

GOVERNMENT
OF
THE DISTRICT OF COLUMBIA

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ZONING COMMISSION

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REGULAR MEETING

+ + + + +

MONDAY
APRIL 27, 2020

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The Regular Meeting of the District of Columbia Zoning Commission convened via video teleconference, pursuant to notice at 4:00 p.m., Anthony J. Hood, Chairman, presiding.

ZONING COMMISSION MEMBERS PRESENT:

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

OFFICE OF ZONING STAFF PRESENT:

SHARON S. SCHELLIN, Secretary
PAUL YOUNG, Zoning Data Specialist

OFFICE OF PLANNING STAFF PRESENT:

JENNIFER STEINGASSER, Deputy Director,
Development Review & Historic Preservation
MAXINE BROWN-ROBERTS
BRANDICE ELLIOTT
JONATHAN KIRSCHENBAUM
JOEL LAWSON

The transcript constitutes the minutes from the Regular Meeting held on April 27, 2020.

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

4:00 p.m.

CHAIR HOOD: Okay, let's go ahead and get started.

Good afternoon ladies and gentlemen. This is a public meeting of the Zoning Commission for the District of Columbia. Today's date is Monday, April 27, 2020.

This is our virtual hearing, and joining me this afternoon -- my name is Anthony Hood, and joining me this afternoon are Vice Chair Miller, Commissioner Shapiro, Commissioner May and Commissioner Turnbull. We're also joined by Ms. Sharon Schellin from the Office of Zoning, as well as Mr. Paul Young, who's going to be doing all our navigating and our virtual assistance.

So I would ask the public to be patient with us. This is our first time doing this, but we are -- we seem to think things will go well. So I would ask for your indulgence and your patience. Also I would ask anyone who's going to speak, if they -- when they come, if they could introduce themselves and also the office in which they work.

I would also ask Mr. Paul Young to kind of make sure he navigates that for us, and again I ask the public to be patient with us. I want to welcome them to this virtual hearing or meeting. Now if someone, if we call for someone -- typically we don't ask for anyone to speak, but if we call for it, we'll figure out how to do that. But typically no

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1 one speaks at our meetings, those deliberations upon
2 ourselves.

3 So I don't think I need to read anything else.
4 So Ms. Schellin, let's go to -- do you have any preliminary
5 matters?

6 MS. SCHELLIN: Just one. Yes, just one. Just
7 in case anybody missed it, Zoning Commission Case No. 04-
8 08E/02-45, Verizon Wireless, they had applied for a PUD
9 modification of consequence under Section 3(b)(E) of the
10 agenda. They did withdraw that case, so it will not be on
11 the agenda.

12 CHAIR HOOD: Okay, thank you. Do we have anything
13 else? All right. With that --

14 MS. SCHELLIN: Other than -- I'm sorry. I'm
15 sorry, there was one more. You had said to remind you about
16 the summer dress code starting early.

17 CHAIR HOOD: Oh okay. So I guess we'll start our
18 summer dress code. We can actually start right now. So
19 let's make sure that it's noticed, and also those who come
20 in and testify in front of us when we do get back to our
21 normal situation, whenever that happens, we would ask that
22 you come down comfortable, as you see we are here today. All
23 right, anything else?

24 MS. SCHELLIN: No sir.

25 CHAIR HOOD: Okay. So with that, let me call the

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1 first case, Zoning Commission Case No. 16-06D is Jemal/PTM
2 Lazriv Water, II LLC, Design Review Modification of
3 Consequence at Square 666. Okay, Ms. Schellin.

4 MS. SCHELLIN: Yes. The applicant is requesting
5 a modification of consequence of a design review case for a
6 change of use to permit education use of the building. The
7 applicant is requesting a waiver to allow the change of use.
8 In addition, they are asking for a 0.47 percent increase in
9 the FAR. At Exhibit 4 OP has stated that they -- in their
10 report, they stated that they agree with the applicant that
11 the change of use constitutes a modification of significance,
12 but they do not object to the Commission granting the waiver
13 in this case to permit the change as a modification of
14 consequence. OP further explains that the expedited time
15 frame that the applicant has requested at Exhibit 9 is
16 necessary for the school to open in time for the August
17 start, and also because the school lost its lease at the
18 previous location.

19 At Exhibit 6, there's a DDOT report advising of
20 no significant impact. Exhibit 8, ANC 6C's resolution in
21 support. Also included in Exhibit 9, the applicant's request
22 for expedited review, is an agreement to the ANC's conditions
23 and DDOT's two conditions.

24 So we would ask the Commission to, one, decide
25 whether it is in fact a modification of consequence. If so,

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1 whether to grant the waiver that the applicant has requested,
2 and to consider whether you will take the expedited review
3 requested. If not, then to set a schedule. Thank you.

4 CHAIR HOOD: Thank you, Ms. Schellin.
5 Commissioners, you've heard Ms. Schellin tee that up, I
6 think, very well for us. You've heard the request. You've
7 also heard the advice from counsel. Let me ask, does anyone
8 see that this needs to come off of the consent calendar item
9 as either a modification of consequence or modification of
10 well, significance, either one?

11 Does anybody see that it needs to come off
12 totally?

13 COMMISSIONER TURNBULL: No.

14 CHAIR HOOD: Okay. Now let's deal with the
15 request. Does anyone -- we've heard the recommendation from
16 counsel. Does anyone have that -- us considering this a
17 modification of consequence? Any objections? Okay. Vice
18 Chair Miller.

