of which would be dedicated to a full service grocery store.

18 There would be 370 below grade parking spaces.
19 Those would be accessed from the alley to the south of the
20 mixed use building.

21 The property is designated for low density
22 commercial on the future land use map and the generalized
23 policy map denotes it as a neighborhood commercial center.

24 The applicant is not requesting any zoning
25 flexibility as part of this PUD application, but is

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1 requesting design flexibility and special exception relief
2 from the rear yard and penthouse requirements.

3 With respect to public benefits and amenities 11
4 percent of the units would be designated as IZ units and the
5 building would achieve LEED gold certification.

6 The applicant is also proposing improvements to
7 the alley network in the square and continues to coordinate
8 with DDOT on other proposed improvements in the area.

9 OP will continue to work with the applicant on
10 issues raised in our report and OP notes that the proposal
11 is not inconsistent with the MU-4 zone and the comprehensive
12 plan designation for the property.

13 The Office of Planning recommends that the subject
14 application be set down. This concludes my report and I'm
15 happy to answer any questions. Thank you.

16 CHAIRMAN HOOD: Thank you, Ms. Vitale.
17 Colleagues, let me just cut straight to the chase. I am not
18 in favor of setting this down. The more I'm adding onto it
19 and adding onto it and adding onto it the more this whole
20 thing for me is just getting out of control.

21 I think that we need to deal with one or the
22 other. We've got too many different things going on. We've
23 got this going on, that going on, this going on. So you
24 know, I've been around here awhile and I don't like a whole
25 lot of things in the pipeline trying to get to the same goal

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1 or different ways of getting there.

2 So I am not in favor of setting this down. While
3 I don't have a problem keeping it there, but I'm not in favor
4 -- there's too many other actions and other things pertaining
5 to this case. If we're going to drop one or drop something
6 else then that's fine, but I think one is enough.

7 I mean, I don't know -- and I know our rules do
8 not say necessarily that you can't do this. But I just think
9 for me the predictability not just to the community but to
10 the city I think we need to reel this thing back in and get
11 control of it because as far as I'm concerned it's out of
12 control.

13 All right. Commissioner Shapiro.

14 COMMISSIONER SHAPIRO: Thank you, Mr. Chair.
15 Respectfully I disagree. While I share your concerns about
16 the complexity of this. You know, we have the voluntary
17 design review, the aggregation of FAR case, Zoning Commission
18 Case 19-06 and they're all -- even though that addresses DC-
19 wide issues it still has an impact on the voluntary design
20 review case.

21 Some of this is about timing and sequencing and
22 I don't have an objection to setting this down recognizing
23 that when it were to come before us we will have had an
24 opportunity to hear -- to resolve one way or another the
25 issues of the other cases.

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1 So I'm fine with us proceeding down this route for
2 now. And then we can make a decision when the time comes for
3 the public hearing that will be scheduled.

4 So again, respectfully I disagree and I'm fine
5 with setting this down.

6 CHAIRMAN HOOD: That's fine. That's why we all
7 have a vote. Any other discussion? Commissioner May.

8 COMMISSIONER MAY: Mr. Chairman, I would agree
9 with Commissioner Shapiro. I think that while I do
10 understand the issues that the chairman has raised I think
11 that at this point it is okay for us to set this down.

12 I think there are a number of people who thought
13 this should have been a PUD from the beginning. And so the
14 applicant is I think being responsive to much of what's been
15 heard.

16 And I don't have any problem setting it down today
17 particularly since we wouldn't get to hear it until September
18 sometime and by that point the other case -- cases that
19 affect this property will have been decided most likely.

20 So I don't see any reason why we wouldn't set it
21 down and get it on the calendar and then -- I mean, if for
22 some reason the decision-making on the other case winds up
23 extended we can always postpone this hearing on the PUD, or
24 take it off the calendar indefinitely if we are uncertain
25 about where it's all headed.

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1 But I don't have any problem with setting it down
2 now. It's been so long in the making that I think it's okay
3 for us to have this case basically put on the calendar for
4 a hearing.

5 CHAIRMAN HOOD: Okay. All right, anybody else?
6 Vice Chair Miller?

7 VICE CHAIR MILLER: Thank you, Mr. Chairman. I
8 concur with the comments of Commissioners Shapiro and May.
9 Although I understand your comments, Mr. Chairman, and I
10 think at the time that we get to the -- if we get to the
11 hearing date that it needs to be on one track or the other.

12 Unfortunately it's kind of been on a very broken
13 track for too long a period of time with a vacant site that's
14 been there vacant for five years.

