

GOVERNMENT  
OF  
THE DISTRICT OF COLUMBIA

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ZONING COMMISSION

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PUBLIC HEARING

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IN THE MATTER OF: :  
: :  
ZONING COMMISSION MONTHLY :  
MEETING :  
: :  
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Monday,  
September 23, 2019

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

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

ZONING COMMISSION MEMBERS PRESENT:

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

OFFICE OF ZONING STAFF PRESENT:

SHARON S. SCHELLIN, Secretary

## OFFICE OF PLANNING STAFF PRESENT:

JENNIFER STEINGASSER, Deputy Director, Development  
Review & Historic Preservation  
MATT JESICK  
JOEL LAWSON  
KAREN THOMAS

## D.C. OFFICE OF THE ATTORNEY GENERAL PRESENT:

ALEXANDRA CAIN, ESQ.  
MAXIMILIAN TONDRO, ESQ.

The transcript constitutes the minutes from  
the Public Hearing held on September 23, 2019.

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

(6:30 p.m.)

1  
2  
3 CHAIRMAN HOOD: This is the Zoning Commission's  
4 regular monthly meeting, 1,506th meeting of the Zoning  
5 Commission, Monday, September 23rd, 2019. It's 6:30 p.m.

6 My name is Anthony Hood. And what I'm going to  
7 ask this evening is that the dais will introduce themselves,  
8 starting with the Vice Chair, Commissioners first, Office of  
9 Zoning, Office of Attorney General, then Office of Planning,  
10 in that order.

11 VICE CHAIR MILLER: Rob Miller, Mayoral Appointee  
12 to the Zoning Commission.

13 COMMISSIONER SHAPIRO: Peter Shapiro, Mayoral  
14 Appointee.

15 COMMISSIONER TURNBULL: Michael Turnbull for the  
16 Architect of the Capitol.

17 COMMISSIONER MAY: Peter May for the National Park  
18 Service.

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

20 MS. CAIN: Alexandra Cain, Office of the Attorney  
21 General.

22 MR. TONDRO: Maximilian Tondro, Office of the  
23 Attorney General.

24 MS. STEINGASSER: Jennifer Steingasser, Office of  
25 Planning.

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1 MR. LAWSON: Joel Lawson with the Office of  
2 Planning.

3 MR. JESICK: Matt Jesick with the Office of  
4 Planning.

5 MS. THOMAS: Karen Thomas with the Office of  
6 Planning.

7 CHAIRMAN HOOD: Okay, thank you.

8 Again, copies of today's meeting agenda are  
9 available in the bin near the door. For hearing action items  
10 the only documents before us this evening are applications  
11 to the ANC Setdown Report and the Office of Planning Report.  
12 All other documents in the record will be reviewed at the  
13 time of the hearing.

14 We do not take any public testimony at our  
15 meetings unless the Commission requests someone to come  
16 forward. The proceeding is being recorded by a court  
17 reporter. It is also webcast live.

18 We would ask that you refrain from any disruptive  
19 noises. At the time -- at this time, please turn off all  
20 electronic devices and cell phones.

21 So, with that, Ms. Schellin, do we have any  
22 preliminary matters?

23 MS. SCHELLIN: Yes, sir. I've asked the  
24 Commission if they would consider voting this evening on a  
25 closed meeting to be held on October 21st, November 18th, and

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1 December 9th.

2           CHAIRMAN HOOD: Okay. As Chairman of the Zoning  
3 Commission for the District of Columbia, and in accordance  
4 with 46(c) of the Open Meetings Act, I move that the Zoning  
5 Commission hold the following closed meetings: on Mondays --  
6 on Monday, October -- on Mondays, October 21st, November  
7 18th, and December 9th, 2019, at 6:00 p.m., for the purpose  
8 of receiving legal advice from our counsel per 45(b)(4) and  
9 to deliberate but not voting on the contested cases per  
10 45(b)(13) of the Act, D.C. Official Code 2-575(b)(4) and  
11 (13).

12           Is there a second?

13           COMMISSIONER TURNBULL: Second.

14           CHAIRMAN HOOD: It's moved with a proper second.  
15           Will the Secretary please take the roll call for  
16 the motion before us now.

17           MS. SCHELLIN: Chairman Hood.

18           CHAIRMAN HOOD: Yes.

19           MS. SCHELLIN: Vice Chairman Miller.

20           VICE CHAIR MILLER: Yes.

21           MS. SCHELLIN: Commissioner Shapiro.

22           COMMISSIONER SHAPIRO: Yes.

23           MS. SCHELLIN: Commissioner May.

24           COMMISSIONER MAY: Yes.

25           MS. SCHELLIN: Commissioner Turnbull.

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1 COMMISSIONER TURNBULL: Yes.

2 MS. SCHELLIN: Motion carries.

3 CHAIRMAN HOOD: Okay, thank you.

4 As it appears the motion has passed, I request  
5 that the Office of Zoning provide notice of these closed  
6 meetings in accordance with the Act.

7 Anything further, Ms. Schellin?

8 MS. SCHELLIN: No more preliminary matters.

9 CHAIRMAN HOOD: Okay. I believe we're going to  
10 go along with the agenda as printed, unless someone, one of  
11 my colleagues sees otherwise or did I miss anything. Okay,  
12 so we will consider this agenda this evening as printed.

13 First on the -- excuse me, first on the Consent  
14 Calendar Item, minor modification and technical corrections,  
15 Zoning Commission Case No. 15-13B. Ms. Schellin, why don't  
16 you tee us up.

17 MS. SCHELLIN: Yes. The Applicant is requesting  
18 a technic -- or, excuse me, technical corrections to Zoning  
19 Commission Order No. 15-13 to remove the words condo and/or  
20 condominium and replace them with ownership units for Owners'  
21 Association so the Applicant is not restricted in how it  
22 markets the units.

23 These terms show up in Findings of Fact Nos. 29  
24 and 42, and decision paragraphs B-1 and B-2.

25 At Exhibit 4 is an OP report in support. Exhibit

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1 5, ANC 6D submitted a report in support also.

2 They ask the Commission to consider taking final  
3 action this evening.

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

5 Again, this is to modify by Order 15-13 has  
6 already been noted. Replaces condo and condominium with  
7 ownership in Owners' Association because condo and  
8 condominium have no significance on the zoning that goes on  
9 and on.

10 As has already been stated, Office of Planning  
11 concurs. The ANC in this case obviously concurs. Our  
12 statute of review is Z-703.

13 Any comments on this? First, does anyone see that  
14 this needs to come off the minor modifica -- off the  
15 calendar?

16 PARTICIPANT: No, no.

17 CHAIRMAN HOOD: With all that, if there's no other  
18 discussion on this I'll take a motion.

19 COMMISSIONER MAY: I would move approval of the  
20 Zoning Commission Case No. 15-13B, 1309 E Street, LLC,  
21 Technical Correction to Zoning Commission Order No. 15-13.

22 CHAIRMAN HOOD: Is there a second?

23 COMMISSIONER SHAPIRO: Second.

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

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1 discussion?

2 (No response.)

3 CHAIRMAN HOOD: All in favor?

4 (Chorus of ayes.)

5 CHAIRMAN HOOD: Any opposition?

6 (No response.)

7 CHAIRMAN HOOD: Not hearing any, Ms. Schellin,  
8 would you please record the role.

9 MS. SCHELLIN: Yes. Staff records the vote 5-0-0  
10 to approve final action in Zoning Commission Case No. 15-13B.  
11 Commissioner May moved and Commissioner Shapiro seconded.  
12 Commissioners Hood, Miller, and Turnbull in support.