19 VICE CHAIR MILLER: Thank you, Mr. Chairman. So
20 I thought we had advice from OP and OAG that under our regs,
21 it would be considered a modification of significance, waive
22 that and consider it as a modification of consequence.

23 So I just wanted to clarify that, yes, I'm willing
24 to consider it as a modification of consequence, but we have
25 to waive our regs because of the standards for significance

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1 versus consequence.

2 CHAIR HOOD: Okay. Does anyone, and that goes
3 along with what the Vice Chair just said, does anyone have
4 any issues with us waiving that, waiving our rule, that it's
5 a modification of significance? Making it a modification of
6 consequence versus a modification of significance on the
7 advice of counsel and also the support that it asks? Any
8 objections?

9 COMMISSIONER SHAPIRO: No objections.

10 CHAIR HOOD: Okay. I kind of look at anybody to
11 see if anybody's going to move. Any objections?

12 COMMISSIONER MAY: Yeah. No objection. Mr.
13 Chairman, if I could just add. The rationale here, I mean
14 ordinarily I'm a stickler for the rules about things like
15 this when something is a modification of significance, and
16 the change of use historically is something that we consider
17 a modification of significance.

18 But in this circumstance, we're talking about a
19 use that's otherwise a matter of right if not for the fact --
20 if this were subject to the design review. So between that
21 and the fact that there were no parties in opposition, there
22 were no parties other than the ANC, the ANC supports it, I
23 don't see any reason for us to extend the process in this
24 circumstance, and I think it's fine to waive the rules.

25 CHAIR HOOD: Okay, any other comments?

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1 COMMISSIONER TURNBULL: I would just say that
2 considering the situation we're in with the emergency, I
3 think is another reason why we need to expedite this.

4 CHAIR HOOD: I would agree with all the comments
5 I've heard. I think this is right for us to do the waiver,
6 also to make it a modification of significance -- I mean a
7 modification of consequence and also expediting this as well,
8 especially with current situations and also the rationale
9 behind trying to get school started hopefully in August.

10 So with all that, I think the record's complete,
11 we can go ahead and move forward. Would somebody like to
12 make a motion?

13 VICE CHAIR MILLER: Sure, Mr. Chairman. I would
14 move that we waive the rules and consider this -- on Zoning
15 Commission Case No. 16-06E, Jemal/PTM Lazriv Water II LLC
16 Design Review, consider it a modification of consequence
17 rather than significance at Square 666, and ask for a second.

18 COMMISSIONER MAY: Second.

19 CHAIR HOOD: Okay. It's been moved and properly
20 seconded. Any further discussion? I would also add that at
21 some time the applicant can return some or all of the space
22 proposed for the charter school, return it to that use and
23 not (audio interference). I want to make sure I put that on
24 the record. Any further discussion? Okay, Ms. Schellin,
25 would you do a roll call vote please.

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1 MS. SCHELLIN: Yes sir, Commissioner Miller?

2 VICE CHAIR MILLER: Yes.

3 MS. SCHELLIN: Commissioner Shapiro?

4 COMMISSIONER SHAPIRO: Yes.

5 MS. SCHELLIN: Commissioner Hood?

6 CHAIR HOOD: Yes.

7 MS. SCHELLIN: Commissioner May?

8 COMMISSIONER MAY: Yes.

9 MS. SCHELLIN: Commissioner Turnbull?

10 Commissioner Turnbull?

11 COMMISSIONER TURNBULL: I'm sorry, I had my
12 microphone off. Yes.

13 MS. SCHELLIN: Okay. The vote is 5 to 0 to 0 to
14 approve final action in Zoning Commission Case No. 16-06D.

15 CHAIR HOOD: Okay, thank you. Ms. Schellin, let
16 me know when you're ready.

17 MS. SCHELLIN: I'm ready.

18 CHAIR HOOD: Okay.

19 COMMISSIONER SHAPIRO: Mr. Chair?

20 CHAIR HOOD: Yes, Commissioner Shapiro.

21 COMMISSIONER SHAPIRO: If we took action on that,
22 there were some conditions that DDOT was proposing or --

23 MS. SCHELLIN: They agreed to those.

24 CHAIR HOOD: All those were agreed to, and I think
25 all that was stated in the motion. But I think all that was

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1 agreed to anyway.

2 COMMISSIONER SHAPIRO: Okay. I just wanted to
3 double-check. Thank you, Mr. Chair.

4 CHAIR HOOD: All right. Okay, let's go to final
5 action. Zoning Commission Case No. 19-16, MF WALP Phase I
6 LLC, Consolidated PUD at Square 481. Ms. Schellin.

7 MS. SCHELLIN: Yes sir. At Exhibit 78, you have
8 the applicant's letter regarding follow-up about the
9 discussions with the churches that the Commission asked them
10 to hold. At Exhibit 79, there's a letter from the Miles
11 Memorial Christian Methodist Episcopal Church regarding those
12 discussions with the applicant.

13 So we would ask the Commission to consider final
14 action on this case. It has come up before and final action
15 was deferred I think twice now for this, and so we'd ask the
16 Commission to consider final action this afternoon.

17 CHAIR HOOD: Okay, thank you Ms. Schellin. All
18 right, Commissioners. I think they have responded, some not
19 like I would have liked to have seen, but I think some things
20 they responded. But we will go on with, I guess our usual --
21 let me see. Commissioner May, do you have any comments?

22 COMMISSIONER MAY: I do. I've got to get myself
23 oriented here. So I appreciate the fact that the applicant
24 has, and the churches have continued to meet, and it's
25 unfortunate that they didn't come to agreement on something

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1 that was acceptable to both sides.

