

GOVERNMENT
OF
THE DISTRICT OF COLUMBIA

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ZONING COMMISSION

+ + + + +

REGULAR MEETING

+ + + + +

MONDAY

OCTOBER 21, 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
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
MAXINE BROWN-ROBERTS
CRYSTAL MYERS
BRANDICE ELLIOTT

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D.C. OFFICE OF THE ATTORNEY GENERAL PRESENT:

ALLISON MYERS, ESQ.
ALEXANDRA CAIN, ESQ.
JACOB RITTING, ESQ.
MAXIMILIAN TONDRO, ESQ.
PAUL GOLDSTEIN

The transcript constitutes the minutes from
the Regular meeting held on October 21, 2019.

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Adjourn

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

6:54 p.m.

1
2
3 CHAIRMAN HOOD: Good evening, ladies and
4 gentlemen. This is the public meeting of the Zoning
5 Commission for the District of Columbia. My name is Anthony
6 Hood. And joining me is Vice Chair Miller and Commissioner
7 Shapiro. We're also joined by Office of Zoning staff, Ms.
8 Sharon Schellin; Office of Zoning staff as well, Ms. Myers;
9 Office of Attorney General, Ms. Cain.

10 I am going to ask Ms. Steingasser if she can
11 introduce her staff from the Office of Planning at this time.

12 MS. STEINGASSER: Jennifer Steingasser with the
13 Office of Planning.

14 MR. LAWSON: Joel Lawson with the Office of
15 Planning.

16 MS. MYERS: Crystal Myers with the Office of
17 Planning.

18 MS. BROWN-ROBERTS: Maxine Brown-Roberts, Office
19 of Planning.

20 CHAIRMAN HOOD: Thank you. Copies of today's
21 meeting agenda are available in the bin near the door. For
22 hearing action items, the only documents before us this
23 evening are the applications, the ANC set down report, and
24 Office of Planning report. All other documents are recorded
25 -- are in the record, and will be reviewed at the time of the

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1 hearing.

2 We do not take any public testimony at our
3 meetings, unless the Commission requests someone to come
4 forward.

5 This proceeding is being recorded by a court
6 reporter. And it's also webcast live. We ask that you
7 refrain from any disruptive noise or actions in the hearing
8 room, including the display of any signs or objects. Also,
9 I always omit Paul who does the video, who does an excellent
10 job for us with video and I want to include him as Office of
11 Zoning staff as well.

12 At this time, please turn off all electronic
13 devices. Does the staff have any preliminary matters?

14 MS. STEINGASSER: No, sir.

15 CHAIRMAN HOOD: I believe, Ms. Schellin, we do
16 want to move a case.

17 MS. SCHELLIN: Yes, the time extension, Case No.
18 13-08A.

19 CHAIRMAN HOOD: Thank you.

20 MS. SCHELLIN: CityPartners 5914, two-year time
21 extension at Square 5914.

22 CHAIRMAN HOOD: Yes, can we call that one first?

23 MS. SCHELLIN: Yes, sir. The only new exhibits
24 we have in this case, Exhibit 12A, letter in support from
25 Stacey Smith. Exhibit 13A, we have comments in support from

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1 Terry Lynch. Exhibit 16 was the Applicant's response to the
2 Office of the Attorney General's second letter. Exhibit 17A
3 was a letter from OAG requesting action to be deferred for
4 60 to 90 days. That came in today after the Commission
5 approved the record to be open for a non-party to make a
6 submittal. They asked the Commission to consider final
7 action on this case this evening.

8 CHAIRMAN HOOD: Okay, thank you. Ms. Schellin has
9 already teed up the request for a two-year time extension.
10 We do have some other things that have come in for our
11 consideration. So with that, let me open it up for any
12 comments or discussion on this as we move forward in 13-08A.

13 Mr. Shapiro.

14 COMMISSIONER SHAPIRO: Thank you, Mr. Chair. We
15 received communication from the Attorney General. I believe
16 that we should not grant the request for a continuation that
17 the Attorney General asked for. The Attorney General is not
18 a party to the case, first of all. But also the issues
19 underlying the request are not germane to our review of the
20 time extension request. So from my perspective, I think we
21 should take that off the table.

22 CHAIRMAN HOOD: Okay. Any disagreement with that?
23 I would wholeheartedly agree with Commissioner Shapiro also.

24 COMMISSIONER SHAPIRO: I can say a little more
25 about it.

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1 CHAIRMAN HOOD: Sure, go right ahead.

2 COMMISSIONER SHAPIRO: Thank you. We have
3 considered the various filings and arguments submitted by the
4 Attorney General, and I have, and I assume you all have, too,
5 and do not find them persuasive and that many of the
6 arguments concerning the underlying position are beyond the
7 scope of the Commissioners' review.

8 One other issue is if we do move forward, I
9 believe we should grant a one year time extension rather than
10 a two year time extension. There has been no change to the
11 material facts underlying the Commission's original approval.
12 I just want to state that for the record as well, not from
13 my perspective. And I believe that the applicant has met the
14 requirements of Subtitle Z705, specifically Z705.2(c)(3) by
15 demonstrating substantial evidence of the -- as it states,
16 the existence of pending litigation or such other condition,
17 circumstance, or factor beyond the applicant's reasonable
18 control that renders the application and ability to comply
19 with the limits of the order.

20 So for that reason, I believe that we should grant
21 not a two year time extension but a one year time extension.
22 Now that would be in the public interest to limit the time
23 extension to one year. Grant the extension, but limit it to
24 one year, which I believe is in the public interest, Mr.
25 Chair.

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1 CHAIRMAN HOOD: Okay. Vice Chair, do you want to
2 add anything?

3 VICE CHAIR MILLER: Thank you, Mr. Chair. I would
4 concur with Commissioner Shapiro's comments, and just only
5 add on to them that the one-year extension I think was
6 referred to in the Office of Planning's report to us, and I
7 think even in the applicant's latest submission to us. So
8 I think that's an appropriate extension of time. And
9 hopefully the outstanding issues which are not really before
10 this body, but before other bodies can get resolved in this
11 -- with this project so that it can move forward with the
12 development that we approved.

13 The only other thing I would say is that the
14 reason of the ongoing litigation is similar to the reason
15 we've granted other extensions when there's been ongoing
16 litigation and the Attorney General's justification for the
17 deferral, part of it talked about so that non-parties that
18 are a part of that, I guess are a part of that litigation,
19 they can deliberate further, and they can deliberate further
20 whether we grant the extension or not. So those ongoing
21 discussions can occur, and hopefully that will get all
22 resolved within this one year time period, and this project
23 can finally go forward.