13 The Applicant will please provide a draft order  
14 within the next two weeks.

15 CHAIRMAN HOOD: You know, I just can't stay  
16 focused sometimes. I'm going to say this, I'm going to try  
17 to go through this.

18 We're going to do our jobs very diligently. But  
19 I'm going to try to do this so Mr. Miller can get home and  
20 watch his team lose.

21 But I shouldn't say that, Mr. Miller. I don't  
22 want you -- I just wanted to say that. You know, I just  
23 wanted to say that.

24 COMMISSIONER SHAPIRO: I second that.

25 CHAIRMAN HOOD: I got one game. I had to say

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1 that. So anyway.

2 All right. Zoning Commission Case No. 11-15I,  
3 Howard University, Minor Modification to Zoning Commission  
4 Order No. 11-15G at Square 3065.

5 Ms. Schellin.

6 MS. SCHELLIN: Yes. This case was on the  
7 September 9th agenda and deferred to allow the Applicant to  
8 respond whether it was okay with the revised language the  
9 Commission proposed to what OP had suggested in its report.

10 The language was sent to the Applicant and a  
11 response was received at Exhibit 8, stating the Applicant  
12 would accept OP's suggested revised language. OAG reached  
13 out to the Applicant to confirm that they actually meant they  
14 were agreeable to the revised version of the language that  
15 OP had suggested. And the Applicant confirmed that it was  
16 just an oversight and, yes, they were agreeable to the  
17 revised OP language that restricts the retail uses to the  
18 first floor along Georgia Avenue.

19 So they would ask the Commission consider final  
20 action on this case also.

21 CHAIRMAN HOOD: Okay, thank you, colleagues. I  
22 think this one has teed up very well.

23 We do have a letter of support from, prior support  
24 from the ANC, and also a letter admitting that and concurring  
25 that they believe there are no other issues with the ANC who

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1 has, I think, voted on this twice. So, this I think the  
2 language is being accepted.

3 Any further comments?

4 (No response.)

5 CHAIRMAN HOOD: Okay. With that, I think this is  
6 ready for our action. Can I get a motion from somebody?

7 COMMISSIONER TURNBULL: Mr. Chair, I propose that  
8 we take action, approval on Zoning Case No. 11-15I, Howard  
9 University, Minor Modification to Zoning Commission Order 11-  
10 15G, at Square 3065, using the proposed language by OAG.

11 COMMISSIONER MILLER: Second.

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

14 (No response.)

15 CHAIRMAN HOOD: All in favor.

16 (Chorus of ayes.)

17 CHAIRMAN HOOD: Any opposition?

18 (No response.)

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

21 MS. SCHELLIN: Yes. Staff records the vote 5-0-0  
22 to approve final action in Zoning Commission Case No. 11-15I,  
23 Commissioner Turnbull moving, Commissioner Miller seconding,  
24 Commissioners Hood, May, and Shapiro in support.

25 And, again, I'd ask the Applicant to provide a

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1 draft order within two weeks.

2 CHAIRMAN HOOD: Okay. Next let's go to the next  
3 case Zoning Commission Case No. -- and let me just, I should  
4 have asked in each one of these cases if anybody thinks that  
5 this should come off the consent -- well, this is not  
6 consent. Okay, all right.

7 Zoning Commission Case No. 05-40D, Wesley  
8 Theological Seminary of the United Methodist Church, Minor  
9 Modification of Campus Plan at Square 1600.

10 Ms. Schellin.

11 MS. SCHELLIN: The Applicant is seeking a  
12 modification of Condition No. 1 of Zoning Commission Order  
13 05-40, and Condition No. 5 of Zoning Commission Order No. 05-  
14 40C, to extend the current campus plan to December 31, 2020.

15 The Applicant's development partner pulled out in  
16 February 2019, and it is now having to search for a new  
17 private development partner. This means the Applicant will  
18 not be ready prior to the current December 31, 2019,  
19 expiration date.

20 Exhibit 6 is an ANC 3D report in support. Exhibit  
21 7 is an OP report in support.

22 They would ask the Commission to consider final  
23 action on approval of this minor modification.

24 COMMISSIONER MAY: Mr. Chairman.

25 CHAIRMAN HOOD: Yes, Commissioner May.

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1           COMMISSIONER MAY: Given this is a modification  
2 of a Commission -- of a condition in an order, I don't think  
3 that we can consider it as a minor mod. I think we have to  
4 consider this as a modification of consequence and make sure  
5 that we give the parties in the case an opportunity to weigh  
6 in.

7           CHAIRMAN HOOD: Okay. I would agree. And we want  
8 to do the determination of scheduling. Any objections or any  
9 comments? All it takes is one, and I would agree with  
10 Commissioner May.

11           So, Ms. Schellin, can we do a determination of  
12 scheduling? And we want to make sure that everyone responds,  
13 at least be given an opportunity.

14           MS. SCHELLIN: So, the Commissioner is finding  
15 this as a modification --

16           CHAIRMAN HOOD: It's a modification of  
17 consequence.

18           MS. SCHELLIN: -- of consequence?

19           CHAIRMAN HOOD: Yes.

20           MS. SCHELLIN: Okay. Okay, so if we could have --  
21 give the parties until our next meeting is October 21st, so  
22 we'll put it on that agenda for consider -- for  
23 deliberations.

24           And if we could have the parties respond by, we'll  
25 give them two weeks since we have until then, so if they

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1 could respond by October 7th. And if the Applicant wishes  
2 to provide a response, a reply to those submissions, they  
3 would have until October 15th.

4 CHAIRMAN HOOD: Okay, thank you. Anything else  
5 on that, Ms. Schellin?

6 MS. SCHELLIN: No, sir.

7 CHAIRMAN HOOD: Okay. Next Zoning Commission Case  
8 No. 0-38I(1), Waterfront 375 M Street, LLC and Waterfront 425  
9 M Street, LLC, Technical Correction to Zoning Commission  
10 Order No. 02-38I (Decision Paragraph No. E.2) at Square 542.

11 Ms. Schellin.

12 MS. SCHELLIN: The Applicant is requesting  
13 technical correction to Zoning Commission Order No. 02-38I  
14 to correct the time frame in which to file a building permit  
15 and begin construction of the building to be located at 425  
16 M Street, N.W.

17 Specifically, the Applicant is requesting that  
18 decision paragraph E.2 substitute the east end building for  
19 the west end building so that construction of the west end  
20 building will be required to commence within three years of  
21 the first C of O of the east end building.

22 Exhibit 4, we have an OP report in support.  
23 Exhibit 5, ANC 6D submitted a report in support.

24 Ask the Commission to consider final action on  
25 this case.

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1 CHAIRMAN HOOD: First, let me see this. One  
2 second. Let me turn it around. Hold on one second.

3 (Pause.)

4 CHAIRMAN HOOD: Does anyone believe that this  
5 should come off the minor modification schedule?

6 (No response.)

7 CHAIRMAN HOOD: Okay. Not hearing any, are there  
8 any questions or comments on this?

9 COMMISSIONER MAY: I think it's pretty  
10 straightforward.

11 CHAIRMAN HOOD: Yes.

12 COMMISSIONER MAY: This is as minor technical kind  
13 of correction as we can get.

14 So, I would move that we approve Zoning Commission  
15 Case No. 0-38I(1), Waterfront 375 M Street, LLC, and  
16 Waterfront 425 M Street, LLC, technical correction to Zoning  
17 Commission Order 02-38I, decision paragraph No. E.2 at Square  
18 542.