2 At this point, I am supportive of approving the
3 case as it has been presented to us. I think the applicant
4 has made the case that they are -- they are proffering
5 sufficient inclusionary zoning and at the right affordability
6 levels.

7 I appreciate the churches wanting to seek more,
8 and I appreciate the Office of Planning and other District
9 agencies supporting a higher level of affordability.

10 But you know, we are voting on what's before us
11 and I think that what we have is adequate and the
12 affordability level is adequate. I appreciate that this may
13 potentially have an impact on church parking, but I don't
14 think that it's a reason to stop the case at this point.

15 I think that the applicant has made a good faith
16 effort to try to resolve that but unsuccessfully with the
17 churches. So I expect that they will still extend an open
18 arm to the church if they can once the project is developed.
19 I do think that the -- I mean there are a few other sort of
20 substantive issues on the case, because they are asking for
21 kind of the maximum flexibility.

22 I think that in previous -- in the previous
23 meeting, we went through some of that discussion. But I
24 think with the additional bonus density that was needed to
25 make it work, I think they demonstrated that with the height

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1 of the building, and the other, you know, the fact of the
2 inclusion of the balconies and other issues that complicated
3 how their building laid out, I think they've made the case
4 that it's worthy of getting extra flexibility, and I think
5 that it was one of the big reasons is that they were able
6 to keep the height lower, which I think makes it better in
7 the context.

8 So I think on all those points the project is
9 worthy of approval. I think the one question that remained
10 open was the applicant's request for flexibility in the
11 number of units, and what they offered was I think not quite
12 enough.

13 I agree with the Office of Planning that we can
14 grant the flexibility on the number of units, but it should
15 only be limited to studios and one-bedrooms. So I think
16 that's pretty much what I have to say.

17 CHAIR HOOD: Okay. Commissioner Shapiro,
18 anything?

19 COMMISSIONER SHAPIRO: Thank you, Mr. Chair. I
20 think Commissioner May summarized it quite well. I concur.
21 I'm happy to move this forward, and I have nothing further
22 to add, Mr. Chair.

23 CHAIR HOOD: Commissioner Turnbull.

24 COMMISSIONER TURNBULL: Thank you, Mr. Chair. I
25 would agree with Commissioners May and Shapiro, and go along

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1 with the Office of Planning's recommendation that the
2 flexibility regarding the units be limited to the studios and
3 the one-bedrooms. And that's what I have.

4 CHAIR HOOD: Okay. Vice Chair Miller.

5 VICE CHAIR MILLER: Thank you, Mr. Chairman. I
6 concur with all of the comments of my colleagues. Thank you.

7 CHAIR HOOD: So I will say that on this case,
8 because I specifically asked the applicant and the church to
9 work together. I'm very actually a little taken aback that
10 we couldn't even come to some type of agreement, as has
11 already has been mentioned. I've tossed with today whether
12 to vote against this or vote for it.

13 I do like the structure, but I'm having a problem
14 with the impacts. I believe there are some adverse impacts
15 that will definitely happen with this project. I just didn't
16 understand why we couldn't even -- I know that the -- I think
17 it was 40 parking spaces. I mean that's very critical to
18 churches in the city, and I think that could have been worked
19 out.

20 Not necessarily get 40, but at least meet halfway
21 or 15 or something. But it looks like, as far as I'm
22 concerned, it looks like we ended up with nothing. I'm just
23 not -- I'm just not happy with the response that I got back.
24 It's like okay, all right, we tried. We did what he asked
25 us to do. We didn't meet again. We didn't even respond the

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1 last time and we just -- this is it. We just have an
2 impasse.

3 I believe that things like that could be worked
4 out. I heard, I saw in the submission they talk about a good
5 neighbor policy. So I mean it sounds like they have the
6 votes for this without me, but I think that this has some
7 impacts. I think it's detrimental to this community. I
8 would also like to see a deeper affordability, but that's
9 what we have, what we have with us.

10 I understand the point from Miles Memorial. But
11 as far as that goes, that's not my rationale for voting
12 against this. I think there are some impacts that that
13 neighborhood will endure, because there's not a workable
14 agreement. So I will be voting against this project. So,
15 and I hate to do that, because I do like the design. So
16 anyway, does somebody want to make a motion?

17 VICE CHAIR MILLER: Mr. Chairman, I just wanted
18 to share my concurrence with your comments as well. I too,
19 like the last time, was disappointed that some kind of
20 parking set-aside could not have been provided that was
21 meaningful.

22 It's mostly just on Sundays or special events, and
23 so I share, I share that disappointment. But I don't, I'm
24 not sure that delaying this any further when it's hard to
25 know if any projects really are going to move forward in this

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1 climate.

2 But I reluctantly -- I'm still prepared to support
3 going forward. But I do hope that the -- the good neighbor
4 policy that you've advocated for so many years will be,
5 continue to be adhered to by all parties, and that they'll
6 find a way to accommodate just mostly the Sunday parking
7 needs in a very dense neighborhood where obviously some of
8 the parking, I mean there are -- I think they're doing 100
9 parking spaces, which is 40 over the minimum that we require
10 in our zoning regulations. But that's what their
11 transportation report said they needed to not have an adverse
12 impact on the neighborhood in terms of parking on the street.

13 Anyway, I just wanted to concur with, to share
14 your disappointment that something couldn't be worked out.
15 But I'm hopeful that something going forward can be
16 accommodated as neighbors going forward.