24 CHAIRMAN HOOD: Okay, again, I think that I would
25 agree with my colleagues, and also I do have an absentee

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1 report, a comment. But I would agree. I think for our
2 process, I think the applicant meets our normal standard as
3 already stated by the Vice Chair. This is in litigation and
4 typically, we do this for other applicants as well. And I
5 agree with all the comments stated forward from Commissioner
6 Shapiro.

7 Also let me just read what Commissioner Turnbull
8 proxied. He agrees to the one-year extension, so that seems
9 to be unanimous. And he says I vote to approve a one year
10 time extension, not two as proposed. It is in the public
11 interest to mitigate the issues and benefits of this PUD and
12 find a way forward. That being said, the original PUD was
13 given an additional year on its initial approval. I
14 therefore can agree to a one-year extension.

15 So with that, I would move that we adopt -- I
16 think everything is in order. Yeah. I would move that we
17 approve for a one year time extension, but anything else, it
18 needs to be added to this motion under Zoning Commission Case
19 No. 13-08A, CityPartners 5914 LLC, one year time extension
20 at Square 5914, and I ask for a second.

21 COMMISSIONER SHAPIRO: Second.

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

24 Ms. Cain and Ms. Myers, is everything in order?
25 All in favor?

1 (Chorus of ayes.)

2 Any opposition?

3 (No response.)

4 Ms. Schellin, would you record the vote with the
5 proxy?

6 MS. SCHELLIN: Staff the records the vote 4 to 0
7 to 1 to approve Zoning Commission Case No. 13-081 for a one
8 year time extension. Commissioner Hood moving; Commissioner
9 Shapiro seconding; Commissioner Miller in support;
10 Commissioner Turnbull in support by absentee ballot. And I'm
11 sorry, Commissioner May, not present, not voting.

12 CHAIRMAN HOOD: Okay, Ms. Schellin, I think going
13 forward, do you want to take Commissioner May's proxies and
14 I'll take Commissioner Turnbull's?

15 MS. SCHELLIN: Sure.

16 CHAIRMAN HOOD: Because I can barely do my own,
17 so okay, that'll help me.

18 All right, let's go with the first modification
19 of consequences. This is for --- we've already, oh, okay the
20 termination.

21 Ms. Schellin, can you call the first case?

22 MS. SCHELLIN: Yes. The first case is Zoning
23 Commission Case No. 11-15J, Howard University, modification
24 of consequences to Zoning Commission Order No. 11-15F, the
25 extraction of properties from the campus plan at Square 2877.

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1 This is a modification of consequence -- or this modification
2 of consequence seeks to add property at 2112 through 2114
3 Georgia Avenue, Northwest, to the list of properties set
4 forth in the campus plan extraction order in order to be able
5 to proceed with the restoration and adaptive reuse of the
6 historic properties, namely the 1929 Art Deco Bond Bread
7 Factory and the 1930 Railway and Electric Company that are
8 part of this site.

9 Exhibit 5, we have an ANC 1B report in support.
10 Exhibit 6 is an OP report in support of the application as
11 a modification of consequence. And ANC 5E has not yet filed
12 a report. If the Commission finds this application to be a
13 modification of consequence, staff asks that a schedule be
14 set.

15 CHAIRMAN HOOD: Thank you, Ms. Schellin.
16 Commissioners, Zoning Commission Case No. 11-15J, does anyone
17 see that this needs to come off the consent calendar? Okay.

18 All right, Ms. Schellin, could we do a
19 termination? Does anyone believe that this is not a
20 modification of consequence? Okay.

21 Ms. Schellin, could we do a schedule?

22 MS. SCHELLIN: Yes, if we could have the parties
23 that remain respond by November 4th, 3:00 p.m., and the ANC,
24 OP, DDOT, if any of them need to respond to those
25 submissions, they can do so by 3:00 p.m. on the 12th of

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1 November, and then we can put this on the November 18th
2 agenda.

3 CHAIRMAN HOOD: Okay. Anything else on that?

4 MS. SCHELLIN: No, sir. Next case?

5 CHAIRMAN HOOD: All right, you can call the next
6 one.

7 MS. SCHELLIN: The next case is 15-27D, CP Market
8 Terminal, LLC, PUD modification of consequence at Square
9 3587. The applicant has requested this modification of
10 consequence in order to make changes to the design and
11 massing to the approved penthouse. Exhibits 1F and 3 is an
12 ANC 5D report and letter. Exhibit 4 is an OP report in
13 support of the case as a modification of consequence.

14 Again, if the Commission finds this to, in fact,
15 be a modification of consequence, staff requests the schedule
16 be set to allow the other party to file a response in the
17 application if it chooses to do so.

18 CHAIRMAN HOOD: All right, Ms. Schellin, also
19 Commissioner May's proxy also didn't mind it being a
20 modification of consequence for scheduling. So I want to
21 make note of that.

22 MS. SCHELLIN: Yes.

23 CHAIRMAN HOOD: All right, Zoning Commission Case
24 15-27D, Commissioners, does anyone see that this needs to
25 come off as a modification of consequence?

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1 No objection, okay. Ms. Schellin, can we do a
2 schedule.

3 MS. SCHELLIN: Yes, and again, as you stated with
4 the last case, Commissioner May has no problem with this case
5 being a modification of consequence.

6 So again, we would use November 4th, 3 o'clock
7 p.m. for the parties to make their submission; 11/12 for
8 responses for the applicant and OP if they choose to do so;
9 11/18 for deliberation.

10 CHAIRMAN HOOD: Okay, moving right along.

11 MS. SCHELLIN: Next case.

12 CHAIRMAN HOOD: If you can call the next case.

13 MS. SCHELLIN: 16-06C, Jemal/PTM Lazriv Water II,
14 design review modification of consequence at Square 666. The
15 applicant has requested this modification of consequence of
16 the approved design review in order to remove decision
17 paragraphs 4A and 4B and to replace the approved public space
18 plans with the DDOT approved plans with regard to the
19 sidewalk and cycle track.

20 Exhibit 5 is a memo from OP advising that they
21 will agree and that this is a modification of consequence,
22 but cannot make a recommendation until they complete
23 coordination with DDOT which will be done prior to the date
24 for scheduled responses. The only party, ANC 6D, has not yet
25 responded. If the Commission again finds this to be a

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1 modification of consequence, staff asks that a schedule for
2 responses be set.