19 How's that for a different title?

20 COMMISSIONER SHAPIRO: Second.

21 CHAIRMAN HOOD: Okay, it's moved and proffered a  
22 second.

23 Any further discussion? Commissioner Shapiro.

24 COMMISSIONER SHAPIRO: Second.

25 MS. SCHELLIN: Yes, staff records the vote 5 to --

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1 CHAIRMAN HOOD: We haven't, I haven't finished  
2 with that.

3 MS. SCHELLIN: Oh, sorry. You said you were  
4 trying to have the Redskins lose since the Giants won.

5 CHAIRMAN HOOD: Well, don't get me started. We  
6 won once, so I'm good. So, anyway, I'm in a good mood right  
7 now.

8 Okay, so it's been properly moved and seconded.  
9 Any further discussion?

10 (No response.)

11 CHAIRMAN HOOD: All in favor?

12 (Chorus of ayes.)

13 CHAIRMAN HOOD: Any opposition?

14 (No response.)

15 CHAIRMAN HOOD: Not hearing any, Michelle, would  
16 you please record the vote.

17 MS. SCHELLIN: Yes. Staff records the vote 5-0-0  
18 to approve final action in Zoning Commission Case No. 02-  
19 38I(1), I believe it is. Yes, 38I(1). Commissioner May  
20 moving, Commissioner Shapiro seconded, Commissioners Hood,  
21 Miller, and Turnbull in support.

22 And I believe we are good on draft order.

23 CHAIRMAN HOOD: Yes, okay. Thank you. This is  
24 where I thought we were the last time.

25 B. MODIFICATIONS OF CONSEQUENCE

1 CHAIRMAN HOOD: Okay, modification of consequence,  
2 Zoning Commission Case No. 0 -- no, 74-10A, TMG 1333 New  
3 Hampshire Avenue, LLC, PUD Modification of Consequence at  
4 Square 115.

5 Ms. Schellin.

6 MS. SCHELLIN: In this case the Applicant is  
7 requesting a modification of consequence to permit renovation  
8 of the ground floor storefront, building facade, and  
9 penthouse level of the existing building to address  
10 maintenance issues, and to meet current market expectations  
11 for office and retail space, and to make improvements to  
12 adjacent public space.

13 Exhibit 6 is an OP report recommending approval  
14 with revised language. Exhibit 8, ANC 2B has submitted a  
15 report in support. So, we'd ask the Commission to first  
16 consider whether it is in face a modification of consequence.  
17 And if you choose to do so, you could proceed with action  
18 this evening or schedule, set up a schedule.

19 CHAIRMAN HOOD: First let me ask, does everyone  
20 think this is a modification of consequence?

21 (Pause.)

22 CHAIRMAN HOOD: No objections to this being a  
23 modification of consequence?

24 PARTICIPANT: No objection.

25 CHAIRMAN HOOD: I do believe, though, that we have

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1 not -- I think due to the addition of penthouse height  
2 permissible under the development, and some other things that  
3 are going on in this case, I think we can hear it as a  
4 modification of consequence. I think we just need the  
5 determination of scheduling. So I think, I think we just do  
6 it on that.

7 COMMISSIONER MAY: Yeah. I don't see that there's  
8 enough here for us to take action; right? We haven't heard  
9 from the parties.

10 CHAIRMAN HOOD: Right. And we -- well, we've  
11 heard from one ANC that has responded. But I believe that  
12 there's the Dupont Civic Association has not.

13 COMMISSIONER MAY: Right.

14 CHAIRMAN HOOD: Okay. Did I get all that right,  
15 Ms. Cain?

16 MS. CAIN: Yes, you did.

17 CHAIRMAN HOOD: Okay. We're starting off very  
18 well. Starting to joke.

19 All right, Ms. Schellin, could you do the  
20 determination of scheduling?

21 MS. SCHELLIN: Yes. Again, if we could have the  
22 parties, if the Applicant wants to reach out to them, make  
23 their submissions by October 7th. And if the Applicant wants  
24 to reply to the submission or the ANC's submission they have  
25 till October 15th. And we'll put this on for deliberations

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1 on October 21st.

2 CHAIRMAN HOOD: Okay. Next Zoning Commission Case  
3 No.15-27C,

4 CP Market Terminal, LLC, PUD Modification of  
5 Consequence at Square 3587.

6 Ms. Schellin.

7 MS. SCHELLIN: In this case the Applicant's  
8 requesting modification of consequence to permit nightclub,  
9 bar, cocktail lounge, or restaurant uses in the penthouse of  
10 the office building. The Applicant is also requesting  
11 special exception relief to establish such use in the  
12 penthouse.

13 Exhibit 3, ANC 5D report in support. And Exhibit  
14 5, the OP report in support.

15 Ask the Commission to first consider whether it  
16 is a modification of consequence and, two, to set a schedule  
17 or to proceed with decision.

18 CHAIRMAN HOOD: Okay, thank you, Ms. Schellin.

19 Colleagues, does anyone have an issue or problem  
20 with this being a modification of consequence as presented?

21 COMMISSIONER SHAPIRO: Mr. Chair, I believe that  
22 based upon what the Applicant is asking for that this is  
23 better suited to be considered a modification of  
24 significance.

25 We have a -- where is it. Someone help me out

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1 with the sections.

2 COMMISSIONER TURNBULL: It's a change in use.

3 COMMISSIONER MAY: It's a change in use and it's  
4 also you need a special exception for the bar on a rooftop,  
5 so.

6 CHAIRMAN HOOD: So, yeah, they've also asked for  
7 additional relief in this. And I think that what should be  
8 noted also is that they have to -- and we can get to this  
9 after we figure out if the Applicant -- the modification  
10 request is part of the modification of consequence in 15-27B.  
11 So, the modifications to building C2, the Commission, we  
12 should confirm whether the status of this application and  
13 it's recommended that the Applicant withdraw the application.  
14 But we need to get all that -- it's kind of fuzzy now, so we  
15 need to get all that taken care of.

16 But I believe that the request for zoning relief  
17 necessitates the Applicant abides by the public notice  
18 requirements, which we already have. So, I think that this  
19 is more than just a modification of consequence, it's a  
20 modification of significance. This also has a special  
21 exception attached.

22 So, I know that's a little round, and maybe  
23 somebody might be helpful to clear this up. But I know it's  
24 not a -- I think we're already in agreement that this is not  
25 a modification of consequence. Correct?

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1 COMMISSIONER TURNBULL: That's correct, Mr.  
2 Chairman.

3 CHAIRMAN HOOD: All right. So, we will make this  
4 a modification of significance.

5 And then I don't know if we need to clear up that  
6 other issue now or later.

7 MS. CAIN: We've recommended that the Applicant,  
8 as part of their revised submission, clarify the status of  
9 the previous modification request. And we would recommend  
10 withdrawing it at this point since they have sort of split  
11 the relief between these two.

12 CHAIRMAN HOOD: Okay. And, Ms. Cain, you're  
13 talking about Case No. 15-27B?

14 MS. CAIN: Yes.

15 CHAIRMAN HOOD: Okay. I would just ask that so  
16 I guess they can work along with the OAG to meet the  
17 specifics of what we're looking for, or the Office of Zoning  
18 staff.

19 Anything else with this, Ms. Schellin?

20 MS. SCHELLIN: No. The Applicant we'll just need,  
21 if they want to proceed they'll have to follow the  
22 regulations for filing a modification of significance. It  
23 will be a whole new case with the 45-day notice of intent and  
24 so forth.

25 CHAIRMAN HOOD: Okay. So, we will just move on.

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1 We will consider that as a modification of significance and  
2 go from there. And they can re-file in that, in accordance  
3 to that.