17 CHAIR HOOD: Let me say this Vice Chair. I would
18 agree. I think, and I see you Mr. Turnbull. But I would
19 agree, Vice Chair. I would hope that they would continue.
20 I just have to have a good conscience.

21 I don't think it's clear. I'm not blaming one
22 side or the other. I think they could have done something.
23 To come back like this I think is -- just, it continues to
24 have those impacts. Mr. Turnbull.

25 COMMISSIONER TURNBULL: Thank you, Mr. Chairman.

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1 You know, I don't know. Going back through all the
2 correspondence going back and forth with the meetings, was
3 a lower number proffered? Was like a 20 number proffered at
4 any time?

5 CHAIR HOOD: If it was --

6 COMMISSIONER TURNBULL: I don't know if it came
7 up at our meetings or not.

8 CHAIR HOOD: Well here's the thing. As I read
9 through this, and I can tell you when I first read it, I said
10 you know, they'll work it out. Then I said no, I have to
11 have -- I have to sleep at night too. So when I looked at
12 it, I didn't see a lower number.

13 But I mean I know they said 40, and I don't know
14 if that was a hard, fast rule. But I think the church could
15 have given ten spaces. With what's going on in that area
16 now, five spaces would have been at least an improvement,
17 anything. So I just didn't see that, and I just want to --
18 I just want to make sure that I have a -- I can rest with
19 myself. That's just where I am.

20 COMMISSIONER TURNBULL: No, I totally understand.
21 I'm just saying like this is the one thing like with the Vice
22 Chair. You hate wavering back and forth if you're going to
23 get anything else. But at this point in time, you raise a
24 great issue about the parking and I understand.

25 But I'm just saying that is there an option, that

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1 the applicant can proffer 20, or would go to proffer 20?

2 CHAIR HOOD: I looked at that, and I would tell
3 you I didn't see it. At least I didn't see it. Now I may
4 have missed it. I actually went back and forth with this
5 case probably most of this afternoon, looking back and forth
6 trying to figure this out, which way my vote was going to be.
7 I didn't see it. So that's just where I am with my vote.
8 All right, anything else?

9 COMMISSIONER TURNBULL: No, that's it.

10 CHAIR HOOD: All right. So it's been moved.
11 Somebody already made the motion, right? Okay.

12 COMMISSIONER MAY: I didn't hear a motion.

13 CHAIR HOOD: Okay. So let me ask this. Has
14 everybody spoken on it? Yeah, I guess they have because I
15 went last. All right, all right. Again, I ask the public
16 and everybody to be patient with us. So anyway, somebody
17 made a motion?

18 COMMISSIONER MAY: Sure, Mr. Chairman. I would
19 move that we take proposed action to approve Zoning
20 Commission --

21 MS. SCHELLIN: Final.

22 COMMISSIONER MAY: Sorry, it's final. Oh that's
23 right, it's final. Final action on Zoning Commission Case
24 19-16, MF WALP Phase I, Consolidated PUD at Square 481.

25 VICE CHAIR MILLER: Second.

1 CHAIR HOOD: It's been moved and properly
2 seconded. Ms. Schellin, would you do a roll call vote?

3 MS. SCHELLIN: Yes sir. Commissioner May?

4 COMMISSIONER MAY: Yes.

5 MS. SCHELLIN: Commissioner Shapiro.

6 COMMISSIONER SHAPIRO: Yes.

7 MS. SCHELLIN: Commissioner Hood.

8 CHAIR HOOD: No.

9 MS. SCHELLIN: Commissioner Miller.

10 VICE CHAIR MILLER: Yes.

11 MS. SCHELLIN: Commissioner Turnbull.

12 COMMISSIONER TURNBULL: Yes.

13 MS. SCHELLIN: The vote is 4 to 1 to 0 to approve
14 final action on Zoning Commission Case No. 19-16.

15 CHAIR HOOD: All right. Let me take a two-minute
16 break.

17 (Whereupon, the above-entitled matter briefly went
18 off the record.)

19 CHAIR HOOD: I can do it on the record. People want
20 to know -- I'm getting requests. People want to know how
21 they can join this meeting. Can they go to our website or
22 what do they have to do?

23 MS. SCHELLIN: They can on our website. It's
24 actually, on our website there is a news item that tells them
25 how to do it. There's an agenda and an attachment that tells

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1 them, gives them instructions on how to do that.

2 CHAIR HOOD: Okay, I thank you.

3 MS. SCHELLIN: We have probably close to 100
4 people now that were already, last time I checked. Now some
5 of them may have fallen off after that case.

6 CHAIR HOOD: We did have -- so somebody, just for
7 public disclosure, somebody just asked me how do they join
8 us. Anyway, thank you.

9 MS. SCHELLIN: Yes.

10 CHAIR HOOD: Thank you. Okay. Let's go to the
11 next case, Zoning Commission Case No. 19-25. This is
12 Airdome, LLC Map Amendment. It's Square 982. Ms. Schellin.

13 MS. SCHELLIN: Yes. At Exhibit 28, that's the
14 only new exhibit, it's an NCPC report showing that by
15 delegated action, they found that the map amendment was not
16 inconsistent with the National Comp Plan, and it would not
17 adversely affect any federal interests. So we'd ask the
18 Commission to consider final action.

19 CHAIR HOOD: Okay. Thank you, Ms. Schellin.
20 Commissioners, we have the request before us for final
21 action. Any further comments?

22 COMMISSIONER MAY: No sir.

23 CHAIR HOOD: Okay. Not hearing any, would someone
24 like to make a motion?

25 COMMISSIONER TURNBULL: Mr. Chair, I would move

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1 that we take final action on Zoning Case No. 19-25, Airdome
2 LLC Map Amendment at Square 982, and ask for a second.