3 CHAIRMAN HOOD: Okay, Commissioners, does anyone
4 believe that this is not a modification of consequence?

5 Okay, and as stated, there will be continuous work
6 done with Office of Planning, DDOT, and I guess our legal
7 counsel as well.

8 Okay, Ms. Schellin, can you do a schedule?

9 MS. SCHELLIN: Yes. We set the same schedule, 11/4
10 for responses from 6D and OP or actually from the parties,
11 and then OP and the applicant if they choose to respond would
12 have until 11/12, and then 11/18 for deliberations.

13 CHAIRMAN HOOD: And also Commissioner May had no
14 objection.

15 MS. SCHELLIN: No objections.

16 CHAIRMAN HOOD: Right. When you're ready, we can
17 call the next case.

18 MS. SCHELLIN: Next case under deliberations, 05-
19 40D, Wesley Theological Seminary of the United Method Church,
20 campus plan modification of consequence at Square 1600. At
21 the September 23rd public meeting, the Commission determined
22 this case was, in fact, a modification of consequence. The
23 new exhibits are Exhibit 8, a letter in support from the
24 party, Spring Valley Wesley Heights; Exhibit 9, a letter from
25 the applicant asking for favorable decision from the

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1 Commission this evening and ask the Commission to consider
2 final action.

3 CHAIRMAN HOOD: All right, Commissioners, we have
4 the request for an extension of the campus plan for one year.
5 It looks like it has support as stated already from -- the
6 letter of support from Spring Valley Wesley Heights Citizens
7 Association, as well as ANC -- I think the ANC 3D. 3E had
8 time and I'm sure they would have opined if they would have
9 liked, I believe. I'm not putting words in their mouth, but
10 I think that we've given everyone the amount of time.

11 I think this request, it looks like it has
12 outstanding, a lot of support to move forward. I know
13 they've been working very collaboratively with the campus
14 plan over in the Georgetown area. So let me hear what others
15 have to say?

16 Nothing else? All right, so with that, I would
17 move that we grant the request on Zoning Commission Case No.
18 05-40D, Wesley Theological Seminary of the United Methodist
19 Church, campus plan modification of consequence at Square
20 1600 and ask for a second.

21 VICE CHAIR MILLER: Second.

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

24 (Chorus of ayes.)

25 Any opposition?

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1 (No response.)

2 Let me also read the proxy. The proxy says
3 approve with such conditions from Mr. Turnbull. And Ms.
4 Schellin, if you can read Commissioner May's?

5 MS. SCHELLIN: Yes, Commissioner May says he votes
6 to approve this modification of consequence.

7 CHAIRMAN HOOD: And Ms. Schellin, could you record
8 the vote?

9 MS. SCHELLIN: Yes. Staff records the vote 5 to
10 0 to 0 to approve final action of Zoning Commission Case No.
11 05-40D. Commissioner Hood moving, Commissioner Miller
12 seconding, Commissioner Shapiro in support, Commissioners May
13 and Turnbull in support by absentee ballots.

14 Next case, 74-10A, TMG 1330 New Hampshire Avenue,
15 LLC. PUD modification of consequence at Square 115. At the
16 September 23rd, again, the Commission found this to be a
17 modification of consequence. The only new exhibit is Exhibit
18 9, a letter in support from the Dupont Circle Citizens
19 Association and ask the Commission to consider final action
20 on this case.

21 CHAIRMAN HOOD: Okay. Let me open up, any
22 comments on this request? Okay, would somebody like to make
23 a motion?

24 VICE CHAIR MILLER: Sure. I think the ANC also
25 submitted a report in support of this modification, so I

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1 would move that the Zoning Commission approve Zoning
2 Commission Case No. 74-10A, TMG 1333 New Hampshire Avenue,
3 LLC, PUD modification of consequence at Square 115 and ask
4 for a second.

5 COMMISSIONER SHAPIRO: Second.

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

8 (Chorus of ayes.)

9 Any opposition? Not seeing any, and also I have
10 a proxy from Mr. Turnbull, approving of such conditions if
11 the Commission may uphold.

12 Ms. Schellin?

13 MS. SCHELLIN: Commissioner May votes to approve
14 this modification of consequence. Staff records the vote 5
15 to 0 to 0 to approve final action in Zoning Commission Case
16 No. 74-10A. Commissioner Miller moving, Commissioner Shapiro
17 seconding, and Commissioner Hood in support. Commissioners
18 May and Turnbull in support by absentee ballot.

19 Next case, Zoning Commission Case No. 13-09C,
20 Stanton TH, LLC, PUD modification of consequence at Square
21 5877. Once again, at the September 23rd public meeting, the
22 Commission determined this case was, in fact, a modification
23 of consequence and allowed time for the ANCs 8A and 8B to
24 respond. That time period has now run and Exhibit 4 was an
25 email from SMD 8B-04, Commissioner Gaston attached the ANC's

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1 resolution and asked the Commission to not take action until
2 the applicant and ANC reached a new community benefits
3 agreement.

4 And then Exhibit 5, you have the applicant's
5 response to Commissioner Gaston's submission and ask the
6 Commission to proceed with considering final action this
7 evening.

8 CHAIRMAN HOOD: Okay, I just want to put on the
9 record on this case, been here long enough to know how things
10 happening in this city, but I did receive a call from a
11 friend who is a friend of someone about this case today and
12 it was a process. They wanted to know whether or not they
13 could come down and communicate or come down and testify or
14 say a few words. And that is not within our process, never
15 has been, unless the Commission asks someone to come forward.
16 So that was the advice given. Does anyone see that I have a
17 problem with proceeding on this case?

18 VICE CHAIR MILLER: No.

19 COMMISSIONER SHAPIRO: No, sir.

20 CHAIRMAN HOOD: So let it be noted that I have put
21 that -- I've been here long enough to know how things work,
22 so I've put that on the record. Okay, somebody can start us
23 off on this conversation. If not --

24 COMMISSIONER SHAPIRO: I have no objection, Mr.
25 Chair.

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1 CHAIRMAN HOOD: No objection, moving forward. I
2 think the request from what I see in here is for us to hold
3 off from the ANC -- from a single member District. From
4 what I recollect, the ANC voted in favor of this back in July
5 of 2019. And I believe that warranted great weight, I
6 believe, the first vote.