4 Okay, next Zoning Commission Case No. 13-09C,  
5 Stanton TH, LLC, PUD Modification of Consequence at Square  
6 5877.

7 Ms. Schellin.

8 MS. SCHELLIN: Yes. The Applicant is requesting  
9 modification of consequence to permit several modifications,  
10 all related to the redesign and relocation of architectural  
11 elements of the 42 townhouses included in the PUD.

12 Some of the modifications include, but are not  
13 limited to, removal of bay windows for four of the townhouses  
14 to satisfy building code requirements; reversing unit layout  
15 configuration of four of the units to allow for better  
16 internal configuration; minor adjustments to the cornice  
17 treatment, window arrangements, site grading, building  
18 heights, and front stoops of all of the townhouses.

19 Exhibit 3 is an OP report in support.

20 Would ask the Commission to consider final action  
21 on this case this evening.

22 CHAIRMAN HOOD: Okay. So, does anyone believe  
23 this is not a modification of consequence?

24 MS. SCHELLIN: That's determined. You already did  
25 that.

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1 CHAIRMAN HOOD: We already determined that?

2 MS. SCHELLIN: Yes. This is up for deliberation.

3 I'm sorry. I'm wrong.

4 CHAIRMAN HOOD: I'm glad somebody else is wrong  
5 for a change.

6 MS. SCHELLIN: We were moving so fast I thought  
7 we were already on the next section.

8 CHAIRMAN HOOD: I'm moving so fast actually I'm  
9 mixing myself up. So, maybe I need to slow down because  
10 nobody's interested in what's going on later on. So, let me  
11 slow down some.

12 All right. So, this is -- does anyone believe  
13 that this is not a modification of consequence?

14 (No response.)

15 CHAIRMAN HOOD: Okay, so it is, no objections.

16 Ms. Schellin, would you do determination of  
17 schedule -- I mean schedule?

18 MS. SCHELLIN: Yes. For this one we'll use the  
19 same schedule, October 7th. If the Applicant will work with  
20 the parties and get any submissions in, then the Applicant  
21 will have until the 15th if they choose to respond, since the  
22 14th is a holiday. And then we'll put it on for October 21st  
23 for deliberation.

24 CHAIRMAN HOOD: And we're looking for something,  
25 I guess do we need to, I guess, reach out to both ANCs? Both

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1 ANCs hopefully will opine on this.

2 All right. Next Zoning Commission Case No. 16-  
3 18C, Georgetown University Campus Plan, modification of  
4 consequence at Square 1233.

5 Ms. Schellin.

6 MS. SCHELLIN: Yes. On this one the Applicant's  
7 requesting modification of consequence pursuant to Order No.  
8 16-19 for what is known as the Red House to convert it to use  
9 from residential/campus life to academic/administrative use.

10 Per Condition No. 7 of the order, the change in  
11 use would require a modification of consequence, and would  
12 also require the approval of the Georgetown Community  
13 Partnership.

14 And at Exhibit 4 you have an OP report in support.  
15 And the Applicant did provide a letter from the Georgetown  
16 Community Partnership stating that they are in support. And  
17 that's at Exhibit 2E.

18 CHAIRMAN HOOD: Okay. Does anyone believe this  
19 is not a modification of consequence?

20 PARTICIPANT: No.

21 CHAIRMAN HOOD: Okay. In this case, Ms. Schellin,  
22 can you do scheduling?

23 MS. SCHELLIN: Yes. Again we would have the  
24 parties respond by October 7th. And the Applicant, if they  
25 want to reply, October 15th. And we'll put it on for

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1 deliberation October 21st.

2 CHAIRMAN HOOD: Okay. I think Commissioner  
3 Shapiro is going to add a note to this.

4 COMMISSIONER SHAPIRO: Thank you, Mr. Chairman.  
5 Just that to note that the modification is being requested  
6 pursuant to the requirements of Condition No. 7 of the  
7 original order, which allows for use flexibility as long as  
8 the Applicant obtains a modification of consequence.

9 CHAIRMAN HOOD: Thank you.

10 All right, next let's go to Zoning Commission Case  
11 No. 06-46E, 1250 Half Street Residential PJV, LLC, PUD  
12 Modification of Consequence at Square 701.

13 Ms. Schellin.

14 MS. SCHELLIN: Yes. In this case the Applicant  
15 is requesting modification of consequence to add a static  
16 illuminated sign panel and two digital sign panels at the  
17 southwest corner of the approved building.

18 Exhibit 4, ANC 6D submitted a report noting not  
19 to oppose.

20 Exhibit 5 is an OP report in support.

21 I'd ask the Commission, if they choose to do so,  
22 if they find this to be a modification of consequence, that  
23 they can proceed if they choose to do so.

24 CHAIRMAN HOOD: Okay. Does anyone believe this  
25 is not a modification of consequence?

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1 (No response.)

2 CHAIRMAN HOOD: Okay. Again, as Ms. Schellin has  
3 said, the application request is a modification of  
4 consequence for plans approved as part of a mandatory overlay  
5 design review application to add one static illuminated sign  
6 and two digital signs on the approved buildings at the corner  
7 of Half Street and M Street.

8 And we have our statutory authority, which is Z-  
9 703.3, Z-703.4. And as she stated, the ONC -- I mean the ANC  
10 has responded to Office of Planning; no objections. Note the  
11 proposed signs complies with the requirements of the National  
12 Parks and Ballpark District and Entertainment Area Signs  
13 Regulations Amendment Act of 2016, which is called the  
14 Signage Act.

15 And then we have our legal interpretation from our  
16 counsel.

17 So, I think this is ready for us to move forward.  
18 Anything I left out? Any other comments or questions?

19 PARTICIPANT: No, sir.

20 CHAIRMAN HOOD: Okay. So, with that --

21 COMMISSIONER MAY: Mr. Chairman.

22 CHAIRMAN HOOD: Commissioner May.

23 COMMISSIONER MAY: I have a couple of comments  
24 about this.

25 CHAIRMAN HOOD: Sure.

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1           COMMISSIONER MAY: First of all I would point out  
2 that, you know, we have, what we have is a letter of no  
3 objection from the ANC. And they made clear that they were  
4 opposed to the Nationals Park Signage Act of 2016. And I  
5 wanted to make it very clear, it's Nationals Park not  
6 National Parks.

7           CHAIRMAN HOOD: Did I say that?

8           COMMISSIONER MAY: You did. But that's okay.

9           CHAIRMAN HOOD: Nationals Park, okay.

10          COMMISSIONER MAY: Many people do that.

11          CHAIRMAN HOOD: Nationals Park.

12          COMMISSIONER MAY: Nationals Park, right.

13                 And I understand the intent of the regulation and  
14 the idea of regulating where there could be animated signs  
15 like this. But I think that the evidence already within the  
16 city about where they have an animated sign like this has  
17 been very harmful to the people who live in immediate  
18 proximity. And so, I'm very sensitive to the concerns of an  
19 ANC on this.

20                 Granted, I don't expect that anybody is -- that  
21 we're going to vote against this, that the majority of us  
22 will vote against this, but I, I think that this is, it's not  
23 a good thing to have, you know, brightly lit, moving,  
24 changing signage when there are people living in close  
25 proximity.

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1           So, I think that's about all I want to say about  
2 that.

3           CHAIRMAN HOOD: Okay. So, the Nationals Park and  
4 Ballpark District designation, Entertainment Area Signage  
5 regulations was that put in -- who put that in place? Did  
6 the Council?

7           COMMISSIONER MAY: Correct. City Council.  
8 They've made mistakes before, too.

9           CHAIRMAN HOOD: Oh, okay.

10          COMMISSIONER MAY: We make mistakes, too, but you  
11 know.

12          CHAIRMAN HOOD: Yeah, we definitely do.

13          So, all right, anything else on that? Any  
14 objections on that?

15          (No response.)