15 So, I'm supportive, I'm very supportive of it
16 being scheduled for a public hearing and setting it down as
17 a PUD which some in the community and up here thought maybe
18 it should have been from the outset. Thank you.

19 CHAIRMAN HOOD: Okay. Any other comments?
20 Commissioner Turnbull.

21 COMMISSIONER TURNBULL: Thank you, Mr. Chair. I
22 agree with the comments that this thing should have been set
23 down as a PUD from the get-go. I think the design review is
24 a waste of time.

25 I'm all for expediting, but I'm also concerned

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1 that having two tracks makes -- I'm afraid that the neighbors
2 are looking at the Zoning Commission that we're playing
3 around, we're not making a decisive effort to present the
4 best -- in the best possible light to the public.

5 I think too many choices for a developer is -- I
6 think you've got to do one or the other. I'm not for having
7 two tracks going simultaneously. So I would agree with you
8 on that. I think that we shouldn't set this down or they
9 ought to withdraw the design review.

10 Do one and go with the other. Just do one at a
11 time. So I will be with you in not supporting this.

12 CHAIRMAN HOOD: Okay. So, I still -- thank you.
13 And I still stand true to what I said previously, what we
14 said. Do one or the other. So next week -- not picking on
15 this applicant. An applicant some months from now may come
16 in with three different tools to use. I mean, come on. At
17 some point we need to have some predictability. That's why
18 -- it just so happens it's this one. You can withdraw the
19 other one as Mr. Turnbull said and do the PUD, one or the
20 other and we said that from day one. There's too many things
21 in the pipeline.

22 So obviously no sense in continuing to talk on
23 this because I can count. So somebody make a motion unless
24 you want me to make a motion.

25 VICE CHAIR MILLER: Mr. Chairman, I would move

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1 that the Zoning Commission set down Case No. 19-10 Valor
2 Development LLC consolidated PUD at square 1499 and ask for
3 a second.

4 COMMISSIONER SHAPIRO: Second.

5 CHAIRMAN HOOD: Okay, it's been moved and properly
6 seconded to set down. All in favor?

7 (Chorus of ayes)

8 CHAIRMAN HOOD: Any opposition -- opposed?

9 (Chorus of nays)

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

12 SECRETARY SCHELLIN: Staff records the vote 3-2-0
13 to set down Zoning Commission Case No. 19-10 as a contested
14 case. Commissioner Miller moving, Commissioner Shapiro
15 seconding, Commissioner May in support, Commissioner Hood and
16 Turnbull opposed.

17 Just to be clear I thought I heard Commissioner
18 Miller also say by the time it gets to hearing that only one
19 or the other would actually go forward. Is that not correct?

20 CHAIRMAN HOOD: Do we know the dates of the other
21 --

22 SECRETARY SCHELLIN: Well, this case would not
23 have a hearing -- the earliest would be September.

24 VICE CHAIR MILLER: My point was that we would
25 have time to deal with that at that time.

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1 SECRETARY SCHELLIN: I just want to make sure so
2 that staff doesn't schedule a hearing for the case until.

3 VICE CHAIR MILLER: No, part of the motion was to
4 schedule a hearing. Set down and schedule a hearing on the
5 PUD.

6 SECRETARY SCHELLIN: Even if the other case is
7 still going on.

8 VICE CHAIR MILLER: That can be determined at a
9 later point. I did express concurrence with the chairman and
10 said there shouldn't be two tracks at some point. I just
11 didn't think we needed to make that decision now. If the
12 time, date of the hearing and there's two tracks out there
13 we cannot go forward with the hearing.

14 SECRETARY SCHELLIN: Okay. So you can do that as
15 a preliminary matter at the hearing then.

16 VICE CHAIR MILLER: Yes.

17 SECRETARY SCHELLIN: Okay. Gotcha. I just wanted
18 to make sure.

19 VICE CHAIR MILLER: Thank you for clarifying.

20 CHAIRMAN HOOD: So let me just put it on the
21 record. I'm going to put this on the record. When it gets
22 confused I'm not going to help un-confuse it. I'm going to
23 sit back and cut my mike off.

24 SECRETARY SCHELLIN: So, staff just wanted to know
25 so we'd know whether to schedule or not. I just wanted to

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1 know for scheduling purposes.

2 CHAIRMAN HOOD: So that's on the record and I'm
3 going to remind everybody.

4 All right. So let's go to correspondence. Zoning
5 Commission Case No. 17-10 The Warrenton Group, notice from
6 the Zoning Administrator about minor modifications pursuant
7 to 11 A DCMR 304.5. Ms. Schellin.