7 The Commissioner of ANC 8B-04, Commissioner
8 Gaston, has asked for us to hold up for benefits. Now this
9 a modification, a modification request of an existing PUD and
10 I will ask if I'm stating anything incorrectly for my counsel
11 to correct me. So I'm asking that in public. But typically,
12 when it's already been approved, you don't usually
13 renegotiate or redo public benefits. So do my colleagues
14 agree with that? That's typically our process.

15 VICE CHAIR MILLER: Yes, I would agree with that,
16 Mr. Chair.

17 CHAIRMAN HOOD: So I will say that with the caveat
18 hopefully that whoever the applicant is, I don't like to call
19 names out, will continue to work with the ANC because I think
20 what I read was a valid point, but unfortunately, that ship
21 that we dealt with has moved on. We can't bring anything
22 new, at least the courts have told, we can't really bring a
23 whole lot of things new after we have already made the
24 decision on public benefits and amenities.

25 Would anybody like to add anything else? I think

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1 that would clarify that.

2 MS. CAIN: Commissioner Hood?

3 CHAIRMAN HOOD: Yes.

4 MS. CAIN: I just want to clarify for the record
5 that the applicant's statement actually noted that the ANC
6 has voted in support. We did not receive any separate report
7 from the ANC, other than the one that came in this week. So
8 I just wanted to clarify that for the record. Everything
9 else that you said is accurate.

10 CHAIRMAN HOOD: Okay, thank you. So they did not
11 take a vote in July?

12 MS. CAIN: Again, that was per the applicant's
13 statement. We don't have anything from the ANC itself for
14 that.

15 CHAIRMAN HOOD: Okay. Okay. So I thought they
16 took a vote already, but anyway. All right, but we have
17 provided time for them to take a vote. I know specifically
18 at one of the hearings I specifically wanted to make sure
19 that this ANC had time to weigh in. Okay. Mr. Shapiro?

20 COMMISSIONER SHAPIRO: I just wanted -- I think
21 our attorney is saying that it's likely that the ANC did take
22 a vote. They just never submitted anything to us in writing.
23 So the only record we have of that vote is what the applicant
24 reported in to us.

25 CHAIRMAN HOOD: Okay. Well, I'm not going to --

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1 COMMISSIONER SHAPIRO: We don't have any doubts
2 of their integrity.

3 CHAIRMAN HOOD: Stranger things have happened, but
4 we do have one of the Commissioners here. I'm not going to
5 go through all that whether they took a vote or not, but I
6 know we've done our due diligence and our process.

7 So what I'm asking the applicant whose counsel is
8 here and I know the counsel has worked with communities a
9 lot, some of the things -- we're not trying to renegotiate
10 the CBA. We can't do that. But what we can do is ask you
11 to continue to work with the community because as I've always
12 stated, they're the ones who live there. We come in and
13 develop, we're gone. But they're the ones who live there.
14 So we'll see how that goes.

15 All right, so Commissioners, what is your
16 pleasure? Commissioner Shapiro?

17 COMMISSIONER SHAPIRO: Thank you, Mr. Chairman.
18 I'm happy to move forward. I do want to note that the
19 Commission should note that the modification is being
20 requested pursuant to the requirements of condition 7 of the
21 original order which allows for use flexibility as long as
22 the applicant obtains the modification of consequence. So
23 essentially, they're following the process that was laid out
24 in the final order.

25 CHAIRMAN HOOD: Okay.

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1 (Off mic comments.)

2 CHAIRMAN HOOD: Sometimes they all run together
3 up here. COMMISSIONER SHAPIRO: Scratch that, remove

4 that. CHAIRMAN HOOD: Save that for the next
5 case.

6 COMMISSIONER SHAPIRO: I'll be saying that in
7 about five minutes.

8 CHAIRMAN HOOD: Okay. All right. We'll be fine.
9 Okay, so I would move that we approve Zoning Commission Case
10 No. 13-09C for a PUD modification of consequence with the
11 comments that I made and ask for a second.

12 VICE CHAIR MILLER: Second.

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

15 All in favor, aye.

16 (Chorus of ayes.)

17 Any opposition? Not hearing any, and Commissioner
18 Turnbull also approved such conditions as the Commission may
19 impose. Ms. Schellin, will you read Commissioner May's
20 comments?

21 MS. SCHELLIN: Yes. Commissioner May said on this
22 case I vote in support of this modification of consequence.
23 I do not support the ANC's request to defer the vote until
24 the applicant agrees with the ANC's proposed CBA and other
25 conditions. I note that the ANC's report does not meet the

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1 requirements for great weight. The relief is very minor and
2 there is no need for the applicant to increase the proffered
3 benefits of the project. It is not appropriate to attempt
4 to relitigate the proffers for this minimal change.

5 CHAIRMAN HOOD: Okay, so I think he basically said
6 the same thing that we were saying.

7 MS. SCHELLIN: Yes.

8 CHAIRMAN HOOD: Ms. Schellin, can you call the
9 vote?

10 MS. SCHELLIN: Yes. Staff records the vote 5 to
11 0 to 0 to approve final action of Zoning Commission Case No.
12 13-09C. Commissioner Hood moving, Commissioner Miller
13 seconding, Commissioner Shapiro in support, Commissioners May
14 and Turnbull in support by absentee ballot.

15 CHAIRMAN HOOD: Okay. And let me just say this
16 while we're all here. I would appreciate it and I know
17 people reach out, but about eight years ago somebody did that
18 and it came back and that actually hurts the city because
19 sometimes we don't get the things the way we want. It will
20 come back and it will not just hurt the applicant and the
21 residents, but also makes our integrity look bad. So from now
22 on if you have questions call 202-727-6311. That will be
23 very helpful, so I can go home and look in the mirror. Thank
24 you. All right, Ms. Schellin, will you call the next case?

25 MS. SCHELLIN: Next case is Zoning Commission Case

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1 No. 16-18C, Georgetown University campus plan modification
2 of consequence at Square 1233. Once again, the Commission
3 decided this was -- determined this was, in fact, a
4 modification of consequence at their September 23rd public
5 meeting. There have been no new submissions. The ANC did not
6 provide reports as the schedule was made available for them
7 to do so. So we'd ask the Commission to proceed with final
8 action this evening.

9 CHAIRMAN HOOD: Okay, Commissioners, does anybody
10 have anything that they'd like to say on this case.

11 Commissioner Shapiro?

12 COMMISSIONER SHAPIRO: I may have something. What
13 I said before, I'll say again that we would note that the
14 modifications being requested pursuant to the requirements
15 of condition number seven in the original order which allows
16 for use flexibility as long as the applicant obtains the
17 modification of consequence, so they're following the process
18 and that's why this is before us. The condition itself isn't
19 to be modified. This is not part of the process that's laid
20 out and I have no objection to this modification of
21 consequence to take an action.