16          CHAIRMAN HOOD: So, the ANC though, Commissioner  
17 May, the way I interpret it said they took a no -- let me  
18 make sure I got that right -- had voted not to oppose.

19          COMMISSIONER MAY: Correct. They did not oppose  
20 it.

21          CHAIRMAN HOOD: Okay.

22          COMMISSIONER MAY: But they opposed the  
23 legislation.

24          CHAIRMAN HOOD: They opposed the legislation.

25          COMMISSIONER MAY: The underlying legislation

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1 CHAIRMAN HOOD: All right.

2 COMMISSIONER MAY: Yeah.

3 CHAIRMAN HOOD: All right.

4 COMMISSIONER MAY: I'm voicing my agreement with  
5 that. I mean, you know, given the type of review that we  
6 have here, I don't know that I'd necessarily have legitimate  
7 grounds to vote against this because it's -- I mean, you  
8 know, it's something that they're doing that's legal.

9 And our, you know, the question before us is is  
10 this consistent with the design guidelines for the area? And  
11 I don't see a good reason to say that it's not. But, you  
12 know, this is an opportunity to speak up against this because  
13 I think it's a bad idea.

14 CHAIRMAN HOOD: Okay. All right, so noted.

15 And forgive me for saying National because I kind  
16 of -- but anyway, Nationals.

17 All right, any other comments?

18 (No response.)

19 CHAIRMAN HOOD: All right. Would someone like to  
20 make a motion?

21 I'll make one. I'll move that we approve as noted  
22 Zoning Commission Case No. 06-46E, and incorporate the  
23 comments from my colleague Commissioner May, and ask for a  
24 second.

25 COMMISSIONER SHAPIRO: Second.

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1 CHAIRMAN HOOD: It's been moved and properly  
2 seconded.

3 Any further discussion?

4 (No response.)

5 CHAIRMAN HOOD: All in favor?

6 (Chorus of ayes.)

7 CHAIRMAN HOOD: Any opposition?

8 (No response.)

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

11 MS. SCHELLIN: Staff records the vote 5-0-0 to  
12 approve final action in Case No. 06-46E, Commissioner Hood  
13 moving, Commissioner Miller seconding, Commissioners May,  
14 Shapiro, and Turnbull in support.

15 Again, if we could get a draft order in the next  
16 two weeks.

17 COMMISSIONER MAY: Could I have voted not in  
18 opposition or not opposed, like the ANC? Thanks.

19 COMMISSIONER TURNBULL: Well, I think,  
20 Commissioner May, I think you eloquently stated what a lot  
21 of people feel. But it's one of those things that when you  
22 have a gun to your head there's nothing you can do.

23 CHAIRMAN HOOD: All right. Now we're at  
24 deliberations.

25 B.2 DELIBERATIONS

1 CHAIRMAN HOOD: Let's go to Zoning Commission Case  
2 No. 06-04I, Florida and Q Street, LLC, PUD Modification of  
3 Consequence at Square 3100.

4 Ms. Schellin.

5 MS. SCHELLIN: The only new exhibit for this case  
6 this evening is Exhibit 5. It's ANC 5E's report in support.

7 CHAIRMAN HOOD: Okay. And this particular request  
8 under our deliberations, asking for modifications to the  
9 approval plans to reflect changes required by HPRB review.

10 The Applicant also seeks to amend Condition  
11 12(a)(7), I believe, yeah, 12(a)(7) concerning donations to  
12 the Eckington Civic Association. It's so noted.

13 And our process, our standard of review in our  
14 regulation is Z-703.3, Z-703.4.

15 Office of Planning recommends approval. The ANC  
16 report came in as noted by Ms. Schellin. And, and I think,  
17 yeah, the ANC report came in today, so we've noted support  
18 for that.

19 So let me open up, any question or comments?

20 COMMISSIONER SHAPIRO: Mr. Chair, if I may?

21 CHAIRMAN HOOD: Yes.

22 COMMISSIONER SHAPIRO: Pardon my Latin correction,  
23 but I believe it's 12(a)(8).

24 MS. CAIN: It's actually 12(a)(7).

25 COMMISSIONER SHAPIRO: What am I looking at then?

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1 CHAIRMAN HOOD: It's 12(a). I think I left the  
2 A, did I leave the A out, or was that correct?

3 COMMISSIONER SHAPIRO: It says 12(a)(8).

4 CHAIRMAN HOOD: It's 12(a)(7).

5 PARTICIPANT: Roman numerals.

6 CHAIRMAN HOOD: Yeah, it was, it's a typo.

7 COMMISSIONER SHAPIRO: Oh, okay.

8 CHAIRMAN HOOD: It was 12(a)(8) but it's 12(a)(7).  
9 What grade did you get in Latin?

10 All right, any other questions or comments on the  
11 request?

12 COMMISSIONER SHAPIRO: I'll concede on the Roman  
13 numerals.

14 CHAIRMAN HOOD: Okay. All right, any other  
15 questions or comments?

16 (No response.)

17 CHAIRMAN HOOD: I think this is ready for us to  
18 move forward. Would somebody like to make a motion?

19 COMMISSIONER TURNBULL: Mr. Chair, I would move  
20 that we take final action on Zoning Case No. 06-04I, Florida  
21 and Q Street, LLC, PUD Modification of Consequence at Square  
22 3100, and look for a second.

23 CHAIRMAN HOOD: Okay. I will second.

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

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1 (No response.)

2 CHAIRMAN HOOD: All in favor?

3 (Chorus of ayes.)

4 CHAIRMAN HOOD: Any opposition?

5 (No response.)

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

8 MS. SCHELLIN: Staff records the vote 5-0-0, to  
9 approve final action in Zoning Commission Case No. 06-04I;  
10 Commissioner Turnbull moving, Commissioner Hood seconding,  
11 Commissioners May, Miller, and Shapiro in support.

12 CHAIRMAN HOOD: Okay. Our next for deliberation  
13 is Zoning Commission Case No. 02-25D, George Washington  
14 University, PUD Modification of Consequence at Square 42.

15 Ms. Schellin.

16 MS. SCHELLIN: The new exhibits for this case are  
17 Exhibit 3, which is an OP report in support. The OP report  
18 does refer to a filing from WECA. However, that filing was  
19 removed from the record since WECA was not a party to this  
20 case.

21 The only other new filing was Exhibit 4, which is  
22 ANC 2A's report in support.

23 CHAIRMAN HOOD: Okay. Again, the Applicant seeks  
24 the modification of Condition No. 3 of the Zoning Commission  
25 Order 02-26C which permitted the use of George Washington

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1 University's Lerner Health and Wellness Center.

2 I think we, those of us who have been around,  
3 we've been around a while for this condition. This condition  
4 is set to expire I believe this month, from what's noted.

5 GW has wished to extend approval until December  
6 31st, 2020.

7 Our statutory authority is Z-703.3, Z-703.4. And  
8 the other reports have been noted. And what we've done  
9 previously with other materials have been noted by Ms.  
10 Schellin.

11 So, let me open it up for any questions or  
12 comments on this.

13 COMMISSIONER SHAPIRO: No questions or comments,  
14 Mr. Chair.

15 CHAIRMAN HOOD: So would someone like to make a  
16 motion?

17 COMMISSIONER SHAPIRO: I move that we approve  
18 Zoning Commission Case No. 02-26D, George Washington  
19 University, PUD Modification of consequence at Square 42.

20 CHAIRMAN HOOD: Okay. I'll second that.

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

23 (No response.)