3 CHAIR HOOD: I'll second it. It's been moved and
4 properly seconded. Ms. Schellin, can you do a roll call
5 vote?

6 MS. SCHELLIN: Yes. Commissioner Turnbull?

7 COMMISSIONER TURNBULL: Yes.

8 MS. SCHELLIN: Commissioner Hood?

9 CHAIR HOOD: Yes.

10 MS. SCHELLIN: Commissioner May?

11 COMMISSIONER MAY: Yes.

12 MS. SCHELLIN: Commissioner Miller?

13 VICE CHAIR MILLER: Yes.

14 MS. SCHELLIN: Commissioner Shapiro?

15 COMMISSIONER SHAPIRO: Yes.

16 MS. SCHELLIN: The vote is 5 to 0 to 0 to approve
17 Zoning Commission Case No. 19-25 for final action.

18 CHAIR HOOD: Okay, thank you. Moving right along,
19 Zoning Commission Case No. 19-26, Office of Planning text
20 amendment to Subtitles C, G, K, X and Z, to align covenant
21 text. I think that was -- Ms. Schellin.

22 MS. SCHELLIN: Yes. The proposed rulemaking was
23 published on February 14th and no comments were received, so
24 we'd ask the Commission to consider taking final action this
25 evening.

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1 CHAIR HOOD: Okay, thank you Ms. Schellin. So the
2 public knows, these last two cases, especially the last two
3 cases I've called, we had a lot of -- a lot of discussion on
4 them, especially during proposed action. So that's why we're
5 kind of moving through these. This is not our first time
6 seeing them.

7 We've had a hearing and then we've had discussions
8 on our proposal, and these have been basically fully vetted.
9 So we're just finalizing our actions if something different
10 came in. I just wanted to explain that since we had so many
11 people, I'm actually excited that we had a hundred and some
12 people. We might need to do this more often. But anyway,
13 so let me open it up, any questions or comments.

14 COMMISSIONER SHAPIRO: No questions, Mr. Chair.
15 I'm happy to make a motion.

16 CHAIR HOOD: Okay. Mr. Shapiro.

17 COMMISSIONER SHAPIRO: Thank you. I move that we
18 take final action on Zoning Case No. 19-26, Office of
19 Planning Text Amendments to Subtitles C, G, K, X and Z, to
20 align covenant text, and look for a second.

21 COMMISSIONER MAY: Second.

22 CHAIR HOOD: It has been moved and properly
23 seconded. Any further discussion? Ms. Schellin, roll call
24 vote please.

25 MS. SCHELLIN: Commissioner Shapiro?

1 COMMISSIONER SHAPIRO: I vote yes.

2 MS. SCHELLIN: Commissioner May?

3 COMMISSIONER MAY: Yes.

4 MS. SCHELLIN: Commissioner Hood?

5 CHAIR HOOD: Yes.

6 MS. SCHELLIN: Commissioner Miller?

7 VICE CHAIR MILLER: Yes.

8 MS. SCHELLIN: Commissioner Turnbull?

9 COMMISSIONER TURNBULL: Yes.

10 MS. SCHELLIN: The vote is 5 to 0 to 0 to approve
11 Zoning Case No. 19-26 for final action.

12 CHAIR HOOD: Okay. Now we go to Time Extensions.
13 Are we at Time Extensions?

14 MS. SCHELLIN: Yes.

15 CHAIR HOOD: Yeah, Time Extensions, okay. Zoning
16 Commission Case No. 05-28W. This is Parkside Residential
17 LLC, Two Year PUD Time Extension of Order No. 05-28Q at
18 Square 5056. Ms. Schellin.

19 MS. SCHELLIN: Yes. The applicant has requested
20 a two-year time extension of Order No. 05-28Q. The applicant
21 cites the reasons for the extension is state of the
22 residential retail and office markets east of the Anacostia
23 and challenges in obtaining financing for mixed income and
24 mixed use development.

25 This is the first time extension for this second

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1 stage PUD. We would ask the Commission to consider final
2 action for this case.

3 CHAIR HOOD: Okay. Commissioners, you've heard
4 the request. Any questions or comments? I think Ms.
5 Schellin's already teed it up. There's no substantial
6 change, and financially seems to be -- and this is the first
7 time for this extension. So I know we're normally pretty
8 much very lenient, and I think for the most part, especially
9 when the merits of this looks as though it warrants it. So
10 any further discussion? Okay. So with that, I would move
11 that we grant a time extension for Zoning Commission Case No.
12 05-28W, Parkside Residential LLC, Two-Year PUD Time Extension
13 of the Order No. 05-28Q, and ask for a second.

14 VICE CHAIR MILLER: Second.

15 CHAIR HOOD: It's been moved and properly
16 seconded. Any further discussion? Ms. Schellin, could you
17 do a roll call vote?

18 MS. SCHELLIN: Commissioner Hood?

19 CHAIR HOOD: Yes.

20 MS. SCHELLIN: Commissioner Miller?

21 VICE CHAIR MILLER: Yes.

22 MS. SCHELLIN: Commissioner May?

23 COMMISSIONER MAY: Yes.

24 MS. SCHELLIN: Commissioner Shapiro?

25 COMMISSIONER SHAPIRO: Yes.

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1 MS. SCHELLIN: Commissioner Turnbull?