22 CHAIRMAN HOOD: And I would note that we have no
23 ANC report, but the Georgetown Community Partnership has been
24 working and I think they have members as we noted, that are
25 from the ANC, so I'm sure that they are aware of it, so we

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1 will just go with GCP and I'm sure that those ANC
2 Commissioners are aware of what's going on and move forward.

3 Anything else on this? All right, would someone
4 like to make a motion?

5 VICE CHAIR MILLER: I would move, Mr. Chair, that
6 we approve Zoning Commission Case 16-18C, Georgetown
7 University campus plan modification of consequence at Square
8 1233 and ask for a second.

9 COMMISSIONER SHAPIRO: Second.

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

12 All in favor?

13 (Chorus of ayes.)

14 Any opposition?

15 (No response.)

16 Let me say Mr. Turnbull says he approves such
17 conditions. And Commissioner May?

18 MS. SCHELLIN: Commissioner May says I vote to
19 approve this modification of consequence. The staff will
20 record the vote 5 to 0 to 0 to approve final action in Zoning
21 Commission Case No. 16-18C. Commissioner Miller moving,
22 Commissioner Shapiro seconding, Commissioner Hood in support,
23 Commissioners May and Turnbull in support by absentee ballot.

24 Next case is Zoning Commission Case No. 19-06 for
25 final action, Office of Planning text amendment regarding FAR

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1 aggregation. The proposed rulemaking was published in the
2 DC Register on September 20th. Comments were received from
3 Neighbors for a Livable Community at Exhibit 6, and Citizens
4 for Responsible Development at Exhibit 47 and ask the
5 Commission to consider final action on this case.

6 CHAIRMAN HOOD: Okay. I don't know if there any
7 comments for this. My colleagues know I voted against this.
8 Would anybody up here like to join me? So would somebody
9 like to comment on this or would somebody like to make a
10 motion that would be fine. I will make the motion.

11 MS. SCHELLIN: I will let you know that I do have
12 an absentee ballot from Commissioner May that simply states
13 I vote to approve final action in this Zoning Commission Case
14 1906.

15 CHAIRMAN HOOD: So I have one from Commissioner --
16 I'll read what Mr. Turnbull says. I've got one. I just need
17 one more. After reviewing the record, there appears to be
18 considerable opposition and misunderstanding of whatever and
19 it will be in the interest of the Zoning Commission to table
20 this and ask the Office of Planning to respond to the
21 comments. Oh, I thought he was voting with me. Maybe I
22 shouldn't have read that. Okay. Well, he says deny, so.

23 COMMISSIONER SHAPIRO: Mr. Chair? I move that we
24 approve Zoning Commission Case No. 19-06, Office of Planning
25 text amendment re: FAR aggregation. Look for a second.

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1 VICE CHAIR MILLER: Second.

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

4 (Ayes.)

5 Opposed? Opposed. And also Mr. Turnbull is
6 opposed.

7 Ms. Schellin, will you record the vote and the
8 proxies?

9 MS. SCHELLIN: Yes. Staff records the vote 3 to
10 2 to 0 to approve final action in Zoning Commission Case No.
11 19-06. Commissioner Shapiro moving, Commissioner Miller
12 seconding, Commissioner May in support by absentee ballot,
13 Commissioner Hood opposed, Commission Turnbull opposed by
14 absentee ballot.

15 CHAIRMAN HOOD: So it did look like we did a lot
16 of deliberation, but I think we've done enough if you
17 followed us all these times for deliberation that will
18 require litigation. I think we've done enough. That's why
19 we just did our final vote. So I was not going to repeat all
20 of my comments. All right, next?

21 MS. SCHELLIN: Next case is Zoning Commission Case
22 No. 19-08, Georgetown 29K Acquisition, LLC, map amendment at
23 Square 1193. The applicant provided a draft order at Exhibit
24 23. NCPC provided a letter at Exhibit 24 advising that the
25 project is not inconsistent with the comp plan and there are

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1 no adverse impacts to federal interest.

2 And I will tell you up front that Commissioner May
3 had recused himself from this case. It had nothing to do
4 with his basketball skills.

5 (Laughter.)

6 CHAIRMAN HOOD: No, I better not say, he might
7 watch this. He may say something.

8 Okay, would someone like to speak on the subject?
9 Peter's up as well. And Sharon is already done. Any further
10 comments, I guess, is what -- we did mention the NCPD report
11 as well. I don't think I have anything else. Any other
12 comments on this? Would someone like to make a motion?

13 VICE CHAIR MILLER: Mr. Chairman, I would move the
14 Zoning Commission approve Case No. 19-08, Georgetown 29K
15 Acquisition, LLC map amendment at Square 1193 and ask for a
16 second.

17 COMMISSIONER SHAPIRO: Second.

18 CHAIRMAN HOOD: Okay, it's moved and properly
19 seconded. Any further discussion?

20 VICE CHAIR MILLER: I would just say that the NCPD
21 letter that you mentioned did say that it was not
22 inconsistent with the comprehensive plan which the Office of
23 Planning reported. I think we made that finding as well.

24 CHAIRMAN HOOD: Okay. All right, any further
25 discussion? All in favor? Aye.

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1 (Chorus of ayes.)

2 I also have a vote from Mr. Turnbull that says
3 approve with such conditions as the Commission may impose.

4 Ms. Schellin?

5 MS. SCHELLIN: Yes, staff records the vote 4 to
6 0 to 1 to approve final action in Zoning Commission Case No.
7 19-08. Commissioner Miller moving, Commissioner Shapiro
8 seconding, Commissioner Hood in support, Commissioner
9 Turnbull in support by absentee ballot, and once again,
10 Commissioner May not voting having recused himself from this
11 case.

12 The next case is Zoning Commission Case No. 19-01,
13 Wesley Hawaii, LLC, consolidated PUD and related map
14 amendment at Parcel 124/77. Exhibits 40 and 42 through 45
15 are the applicant's post-hearing submissions. Exhibit 46 is
16 an NCPC letter advising that the project falls under one of
17 the exceptions from their review. So they ask the Commission
18 to consider final action on this case also.