24 CHAIRMAN HOOD: All in favor?

25 (Chorus of ayes.)

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1 CHAIRMAN HOOD: Any opposition?

2 (No response.)

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

5 MS. SCHELLIN: Staff records the vote 5-0-0 to  
6 approve final action in Zoning Commission Case No. 02-26D;  
7 Commissioner Shapiro moving, Commissioner Hood seconding,  
8 Commissioners May, Miller, and Turnbull in support.

9 And we need a draft order within the next two  
10 weeks on this case.

11 V. FINAL ACTION

12 CHAIRMAN HOOD: Okay. Next, final action in  
13 Zoning Commission Case No. 18-18, Office of Planning Text  
14 Amendment to Subtitle K to Create the North Howard Road NHR  
15 Zone.

16 Ms. Schellin.

17 MS. SCHELLIN: Yes, sir. On this one Exhibit 25  
18 is an OP supplemental report asking for, first, a waiver for  
19 filing the report less than 10 days prior to this meeting.  
20 And the report is an update of DHCD's comments and revision  
21 of the special exception language.

22 We'd ask the Commission to waive the rules for the  
23 late filing of the report and then consider final action this  
24 evening.

25 CHAIRMAN HOOD: Any objections to waiving the

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1 rules of the filing of the report?

2 (No response.)

3 CHAIRMAN HOOD: Not hearing any, anyone have any  
4 additional comments on this Case 18-18?

5 Commissioner Shapiro?

6 COMMISSIONER SHAPIRO: Thank you, Mr. Chair. I'm  
7 happy to take final action. There's a language clarification  
8 in order to clarify the scope of the special exception relief  
9 OP recommended Section 106.1 be amended as follows.

10 That the Zoning Commission may grant special  
11 exception relief from the development centers of, and there's  
12 the addition of 1001 of this chapter. And from the  
13 designated street use and design standards of 1004.

14 So, those are added. And I'd have that be part  
15 of the motion.

16 CHAIRMAN HOOD: Okay. So, it's moved.

17 Is there a second?

18 VICE CHAIR MILLER: Second.

19 CHAIRMAN HOOD: It's been moved and properly  
20 seconded, including the what was asked or recommended by OP  
21 as part of the motion.

22 Any further discussion?

23 (No response.)

24 CHAIRMAN HOOD: All in favor?

25 (Chorus of ayes.)

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1 CHAIRMAN HOOD: Any opposition?

2 (No response.)

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

5 MS. SCHELLIN: Yes. Staff records the vote 5-0-0  
6 to take final action in Zoning Commission Case No. 18-18,  
7 with the revision as stated in OP's supplemental report;  
8 Commissioner Shapiro moving, Commissioner Miller seconding,  
9 Commissioners Hood, May, and Turnbull in support.

10 CHAIRMAN HOOD: Okay. Next on final action,  
11 Zoning Commission Case No. 18-19, Poplar Point RBBR, LLC  
12 d/b/a Columbian Quarter Holdings, Zoning Map Amendment at  
13 Squares 5860 and 5861.

14 Ms. Schellin.

15 MS. SCHELLIN: There were no new exhibits in this  
16 case. So, we'd ask the Commission to consider final action.

17 CHAIRMAN HOOD: Okay. I think a lot of discussion  
18 has already been had on this one and the one previously.  
19 Unless someone has something additional to discuss?

20 (No response.)

21 CHAIRMAN HOOD: Okay. So, would someone like to  
22 make a motion?

23 I move that we approve Zoning Commission Case No.  
24 18-19, Poplar Point, and ask for a second.

25 VICE CHAIR MILLER: Second.

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1 CHAIRMAN HOOD: It's been moved and properly  
2 seconded.

3 Any further discussion?

4 (No response.)

5 CHAIRMAN HOOD: All in favor?

6 (Chorus of ayes.)

7 CHAIRMAN HOOD: Any opposition?

8 (No response.)

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

11 MS. SCHELLIN: Staff records the vote 5-0-0 to  
12 approve final action in Zoning Commission Case No. 18-19;  
13 Commissioner Hood moving, Commissioner Miller seconding,  
14 Commissioners May, Shapiro, and Turnbull in support.

15 And I believe we might need a draft order in this  
16 case also. No. We've already got one. Okay, thanks.

17 CHAIRMAN HOOD: Okay, thank you. Let's go to  
18 hearing action.

19 VIII. HEARING ACTION

20 CHAIRMAN HOOD: Zoning Commission Case No. 19-16,  
21 MCF WALP Phase 1, LLC, Consolidated PUD at Square 481.

22 Ms. Thomas.

23 MS. THOMAS: Yes. Good evening, Mr. Chair,  
24 Members of the Commission.

25 The Office of Planning has recommended the

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1 application of Mid City Financial and Washington Apartments  
2 Phase 1, LLC, be set down for a public hearing. The project  
3 site at 1200 5th Street, N.W., as you can see in the map  
4 before you, is within the RA2 zone and consists of a vacant  
5 63-unit apartment building with surface parking.

6 The existing structure is supposed to be  
7 demolished and the site redeveloped with a 5-story, 363-unit  
8 apartment building with 103 below grade parking spaces and  
9 onsite loading. A map amendment is not requested with this  
10 application.

11 A PUD is appropriate for realizing the  
12 Comprehensive Plan site designation of moderate density  
13 residential. The develop policies cited in OP's report is  
14 consistent with the land use policy for neighborhood  
15 beautification and revitalization, housing policies in  
16 support of affordable housing for families, urban design  
17 policies addressing large site development and neighborhood  
18 character and identity, as well as public ground  
19 improvements, environmental and open space policies of the  
20 plan.

21 Page 2 of OP's report highlights some concerns  
22 that the Applicant should address prior to the public  
23 hearing, including but not limited to the breakdown of the  
24 anticipated median family income level for each apartment  
25 type, the bedroom count of apartments in the existing

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1 building compared to the proposed building.

2 We anticipate the Applicant's responses in  
3 addition to any comments the Commission may have tonight  
4 prior to a public hearing. The Applicant will continue  
5 working with the community to develop a proffer commensurate  
6 with the flexibility requested.

7 Thank you. And I will be available for any  
8 questions.

9 CHAIRMAN HOOD: Thank you, Ms. Thomas.

10 Any questions of Ms. Thomas? Commissioner May.

11 COMMISSIONER MAY: Yes. So, the title of this  
12 project is Phase 1. What's Phase 2?

13 MS. THOMAS: Well, Phase 2 from my knowledge  
14 refers to the existing apartments on 7th Street. I don't  
15 know --

16 COMMISSIONER MAY: Are they on this, on the  
17 segment of the map that --

18 MS. THOMAS: No. But it's, I think it's the  
19 hashed red area to the left of this one.

20 COMMISSIONER MAY: Oh, I see. Okay, yeah.

21 MS. THOMAS: Uh-huh. That would be Phase 2 and 3.

22 COMMISSIONER MAY: Two and 3?

23 MS. THOMAS: Yes, Phase 2 and 3.

24 COMMISSIONER MAY: And they're not far enough long  
25 to be considering them all together? Or are they already

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1 done?