2 COMMISSIONER TURNBULL: Yes.

3 MS. SCHELLIN: The vote is 5 to 0 to 0 to approve
4 the two-year time extension for Zoning Commission Case No.
5 05-28W.

6 CHAIR HOOD: Okay, thank you. Let's move right
7 into our next case, Time Extension Zoning Commission Case No.
8 05-28X, Lano Parcel 12 LLC, Two-Year PUD Time Extension of
9 Order No. 05-28T at Square 5055. Ms. Schellin.

10 MS. SCHELLIN: Yes. Like the last case, the
11 applicant's requesting a two-year time extension for Case No.
12 05-28T. They cited the same reasons for the extension, and
13 it is the first time extension for this second stage PUD.
14 So we'd ask the Commission to consider the case before them.

15 CHAIR HOOD: All right. Commissioners we have the
16 case before us, Ms. Schellin has laid it out. Any questions
17 or comments, or what is your pleasure?

18 COMMISSIONER MAY: Mr. Chairman, if I could? So
19 and I could have said this in the first case, but we're
20 catching up into this virtual world of meeting. I think
21 there are a couple of notable aspects of both of these. This
22 is a PUD that was approved a very, very long time ago, and
23 it's, you know, it's taking very long to get going, a very
24 long time to get going.

25 But you know, we have been seeing progress on it.

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1 It is something that I see frequently and I see the progress
2 happening, or at least when I left my house I would see the
3 progress, and I think most notable about this, even though
4 they're still sort of trying to clear some pretty significant
5 hurdles and try to build a commercial basis for these
6 developments, I'm very, very happy to see that the
7 construction has started on the bridge, because that's
8 something that's been, you know, in the works for such a long
9 time.

10 To see that happening now finally I think is
11 terrific. So I'm glad to see that happening. It's a sign
12 that there's a sign that there's more progress happening at
13 the site.

14 CHAIR HOOD: Okay, thank you Commissioner May.
15 Anybody else have any other comments, questions?

16 COMMISSIONER TURNBULL: I would just agree with
17 Commissioner May. I think that the bridge has always been
18 a significant factor in how the project would develop. It's
19 great to see that they're going forward.

20 CHAIR HOOD: Okay. Would somebody like to make
21 a motion for the two-year time extension?

22 COMMISSIONER MAY: I'll move approval of Zoning
23 Commission Case 05-28X, Lano Parcel 12 LLC Two-Year Time
24 Extension, and I'll also ask the Secretary what happens when
25 we run out of letters for the extension cases.

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1 MS. SCHELLIN: We'll go to -- we won't. We've got
2 double alphabet numbers, AA, BB, so we can keep going for a
3 while.

4 COMMISSIONER MAY: Okay.

5 MS. SCHELLIN: Let's hope that doesn't happen.
6 Let's hope they finish this project.

7 COMMISSIONER MAY: They've only got two more
8 letters.

9 VICE CHAIR MILLER: I will second Commissioner
10 May's motion and note that this project has managed to go
11 through two recession or depressions or whatever we've gone
12 through in 11 years. Hopefully it will get finished before
13 the next one.

14 CHAIR HOOD: Yeah, okay. All right. So it's been
15 moved and properly seconded. Thank you both. Any further
16 discussion? Ms. Schellin, can we do a roll call vote?

17 MS. SCHELLIN: Yes. Commissioner May?

18 COMMISSIONER MAY: Yes.

19 MS. SCHELLIN: Commissioner Miller?

20 VICE CHAIR MILLER: Yes.

21 MS. SCHELLIN: Commissioner Hood?

22 CHAIR HOOD: Yes.

23 MS. SCHELLIN: Commissioner Shapiro?

24 COMMISSIONER SHAPIRO: Yes.

25 MS. SCHELLIN: Commissioner Turnbull?

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1 COMMISSIONER TURNBULL: Yes.

2 MS. SCHELLIN: The vote is 5 to 0 to 0 to approve
3 final action on Zoning Commission Case No. 05-28X for a two-
4 year time extension.

5 CHAIR HOOD: All right. Let's move right along.
6 Next we have proposed action, Zoning Commission Case No. 19-
7 21, Office of Planning Text Amendment to Subtitles D, E and
8 U.

9 MS. SCHELLIN: Yes. The only exhibit --

10 CHAIR HOOD: I paused for a minute because, you
11 know, you can hear people hanging up. I'm thinking are they
12 hanging up because they're bored or are they hanging up
13 because their case is finished. Anyway, Ms. Schellin.

14 MS. SCHELLIN: They could be hanging up or they
15 could be new people coming in. So you get a beep either when
16 they come in or when they exit, although I think for the next
17 meeting we should turn the beep off, because it's kind of
18 distracting. You guys agree to that?

19 (Simultaneous speaking.)

20 CHAIR HOOD: I like when people, I can hear when
21 people are coming in.

22 MS. SCHELLIN: Other people are saying thumbs up,
23 turn it off.

24 CHAIR HOOD: So we've got to vote on that too?
25 No, go ahead, I'm sorry.

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1 (Simultaneous speaking.)

2 MS. SCHELLIN: Yeah. You're outnumbered on this
3 one, Chairman.

4 COMMISSIONER TURNBULL: Or maybe we can have the
5 beeps just for Anthony.

6 (Laughter.)

7 MS. SCHELLIN: Yes. I don't know how we'd do
8 that, but on Zoning Commission Case No. 19-21, there was only
9 one new exhibit. It was Exhibit 29, an OP supplemental
10 report that provided some additional information that I
11 believe the Commission asked for. So other than that, we'd
12 ask the Commission to consider proposed action.