19 CHAIRMAN HOOD: Okay, Commissioners, any opening
20 comments or questions on this?

21 I will say that I am in favor of moving forward
22 with this. When I look at the balancing tests, I look at the
23 affordable housing on balance and I think that is one of the
24 policies that I think that outweighs a number of things as
25 far as this being consistent with our path to move forward

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1 and voting on this case. I think the biggest thing for me
2 which outweighs the other policies within this would be the
3 affordable housing which we know the city is in dire need of
4 affordable housing now. Affordable to who and affordable --
5 what is affordable, that's a different question, but I think
6 as close as we get to that language, I think it's important.
7 That's why I weigh a lot of the policies in this particular
8 case with me.

9 Any others? Commissioner Shapiro.

10 COMMISSIONER SHAPIRO: I would join you. I would
11 agree that the benefits and the amenities being proffered by
12 the applicant are sufficient to balance out the requested
13 flexibility and outweigh the inconsistencies with the future
14 land use map. So I'm agreeing with you and I'm prepared to
15 move forward.

16 CHAIRMAN HOOD: I know there are some other things.
17 Commissioner -- Vice Chair?

18 VICE CHAIR MILLER: Yes, I would just concur with
19 both of your comments and just emphasize that the all
20 affordable project has units, it's 70 units. It has units
21 at 30 percent median family income, 50 percent median family
22 income, and 60 percent, and 80 percent. So it's a wide range
23 of going from extremely low income to low income under the
24 DHCD's definition.

25 In addition, there are a considerable number of

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1 two and three bedroom family size units as part of this
2 project.

3 In addition, I think that this is the project that
4 has a relocation plan for the existing tenants, temporary
5 relocation plan and a right to return at comparable rent
6 levels for existing tenants. And all of that I do agree.
7 Although public benefits, affordable housing, is a public
8 benefit that benefits the city, both the existing residents
9 and the new residents that will be part of this project does
10 weigh the potential future land use map designation and
11 consistency. So I would agree that on balance it does
12 outweigh, it does justify us going forward with this map
13 amendment and with this project and with the flexibility
14 being requested.

15 CHAIRMAN HOOD: I would agree again and I would
16 just state, I think, on balance as stated by all of us that
17 while most of the stuff is basically germane and benefits the
18 residents, I think on balance the affordability I think is
19 very germane as we move forward in this process.

20 I think we have found that finding with overall
21 with the other competing interests and other competing
22 things. So I think we've stated that enough and I think the
23 record is sufficient for us to go ahead and move forward with
24 that.

25 So with that, I would move with the conversation

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1 included that we approve Zoning Commission Case No. 19-01,
2 Wesley Hawaii, LLC, consolidated PUD related map amendment
3 at parcel 124/77 and ask 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 Also, I have a proxy from Mr. Turnbull that says
9 approval with such conditions as the Commission may impose.

10 MS. SCHELLIN: Yes, Commissioner May states that
11 he has reviewed the record and prepared to participate in the
12 final vote in this case. And he votes to approve final
13 action.

14 CHAIRMAN HOOD: Okay, Ms. Schellin, you can record
15 the vote?

16 MS. SCHELLIN: Staff records the vote 5 to 0 to
17 0 to approve final action in Zoning Commission Case No. 19-
18 01. Commissioner Hood moving, Commissioner Miller seconding,
19 Commissioner Shapiro in support, Commissioners May and
20 Turnbull in support by absentee ballot.

21 The next case is Zoning Commission Case No. 15-
22 20C, TBSC Owner 1, LLC, first stage PUD modification of
23 significance and a second stage PUD at Square 620. There was
24 the Exhibits 52 and 53, have the applicant's post-hearing
25 filings. And Exhibit 54, there was an OP second supplemental

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1 hearing report. And Exhibit 55 was the supplemental DDOT
2 report. And we'd ask the Commission to consider final action
3 on this case.

4 CHAIRMAN HOOD: Okay, I know at the end of this
5 case we ask for a lot of information and it looks like we've
6 gotten it all and I will leave, for me, I thought if there
7 was anything that needed to be tweaked, I would ask our
8 attorneys to work with that. But let me open up any
9 questions or comments.

10 No questions or comments? Okay. I appreciate the
11 applicant for submitting everything that we've asked for for
12 the most part. I think we've got everything from the list
13 that I see. Let me just check.

14 All right, I don't think we have -- I don't have
15 anything else. Does anybody else have anything on this?
16 Okay, so with that, I would approve Zoning Commission Case
17 15-20C and ask for a second.

18 VICE CHAIR MILLER: Second.

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

21 (Chorus of ayes.)

22 Any opposition? Not hearing any and also I have
23 a proxy from Mr. Turnbull approving with such conditions as
24 the Commission may impose.

25 MS. SCHELLIN: Commissioner May states I vote in

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1 favor of approval of this modification in second stage PUD.
2 The applicant has addressed all of the concerns that I had
3 and I believe those raised by others. I am not concerned
4 about any issues with the FLUM and comp plan consistency.
5 I believe strongly that the Zoning Commission should not have
6 to relitigate issues already decided in a Stage 1 approval
7 whether raised by ourselves or by parties to the case. I
8 agree we should give the OAG flexibility to work with the
9 applicant to address the couple of issues related to the
10 conditions and findings of fact.

11 With that, staff would record the vote 5 to 0 to
12 0 to approve final action in Zoning Commission Case No. 15-
13 20C. Commissioner Hood moving, Commissioner Miller
14 seconding, Commissioner Shapiro in support, Commissioners May
15 and Turnbull in support by absentee ballot. The next case
16 would be Zoning Commission Case No. 19-17 --

17 CHAIRMAN HOOD: You're going into hearing action
18 now?

19 MS. SCHELLIN: Yes. Atlas MLK, LLC and 3715 MLK,
20 LLC, map amendment at Square 6070.

21 CHAIRMAN HOOD: Okay, thank you. Ms. Myers.

22 MS. MYERS: Good evening, Commissioners. The
23 Office of Planning recommends that the Commission set down
24 the proposed map amendment by Atlas MLK, LLC and 3715 MLK,
25 LLC. This amendment would rezone lots 48, 50, 51, and 52 and

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1 Square 6070 on Martin Luther King, Jr. Avenue, Southeast,
2 from the MU-3A Zone to the MU-4 Zone.

3 As for the comprehensive plan, this amendment is
4 not inconsistent with their low density, commercial use
5 designation in the future land use plan. It is also not
6 inconsistent with their neighborhood commercial center
7 designation on the generalized policy map.