2 MS. THOMAS: No. Those apartments have been  
3 renovated.

4 COMMISSIONER MAY: They're already done?

5 MS. THOMAS: Yeah. They've been renovated. And

6 --

7 COMMISSIONER MAY: So, Phase 2 and 3 happened and  
8 now they're coming back for Phase 1?

9 MS. THOMAS: Well, they weren't rebuilt. Those,  
10 they were built around the same time Phase 1 was built.

11 COMMISSIONER MAY: Okay. So this is, Phase 1 is  
12 the nomenclature from the original project?

13 MS. THOMAS: Yes.

14 COMMISSIONER MAY: Got it.

15 MS. THOMAS: Yes. It's the nomenclature.

16 COMMISSIONER MAY: All right. Now I understand.  
17 I thought it was what they were doing now --

18 MS. THOMAS: No.

19 COMMISSIONER MAY: -- in phases.

20 Okay. So, I do have a couple comments about the  
21 design. And I agree with your comments about getting clarity  
22 on the affordable units and so on. But the design is really  
23 very light gray and white and just it makes it look kind of  
24 dull. Especially there's a, I mean, there's a new building  
25 that was actually in one of the photographs in the

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1 Applicant's submission which, you know, is quite striking and  
2 unusual. And so it's, you know, this is very, very bland in  
3 comparison.

4 Not that I necessarily love that one, but it's  
5 certainly a lot more interesting than this.

6 I would suggest that the Applicant look at other  
7 white buildings around the city, especially those with white  
8 metal panels because I think a lot of times they don't age  
9 well. And how they shed water becomes really important  
10 because you can wind up with grime and streaking, and they  
11 look dingy. So, it's not a great solution when there's much  
12 white metal on a building.

13 White, you know, ceramic panels or, rather a kind  
14 of cementitious paneling, or whatever they're going to use,  
15 you know, maybe they are aging better but they're -- I have  
16 some real questions about what the building is going to look  
17 like when it's this light in color.

18 I would also recommend that the upper levels be  
19 darker, so any time you get above sort of 3 stories and you  
20 get into the setbacks and the penthouse levels that the  
21 colors be darker than those below to make them, help them  
22 recede. Because I think that one of the issues with this  
23 project is that it is just, it is absolutely the maximum that  
24 you could build under the current zoning. And it's, it's  
25 pretty big for what's around it, which is a lot of townhouses

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1 and very small apartments.

2           So, I think it's important to try to be very  
3 careful in the selection and color of materials to make sure  
4 that it fits well.

5           There are also some interesting aspects of the  
6 Small Area Plan that I don't believe are addressed at this  
7 point. The Small Area Plan calls for tripartite buildings.  
8 So, I assume they're talking about base, middle, and top when  
9 it comes to tripartite, as opposed to, you know, three  
10 vertical divisions. And I don't see that really at all.  
11 And, in fact, some of the tops of the buildings are quite  
12 minimal.

13           And I, and, again, I think that has something to  
14 do with the existing architecture of the neighborhood. But  
15 I don't know for sure, so I'd like to see it addressed in  
16 some form.

17           Also, and that's the, you know, the view on A19  
18 gives you an idea of how kind of minimalist the top of the  
19 building is. There's just the tiniest little molding at the  
20 top which doesn't really say building top.

21           The A21, there's a view of the building that shows  
22 sort of an up and down of the facade at the parapet. And  
23 that, there's no real reason for that. At least it doesn't  
24 -- it's not apparent. And it just seems like it's, they're  
25 just trying to create some variety, and I think using the

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1 wrong tool to do that.

2           Finally, also the Small Area Plan calls for  
3 privacy for ground floor units. And I'm not sure how they  
4 think this project addresses that. And maybe they choose not  
5 to, but I think that's something that needs to be addressed  
6 explicitly because it's so interestingly specific.

7           So that's it for my comments.

8           CHAIRMAN HOOD: Okay, thank you.

9           Any other questions or comments? Commissioner  
10 Turnbull.

11           COMMISSIONER TURNBULL: Yes. Thank you, Mr.  
12 Chair.

13           Ms. Thomas, I was looking, going through the  
14 drawings. And the closed courts, I guess I'm confused,  
15 there's double-loaded quarter, the building has double-loaded  
16 quarters with units that would face the court I'm assuming.  
17 But when I look at the view on A-11 I see just gray, like a  
18 well, like a gray masonry well.

19           Now, unless they have invested transparent  
20 masonry, I'm confused as to what that -- I'd like more  
21 information on what the courtyards really look like because  
22 I believe there's units that would be looking out into that  
23 courtyard.

24           Am I missing something or?

25           MS. THOMAS: I'm sorry, I don't have -- I have a

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1 different set of plans with different numbers, so.

2 COMMISSIONER TURNBULL: Oh, well it's a  
3 perspective looking at the two buildings. This is kind of  
4 like an aerial view looking over the top of them.

5 MS. THOMAS: Yes.

6 COMMISSIONER TURNBULL: And I'm just --

7 MS. THOMAS: Oh, I see. I see what you're  
8 referring to.

9 COMMISSIONER TURNBULL: Yeah. I mean, I really  
10 think we need to see what those courtyards really look like.

11 MS. THOMAS: Yes.

12 COMMISSIONER TURNBULL: Elevations or whatever.  
13 But it just seems like either they hadn't thought about it  
14 in enough time to put together a package on that.

15 MS. THOMAS: Okay.

16 COMMISSIONER TURNBULL: But I think we definitely  
17 need the courtyard development.

18 And there's no solar on this, is there?

19 MS. THOMAS: I believe they're exploring how solar  
20 would work on the building.

21 COMMISSIONER TURNBULL: Because they have all  
22 these units that are spread around the courtyards. Look like  
23 tombstones up there.

24 MS. THOMAS: At the top, yeah.

25 COMMISSIONER TURNBULL: Thank you.

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1 CHAIRMAN HOOD: Okay. Any other comments or  
2 questions? Vice Chair Miller.

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

4 I support setting down this project. It's a lot  
5 of housing, a lot of affordable housing. I think the Office  
6 of Planning pointed out the greater specificity we need on  
7 the, on affordable housing. But I think we do have  
8 information that there are larger sized units, two and three  
9 bedroom units, which is a positive.

10 And I think the Applicant provided a lot of  
11 information in its prehearing, in its initial application  
12 about all the balancing of comprehensive plan policies. And  
13 we'll continue to need to have that McMillan, the upheld  
14 McMillan balancing in this -- of those policies in this type  
15 of case where, as Commissioner May pointed out, it is pushing  
16 the zoning towards the maximum amount. But there are a lot  
17 of -- but it's committed, and there are lot policies that  
18 outweigh maybe that extra density that's being obtained.

19 So, we'll just need that as part of the hearing  
20 and part of the future submissions. And maybe a better  
21 explanation of the adverse impacts, if any, and how they're  
22 being mitigated or dealt with.

23 And I notice that it's LEED Silver but it's got,  
24 it's got six possible points that if you got those it would  
25 be LEED Gold. And if you can figure out how to -- I looked

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1 at the categories that they seem -- they didn't seem  
2 impossible. I'm sure DOE could help out the Applicant in  
3 getting to the LEED Gold which we like to see with these  
4 projects, and certainly you like to market as LEED Gold as  
5 well.

6 So, I'm ready to support setting it down, Mr.  
7 Chairman.

8 CHAIRMAN HOOD: Sure. I appreciate and concur  
9 with all the comments. I think they're some great comments  
10 from my colleagues.

11 But I also want to just put my emphasis as well  
12 on the comments of Commission May. I looked at a project  
13 that we voted on, some of us who were here some years ago,  
14 and it's actually terrible.

15 So, I would hope that we would really look at the  
16 materials. And Commissioner May is exactly correct. The  
17 lighter materials do not last. It's almost a shame even to  
18 tell the person around me that I even voted on it. But I can  
19 tell you that we really want to hope you'd consider that, the  
20 materials, and then the comments of Commissioner May and all  
21 my colleagues as well. So, we'll be looking for that.