13 CHAIR HOOD: Okay. Thank you, Ms. Schellin,
14 Commissioners. Commissioner May, do you have anything?

15 COMMISSIONER MAY: Yeah. So I think that the
16 changes and responses, basically what we got back in the
17 Office of Planning's report is generally very good. I think
18 the one issue that I have is the new language that they've
19 inserted, and it's in a couple of different places, but one
20 of them says "relief from the requirements of Subtitle D,
21 Section 208.1, may be approved by the Board of Zoning
22 Adjustment as a special exception upon demonstrating that the
23 shadowing or the shading impact of (audio interference)
24 systems has been mitigated to the extent possible."

25 That language is really problematic from my

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1 perspective, because it's -- it basically it gives the Board
2 of Zoning Adjustment flexibility to make a judgment call, but
3 doesn't really provide much guidance about what to base that
4 judgment on.

5 And when we say something like, you know, "the
6 impact being mitigated to the extent possible," basically
7 that means they could, you know, an applicant could do
8 anything in that circumstance and say well, that's as much
9 as I could do. That's the extent possible.

10 And good cause shown, I'm not sure what that is.
11 So I just think it's just way too vague. I appreciate the
12 need to have some sort of statement in there about granting
13 them that flexibility, but I think that the language they've
14 come up with is not what we need.

15 CHAIR HOOD: Okay. I think that -- I think I
16 agree. Let me hear from others. Commissioner Shapiro.

17 COMMISSIONER SHAPIRO: Thank you, Mr. Chair. The
18 Office of Attorney General's suggestion is that we remove the
19 term "good cause." That -- to leave "mitigation to the
20 extent possible." It's still a little bit problematic in
21 terms of how that might be -- how the Board would determine
22 that.

23 They'd still have difficult decisions to make, but
24 at least removing good cause, because how would you ever
25 determine what good cause is. So for me at least that should

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1 go. I share the concerns that Commissioner May has.

2 CHAIR HOOD: All right. Okay, Commissioner
3 Turnbull.

4 COMMISSIONER TURNBULL: I would share and agree
5 with the comments of both Commissioner Shapiro and
6 Commissioner May. I think just -- I think I'm on board with
7 everything so far, except that I think those little things
8 should be tweaked. I think there's just a little bit more
9 language that should be worked out by OP to get this thing
10 right. Other than that, I'm fine.

11 CHAIR HOOD: Okay. Vice Chair Miller.

12 VICE CHAIR MILLER: Thank you, Mr. Chairman.
13 Yeah, I was prepared to go forward with the language that
14 Office of Planning recommended, with the removal of the upon
15 good cause clause that OAG had recommended removal of. You
16 know, all these things are judgment calls and that's why
17 you've got judges up there, quasi-judicial judges in the BZA
18 and they're a case-by-case basis, case-by-case cases.

19 Each case is different and you make a judgment
20 whether they're -- the adverse impact has been mitigated
21 sufficiently or reasonably. It shouldn't be enough to
22 mitigate it -- no matter what, if you can't mitigate it. So
23 I was okay with going forward, but I'll defer to whatever the
24 -- if Commissioner May thinks that OP -- or if OP thinks --
25 we can ask OP if they think that they can tweak it more and

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1 get it right.

2 I don't know if there's any urgency going forward
3 with these BZA cases on the calendar, now that we're going
4 to be having meetings. So anyway, I guess I'd be curious if
5 OP thinks that it can be tweaked further to provide a little
6 more criteria for our judgment, which would aid our little
7 stipend.

8 CHAIR HOOD: Yeah. I, when I was looking at this
9 and I agree wholeheartedly with Commissioner May. I thought
10 about our ten-foot setback. A lot of that's a judgment call,
11 20 feet, 30 feet. If we can narrow it down more, I would be
12 in favor of that.

13 So I'm not sure. Let me go back to Commissioner
14 May. I think we would ask them -- I've heard members say
15 tweak, but is that what you were kind of going at
16 Commissioner May? What direction were you going?

17 COMMISSIONER MAY: I mean I really do think it
18 just comes down to this one paragraph, and so in the sense
19 of all the things they're doing yes, this is just a tweak.
20 I think the -- I really do have a couple of issues. I mean
21 I share the concern about, you know, what is good cause and
22 I wouldn't mind if we moved away from that language.

23 But to say that it has been mitigated to the
24 extent possible I think just really is so wide open and an
25 applicant could make, you know, any case in the world. Well,

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1 we've done everything that we can, and you know, and then
2 effectively blocking 50 percent of the sun from that solar
3 array next door.

4 I just think that that's not -- that's not a tight
5 enough standard. I'm not sure what the, you know, a better
6 way to do it would be. But I have great faith in the Office
7 of Planning and their ability to come up with just some
8 guidance, so that we -- the Board of Zoning Adjustment is,
9 you know, has something to base this on, because there isn't
10 really -- I mean I don't know of any other place in the
11 zoning regulations where we use a phrase like "to be
12 mitigated to the extent possible" when it comes to potential
13 impacts. I think that's really -- I mean it's very important
14 when we're talking about impacts on other people's property.
15 So I would just -- I would want to leave it to them.

16 We could certainly go to the Office of Planning
17 and see if they have anything to say in response to this
18 concern, but I also would be comfortable just leaving it to
19 them to try to figure it out. They may have questions of us
20 too, so --

21 CHAIR HOOD: I would agree, but I think that since
22 I can see that they popped up. So why don't we go to Ms.
23 Steingasser and Ms. Elliott and let's see if they can go back
24 and they can refine some of that for us. Let's see how that
25 works. We're getting faster now.