8 SECRETARY SCHELLIN: Yes. As you stated it is a
9 notice from the Zoning Administrator regarding some minor
10 modifications that he has preliminarily approved and is
11 waiting for the commission's input.

12 Some of the modifications include an increase of
13 1 foot 1 inch in height, increasing one more bicycle space,
14 a reduction in the bicycle storage room, relocation of a
15 stair tower, the stair tower 2 and elevator number 2 and a
16 few other -- an addition of a 6 foot tall generator on the
17 building's roof and a 6 foot high mechanical screen around
18 the generator and a few other items. I would ask the
19 commission to consider this and advise how staff should
20 respond to the ZA.

21 CHAIRMAN HOOD: Okay. From my standpoint I
22 believe this is exactly in line with what the ZA -- I would
23 hear from others. I didn't see anything that just rung out
24 where he was just totally usurping his authority. I think
25 he's -- what I see some of the changes are exactly in line

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1 with how I believe this regulation is supposed to be written
2 and how it's supposed to be exercised. So let me hear from
3 others.

4 COMMISSIONER SHAPIRO: I concur, Mr. Chair.

5 CHAIRMAN HOOD: No objections? So do we need to
6 send him back a letter ringing endorsement?

7 SECRETARY SCHELLIN: No, staff will just notify
8 him that the commission is good. He can proceed.

9 CHAIRMAN HOOD: Okay. All right. Do we have
10 anything else?

11 SECRETARY SCHELLIN: No, sir. Unless the OP has.

12 MS. STEINGASSER: I just wanted to give a quick
13 update on where we are on the zone renaming. We had renamed
14 all the zones -- took proposed action about six months ago.

15 We'll be bringing back the revised text for
16 Subtitle D, E and F, the residential zones in July. We're
17 also going to be bringing forward a series of text amendments
18 for alley lots and DC Public Schools. We've been working
19 with them on some text amendments to help straighten out some
20 of the requirements as they affect those zones as well.

21 We're working through a series of text amendments
22 in addition to those that will either be in front of the
23 commission in July or in September, have to do with rear
24 additions that we talked about during the training session
25 as well as the rooftop additions and a set of special

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1 exception organizing texts from the -- especially in the
2 residential zones.

3 So I just wanted to give you a quick preview of
4 what's coming.

5 CHAIRMAN HOOD: Okay. Thank you, Ms. Steingasser.
6 Ms. Steingasser, in the preview do we have any additional
7 information on short-term rental?

8 MS. STEINGASSER: No, sir. There's no update from
9 the Office of Planning. However, I understand there is some
10 -- that there is legal review going on.

11 CHAIRMAN HOOD: Okay. So that is an update, so
12 thank you. Any questions of Office of Planning?

13 COMMISSIONER TURNBULL: Yes, Mr. Chair. I just
14 wonder if I could ask Ms. Steingasser will your new text
15 amendment on alley structures talk about measuring points or
16 heights of structures in alleys?

17 MS. STEINGASSER: Yes. They've done a
18 comprehensive review of all of the regulations. So both how
19 they're measured, the size.

20 COMMISSIONER TURNBULL: Alley width.

21 MS. STEINGASSER: All that. Yes, sir.

22 COMMISSIONER TURNBULL: Thank you.

23 CHAIRMAN HOOD: Vice Chair Miller.

24 VICE CHAIR MILLER: Thank you, Mr. Chairman. And
25 Ms. Steingasser, can you confirm whether the office I believe

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1 is continuing to look at the inclusionary zoning regulations
2 to further strengthen them consistent with the Mayor's order,
3 recent order on affordable housing.

4 MS. STEINGASSER: We're looking at all of the
5 regulations on ways to strengthen the housing. Some of that
6 has to do with IZ. Some of that has to do with just general
7 barriers to zoning, trying to find ways to make matter of
8 right easier.

9 We're also looking at some of the other planning
10 documents that affect housing. So we will be bringing
11 forward text amendments relative to that.

12 VICE CHAIR MILLER: Thank you.

13 CHAIRMAN HOOD: Any other questions? All right,
14 I want to thank Ms. Steingasser and the Office of Planning
15 as well. Office of Attorney General. And our staff Ms.
16 Schellin. Ms. Schellin, do we have anything else?

17 SECRETARY SCHELLIN: No, sir.

18 CHAIRMAN HOOD: All right, I want to thank
19 everyone for their attention tonight and this meeting is
20 adjourned.

21 (Whereupon, the above-entitled matter went off the
22 record at 7:57 p.m.)

23

24

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C E R T I F I C A T E

This is to certify that the foregoing transcript

In the matter of: Regular Meeting

Before: DCZC

Date: 06-10-19

Place: Washington, DC

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