8 Rezoning these properties to MU-4 would allow them
9 a height of up to 50 feet and an FAR of up to 3 with
10 inclusionary zoning. The MU-4 zone should assist these
11 properties in attracting mixed-used development appropriate
12 for neighborhood serving commercial district on a priority
13 street in the District. Thank you.

14 CHAIRMAN HOOD: Okay, thank you, Ms. Myers. Any
15 questions or comments, Mr. Shapiro?

16 COMMISSIONER SHAPIRO: No questions, Mr. Chair.

17 CHAIRMAN HOOD: Vice Chairman?

18 VICE CHAIR MILLER: Yes, Mr. Chairman, I support
19 setting this down for a hearing. I think it will help
20 revitalize that corridor. I just had a couple of questions
21 maybe which can be -- if Ms. Myers can address now or at the
22 hearing is okay or if the applicant can.

23 There are four properties involved here, 3703,
24 3705, 3707, and 3715 Martin Luther King Avenue. One of them
25 doesn't appear to be 3705 which I guess is a market, at least

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1 in the applicant's statement, it indicates that that's a
2 market. The other is a church and the other was I think
3 office maybe. But I was just wondering do we know the
4 position -- was there any outreach to that owner of 3705 and
5 do we know where they are on this rezoning since they just
6 don't seem to be part of the applicant -- that address
7 doesn't seem to be part of the application. I don't need to
8 have the answer right now, but if we can find out if there's
9 been outreach and what their position is.

10 The other question I had, as I said, I support
11 setting this down for a hearing. There's other MU-3A
12 property on Martin Luther King Avenue right across the street
13 and then further -- is that south? I don't know the
14 direction that is, but on the map, it's at the bottom of the
15 map. It's in the OP report. I was wondering why -- I was
16 wondering is there a reason why those aren't also included
17 within the rezoning if there's just different character to
18 that part of MLK Avenue? So again, that doesn't have to be
19 answered tonight, but I just was curious why since there is
20 right across the street and then further down the block, MU-
21 3A property as well, but it isn't part of this request to be
22 rezoned to MU-4.

23 Ms. Myers, did you have any comment on that at
24 this point or you want to just wait until the hearing to
25 maybe give me more information on that?

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1 MS. MYERS: We'll pass those questions on to the
2 applicant and get them to you.

3 VICE CHAIR MILLER: Okay, thank you very much.

4 CHAIRMAN HOOD: Okay. Any other questions or
5 comments? All right, would someone like to make a motion to
6 set this down?

7 VICE CHAIR MILLER: Yes, I would move, Mr.
8 Chairman, that the Zoning Commission set down Case No. 19-17,
9 proposed zoning map amendment petition to remap lots 48, 50
10 to 52 on Martin Luther King Avenue, Southeast from MU-3A to
11 MU-4 and ask for a second.

12 COMMISSIONER SHAPIRO: Second.

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

15 (Chorus of ayes.)

16 CHAIRMAN HOOD: Any opposition? Not seeing any
17 for setting it down. Also, Mr. Turnbull is in support of set
18 down.

19 MS. SCHELLIN: I have no more absentee ballots
20 from Commissioner May. So staff would record the vote 4 to
21 0 to 1 to set down Zoning Commission Case No. 19-17 as a
22 contested case. Commissioner Miller moving, Commissioner
23 Shapiro seconding, Commissioner Hood in support, Commissioner
24 Turnbull in support, Commissioner May not present not voting.

25 Next case, 19-21, Office of Planning, text

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1 amendment to subtitles D, E, and U, roof top or upper floor
2 elements.

3 CHAIRMAN HOOD: Okay, any questions or comments?
4 Oh, I'm sorry. Let's go to Ms. Elliott. This got me
5 confused. Ms. Elliott.

6 MS. ELLIOTT: If you want to skip the presentation
7 then I'd go right to comments.

8 CHAIRMAN HOOD: No.

9 MS. ELLIOTT: Good evening, Mr. Chairman, members
10 of the Commission, for the record I'm Brandice Elliott
11 representing the Office of Planning. The Office of Planning
12 recommends that the Zoning Commission set down for a public
13 hearing text amendments to subtitle D which applies to R
14 Zones, subtitle E which applies to RF Zones, and subtitle U
15 as they relate to the protection of solar energy systems.

16 The zoning regulations currently provide
17 protections for solar energy systems in the RF Zone when they
18 may be impacted by an addition by an existing building or by
19 a conversion of a building into an apartment building. The
20 regulations do not currently apply to new construction or to
21 lower density zones.

22 The purpose of the proposed amendments is to
23 expand the existing protections of solar panels to semi-
24 detached and attached dwellings in the R Zones and to new
25 construction in the R and RF Zones.

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1 OAG has advised that some of the text relating to
2 the functioning of chimneys and external vents will require
3 additional revisions to ensure that it applies to semi-
4 detached and detached buildings only and OP requests
5 flexibility to work with OAG on the final public hearing
6 language.

7 In addition, OP will continue to coordinate with
8 DCRA and DOEE regarding the proposed changes. I'm happy to
9 answer any questions you have.

10 CHAIRMAN HOOD: Ms. Elliott, I'm glad to hear you
11 say that you will continue to work with OAG and DCRA and all
12 the parties involved. I think this is very critical.
13 Hopefully, we can get this right the first time and not have
14 to revisit it. This is going to be crucial that that
15 interaction and try to make the legal sufficiency and our
16 proceedings and things that we have to weigh and monitor and
17 be able to articulate and try to weigh on and follow the
18 regulations as close as we can get it to the best we can.
19 We might not be able to get it exact, but it's close -- at
20 least something tangible for us to work with. So I
21 appreciate those comments. So that saved my questions.

22 So Mr. Shapiro?

23 COMMISSIONER SHAPIRO: Thank you, Mr. Chair, I
24 agree with that. And also when -- assuming that we set this
25 down which I mentioned we will, if you could provide us at

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1 the hearing with playing out the possible ways that something
2 like this --- I could be more supportive of this. I'm
3 concerned about the ways in which it could be abused. So
4 just your thoughts and responses around if a neighbor -- what
5 happens if a neighbor chooses to put up a solar panel in just
6 the right way to stop a neighbor from having a pop up and
7 what the unintended consequences of this very worthy
8 worthwhile thing might be. I think that narrows our
9 consideration as well. That's all I have, Mr. Chair.