22 Anything else?

23 PARTICIPANT: No, sir.

24 CHAIRMAN HOOD: All right. Would someone like to  
25 make a motion to set this down.

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1 COMMISSIONER MAY: Mr. Chairman, I would move that  
2 the Zoning Commission set down for hearing Case No. 19-16 MCF  
3 WALP Phase 1, LLC, Consolidated PUD at Square 481, and ask  
4 for a second.

5 COMMISSIONER SHAPIRO: Second.

6 CHAIRMAN HOOD: Okay. It's been moved and  
7 properly seconded.

8 Any further discussion?

9 (No response.)

10 CHAIRMAN HOOD: All in favor?

11 (Chorus of ayes.)

12 CHAIRMAN HOOD: Any opposition?

13 (No response.)

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

16 MS. SCHELLIN: The staff records the vote 5-0-0  
17 to set down Zoning Commission Case No. 19-16 as a contested  
18 case; Commissioner Miller moving, Commissioner Shapiro  
19 seconding, Commissioners Hood, May, and Turnbull in support.

20 CHAIRMAN HOOD: Okay. Our next hearing action  
21 case is Zoning Commission Case No. 16-12Q, George Washington  
22 University, First-Stage PUD and Modification of Significance.

23 Do I need to call both of these together?  
24 Separate, okay.

25 At Squares 39 through 43, 54 through 58, 75, 77,

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1 79 through 81, 101 through 103, 0121, and 0120 -- I'm sorry,  
2 0121, and 0122.

3 Mr. Jesick.

4 MR. JESICK: Thank you, Mr. Chairman and Members  
5 of the Commission.

6 George Washington University seeks to renovate  
7 Thurston Hall, a dormitory for first year students. And GW  
8 has submitted four separate applications to accomplish that  
9 goal, including the relocation of existing student beds.

10 The four applications include 06-11Q, which is a  
11 modification to the approved campus plan; 06-12Q, which is  
12 a modification to the campus-wide First-Stage PUD and which  
13 requires a set down; 01-17E, a modification to a PUD at 1959  
14 E Street, which also required a set down; and 06-11R, which  
15 is the actual further processing for Thurston Hall, which  
16 does not require a set down.

17 So, for this evening the Commission is considering  
18 whether to set down 06-12Q and 01-17E. So, while there are  
19 a number of applications and moving parts here, the actual  
20 applications are very simple. Both of these PUDs must be  
21 temporarily modified in order to facilitate the housing of  
22 students while Thurston Hall is under renovation.

23 For Case 01-17E, GW requests that a condition  
24 limiting housing at 1959 E Street to juniors, seniors, grad  
25 students, and honors students be expanded to temporarily

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1 include sophomores.

2           And then for Case 06-12Q, GW requests the  
3 temporary modification of a few conditions that would allow  
4 juniors and seniors to live at 1129 New Hampshire Avenue, and  
5 at One Washington Circle, both of which are owned by GW but  
6 are outside of the campus boundaries.

7           And if the map is appearing on your screen, you  
8 can see the location of those buildings at Washington Circle,  
9 and then also the 1129 New Hampshire which is also known as  
10 The Aston.

11           These modifications would allow the university to  
12 make room in on-campus dorms for the 1,000 or so freshman who  
13 would normally be housed in Thurston Hall. And then at the  
14 end of the two-year renovation period the PUD conditions  
15 would revert to their existing wording, the freshman would  
16 return to Thursday Hall, and the sophomores, juniors, and  
17 seniors, their beds that had been relocated would move back  
18 to their previous dorms.

19           This proposal to modify the conditions is not  
20 inconsistent with the Comprehensive Plan which designates  
21 both One Washington Circle and 1129 New Hampshire as  
22 institutional and high density residential on the generalized  
23 policy map and future land use map respectively.

24           The proposals are also consistent with the  
25 intentions of the approved PUDs which sought to limit

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1 university impacts on the surrounding neighborhoods.

2 The Office of Planning therefore recommends that  
3 the applications be set down for a public hearing. Thank  
4 you.

5 CHAIRMAN HOOD: Okay. Mr. Jesick, I just want to  
6 make sure I understand. You did also comment on Zoning  
7 Commission Case No. 01-17E as well; right?

8 MR. JESICK: Yes. Just for the verbal we  
9 combined.

10 CHAIRMAN HOOD: So, do we need to come back for  
11 you -- do I need to call that one separately if you need to  
12 come back, or can we just do it together?

13 MR. JESICK: It's up to you and Ms. Schellin, I  
14 suppose.

15 CHAIRMAN HOOD: Are you going to tell us anything  
16 different?

17 MR. JESICK: No.

18 CHAIRMAN HOOD: Okay, well, we're not coming back.  
19 Okay, well, thank you.

20 Let's see, any questions on either one of these  
21 cases, 06-12Q or 01-17E? Commissioner Shapiro?

22 COMMISSIONER SHAPIRO: No questions, Mr. Chair.  
23 I think this I ready for set down. And I believe the  
24 Applicant is requesting that these two cases be set down at  
25 the same time. And also the other two cases that don't

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1 require set down, that all four cases be heard at the same  
2 time. Two require set down, two don't.

3 So, just to note that's Zoning Commission Case 01-  
4 17E, 06-12Q which require set down. And then the other two  
5 cases just to be scheduled at the same time.

6 CHAIRMAN HOOD: Okay. Any other questions or  
7 comments?

8 (No response.)

9 CHAIRMAN HOOD: All right. Ms. Schellin, do we  
10 need to two votes or one vote?

11 MS. SCHELLIN: I think we can combine them.

12 CHAIRMAN HOOD: Okay. Do two votes and let's make  
13 sure whoever -- makes the most sense to do both of them  
14 there.

15 If somebody can make a motion?

16 COMMISSIONER SHAPIRO: Mr. Chair, I move that we  
17 set down Zoning Commission Cases No. 06-12Q, George  
18 Washington University, First-Stage PUD Modification of  
19 Significance at the resident squares, and Zoning Commission  
20 Case No. 01-17E, George Washington University, PUD  
21 Modification of Significance to Square 122.

22 COMMISSIONER MAY: Second.

23 CHAIRMAN HOOD: Okay. It's been moved and  
24 seconded.

25 Any further discussions?

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1 (No response.)

2 CHAIRMAN HOOD: All in favor?

3 (Chorus of ayes.)

4 CHAIRMAN HOOD: Any opposition?

5 (No response.)

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

8 MS. SCHELLIN: Staff records the vote 5-0-0 to set  
9 down Zoning Commission Case No. 06-12Q as a contested case,  
10 and 01-17E as a contested case; Commissioner Shapiro moving,  
11 Commission Miller seconding, Commissioners May, Hood, and  
12 Turnbull in support.

13 And just to confirm, staff will work with the  
14 Applicant in scheduling these two cases along with the other  
15 two cases that do not require set down to have one hearing  
16 on one night. Okay.

17 CHAIRMAN HOOD: All right, sounds good.

18 Do we have anything else, Ms. Schellin?

19 MS. SCHELLIN: Staff does not.

20 CHAIRMAN HOOD: Does the Office of Planning have  
21 anything?

22 MS. STEINGASSER: No, sir.

23 CHAIRMAN HOOD: Okay. Office of the Attorney  
24 General, do you have anything?

25 All right. I want to thank everyone for their

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1 participation tonight and helping us get ready to make these  
2 decisions.

3           And with that, this hearing -- this meeting is  
4 adjourned.

5           (Whereupon, the above-entitled matter went off the  
6 record at 7:38 p.m.)

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C E R T I F I C A T E

This is to certify that the foregoing transcript

In the matter of: Public Hearing

Before: DCZC

Date: 09-23-19

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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