10 CHAIRMAN HOOD: Okay. Anything else?

11 VICE CHAIR MILLER: I would concur with both of
12 the Commissioners' comments and also just on the last point
13 that Mr. Shapiro made, maybe had some concern about the
14 significantly interfere definition. It may have too low a
15 threshold of five percent and because of the concern that
16 Commissioner Shapiro articulated in terms of being used.
17 It's just a way to stop something from happening. So I guess
18 we just need to look at that carefully and make sure we try
19 to get it as clear -- as appropriate a definition as
20 possible. Thanks.

21 CHAIRMAN HOOD: All right, in that case I would
22 move that we set down Zoning Commission case 19-21 and all
23 comments that stays on the record here tonight and previously
24 in the reports, and ask for a second.

25 COMMISSIONER SHAPIRO: Second.

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1 CHAIRMAN HOOD: It's been moved and properly
2 seconded. Any further discussion? All those in favor?

3 (Chorus of ayes.)

4 Any opposition? Not hearing any of those present.

5 Commissioner Turnbull approves set down.

6 MS. SCHELLIN: Staff records the vote 4 to 0 to
7 1 to set down Zoning Commission No. 19-21 as a rulemaking
8 case. Commissioner Hood moving, Commissioner Shapiro
9 seconding, Commissioner Miller in support, Commissioner
10 Turnbull in support by absentee ballot, Commissioner May not
11 present not voting.

12 CHAIRMAN HOOD: Okay, next.

13 MS. SCHELLIN: The last case are case numbers --
14 it's under correspondence, 06-11Q and 06-12Q, George
15 Washington University request for waiver from posting
16 requirements. The applicant is requesting a waiver from the
17 posting requirements of Subtitle Z, Section 4024. This
18 posting issue was not a problem with the 1958 regs, but
19 posting language for the campus plans was amended from the
20 2016 regs. The applicant has requested to the language being
21 included that may be in Case No. 1905 which hasn't been
22 published yet for hearing and thought maybe it could be added
23 to that case.

24 CHAIRMAN HOOD: So what is 19? Ms. Schellin, what
25 is 1905? Been seeing that for a while.

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1 MS. SCHELLIN: That was a case that the Commission
2 set down the second meeting in March that has --

3 CHAIRMAN HOOD: March.

4 MS. SCHELLIN: -- several, has some text
5 amendments to I think XYZ, maybe some other subtitles.

6 CHAIRMAN HOOD: So, okay, is this the case -- we
7 had a laundry list of things that we wanted to correct in ZR-
8 16 and some other things. Is this that case, 1905?

9 MS. SCHELLIN: Yes.

10 CHAIRMAN HOOD: So March -- what's the hold up?
11 I'm looking to Office of Planning, so they must not be the
12 hold up, they're not looking up.

13 MS. SCHELLIN: It's actually with OAG.

14 CHAIRMAN HOOD: Oh, so I need to look this way.
15 So what's the hold up with 1905? Because I know I had a
16 couple of things in that because I've been waiting, if I
17 remember correctly, I know I had a couple of things on that
18 laundry list.

19 MR. RITTING: And unfortunately, I can't offer you
20 much of an answer. Mr. Tondro just left.

21 CHAIRMAN HOOD: Did he leave because 1905 was
22 coming up? Tell him I said that.

23 MR. RITTING: His spidey sense must have been
24 tingling because he made a timely departure.

25 CHAIRMAN HOOD: Okay.

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1 MR. RITTING: And unfortunately, I just don't know
2 the answer.

3 CHAIRMAN HOOD: So can we find out what's going
4 on with 1905? Meanwhile, we have a request before us. Is
5 this something we need to deal with tonight?

6 MS. SCHELLIN: I mean the next step is to have it
7 published for public hearing and it's in his court.

8 CHAIRMAN HOOD: He might not want it to go to
9 1905.

10 MS. SCHELLIN: So unless you light the fire under
11 him, it's in his court.

12 CHAIRMAN HOOD: Hold on a second. I'll write you
13 a note.

14 VICE CHAIR MILLER: Yes, I was just going to say
15 I support the waiver request on the posting requirement
16 because it's --

17 MS. SCHELLIN: Yes, you have to --

18 VICE CHAIR MILLER: -- the posting requirement,
19 something didn't come forward from the 58 regulations and it
20 reads as more stringent posting requirement than the way it's
21 been for decades.

22 MS. SCHELLIN: Yes.

23 VICE CHAIR MILLER: So I support the waiver
24 request and I support this correction being added to the 19-
25 05 public hearing notice, whenever that gets done.

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1 CHAIRMAN HOOD: So let's -- I also agree, so let
2 me put that in the form of a motion.

3 MS. SCHELLIN: Okay.

4 CHAIRMAN HOOD: I would move that we support the
5 waiver request as noted as 064-11Q and 064-12Q and also push
6 for 1905 as soon as possible. It's been going on for a while
7 and ask for a second.

8 VICE CHAIR MILLER: And include within 1905 this
9 correction.

10 CHAIRMAN HOOD: Right.

11 VICE CHAIR MILLER: Yes, I would second that.

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

14 All in favor?

15 (Chorus of ayes.)

16 Any opposition? Not hearing any --

17 MS. SCHELLIN: They did not provide any absentee
18 -- either of them.

19 CHAIRMAN HOOD: Neither one?

20 MS. SCHELLIN: Neither. So staff records the vote
21 3 to 0 to 2 to approve the waiver request from posting in
22 Zoning Commission Case Nos. 06-11Q and 06-12Q and to add this
23 language to Zoning Commission Case No. 1905 and to request
24 that OAG move forward with this as quickly as possible.

25 CHAIRMAN HOOD: Okay, Ms. Schellin, do we have

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1 anything else?

2 MS. SCHELLIN: Staff does not.

3 CHAIRMAN HOOD: Ms. Steingasser, do you have
4 anything?

5 MS. STEINGASSER: No, sir. We do not.

6 CHAIRMAN HOOD: Okay, I want to thank everyone for
7 your participation. Also, I want to thank Mr. Turnbull and
8 Commissioner -- Commissioner Turnbull and Commission May for
9 making sure that they -- while they had other things to do
10 this evening, make sure that they were able to provide, read
11 and provide proxies because that was very helpful from both
12 of them.

13 Okay, so with that, I want to thank everyone for
14 their participation and this meeting is adjourned.

15 (Whereupon, the above-entitled matter went off the
16 record at 7:49 p.m.)

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C E R T I F I C A T E

This is to certify that the foregoing transcript

In the matter of: Regular Meeting

Before: DCZC

Date: 10-21-19

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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