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1 MS. STEINGASSER: Hi. Chairman Hood,
2 Commissioners, I understand. We struggled with this for
3 weeks. It's a really difficult standard. So I completely
4 understand you're struggling with it as well.

5 This is just proposed action, so I would ask that
6 the Commission strike the phrase "for good cause shown," and
7 consider taking proposed action on the rest and giving us an
8 opportunity to work with the Office of Attorney General to
9 fine tune it even more prior to final action. If you're not
10 happy at that point, then we can go back again of course.

11 CHAIR HOOD: Okay. I think that's a good way to
12 move. Let me see. Commissioner May?

13 COMMISSIONER MAY: Yeah, but that -- I mean that
14 would mean that if it -- depending on what wording you come
15 up with, we'd wind up having to readvertise, right? I mean
16 I don't know what language you're going to come up with.

17 MS. STEINGASSER: Well, we would try to keep it
18 within the scope of the intent of the statement, so that it
19 was clear what we're trying to get at, so that we wouldn't
20 have to readvertise it. But I guess I'd have to -- it's
21 possible, yes.

22 COMMISSIONER MAY: Yeah. I mean I wouldn't have
23 any problem with doing that, but I think what I would prefer
24 is if we could just put this off for a couple of weeks and
25 take it up at our next meeting, and see if there's a --

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1 MS. STEINGASSER: Okay.

2 COMMISSIONER MAY: -- if you could possibly come
3 up with some better language in a couple of weeks. If not
4 then, you know, maybe we go ahead and act based on removing
5 the "good cause" phrase, and then take our chances that we'll
6 be able to refine it even further during the period of public
7 notice.

8 (Simultaneous speaking.)

9 CHAIR HOOD: Okay. I too -- I too share that
10 concern about "mitigate to the extent possible." But I
11 didn't have a problem with moving it and we'll deal with it
12 later. But I think, I think we've got an all -- are we all
13 in agreeance with that, everybody?

14 MS. SCHELLIN: Before OP disappears or Jennifer
15 disappears anyway, our next meeting is in two weeks, May
16 11th. And that's the only one we have in May. I'm sorry.
17 Yes, it's the only one we have in May because of the holiday.
18 And then our one after that would be June 8th.

19 MS. STEINGASSER: We have a meeting scheduled
20 tomorrow with OAG to talk about zoning texts. This will
21 become number one. So we will get something to you May 4th,
22 a week before.

23 MS. SCHELLIN: Okay. Okay, all right. So we'll
24 put it off for May 11th. Chairman Hood, that's good?

25 CHAIRMAN HOOD: Yeah, that's fine. I think we're

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1 all in agreement with that, okay. Thank you, Ms. Steingasser
2 and also Ms. Elliott.

3 All right, let's move right along or are we going
4 to go back to OP? Hold on, one sec.

5 MS. SCHELLIN: Not yet. Yes, you're right.

6 CHAIRMAN HOOD: All right, Ms. Schellin. I'm
7 already a little confused by this. MS. SCHELLIN:

8 I'm confusing myself. I've seen this case so many times.

9 CHAIRMAN HOOD: I've got my papers all turned
10 around. One sec. Okay, let's go to Hearing Action on
11 Commission Case No. 09-03F. This is --

12 (Audio interference)

13 -- Skyland Holdings, LLC, PUD Modification of
14 Significance at Square 5633. We're going to Ms. Brown-
15 Roberts.

16 MS. BROWN-ROBERTS: Good afternoon, Mr. Chairman
17 and members of the Commission. Maxine Brown-Roberts from the
18 Office of Planning. Skyland Holdings, LLC requests a
19 Modification of Significance to its consolidated PUD at the
20 Skyland property. The original PUD was for an urban mixed
21 use town center concept anchored by Retail Line Main Street
22 with upper story residences, retail or active uses along
23 Naylor Road, Good Hope Road, and Alabama Avenue and shared
24 parking areas were not visible from the adjacent street.

25 The proposed modification would result in a more

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1 --

2 (Audio interference)

3 -- Hello?

4 CHAIRMAN HOOD: You're good. You're good.

5 MS. BROWN-ROBERTS: Okay. The proposed
6 modification would result in a more office-centric suburban
7 style development with uses to include a supermarket, a
8 medical office center, an office, a coffee shop, and in-line
9 retail uses. Post modification would modify the number of
10 blocks within the PE from five to four. Modify block four
11 from a consolidated PUD to Stage 1 PUD. Modify the approved
12 uses to include a medical center, and modify the order to
13 extend the timeline for the development of the PUD.
14 Flexibility regarding roof structures, and drive through
15 parking in a front yard and loading has also been requested.

16 Post modification presents a great opportunity for
17 a new grocery store. However, the building along Alabama
18 Avenue turns us back to the avenue -- the location of the
19 retail loading and waste collection area is the centerpiece
20 of the parking lot viewed from Alabama Avenue. Additionally,
21 the drive-through to serve the proposed coffee shop would be
22 visible from Alabama Avenue. OP recommends that the loading
23 and waste collection area be relocated. And that additional
24 screening and landscaping details be provided with views of
25 the drive-through and parking lot from Alabama Avenue.

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1 The proposed pedestrian entry into the town center
2 and art walk along Naylor Road would need to be coordinated
3 with Public Space. OP supports the use of a solar panel for
4 the medical center and medical center parking garage at
5 Naylor Road. But detailed images should be provided showing
6 how the bottom of the panels will appear from the street.

7 Overall, the proposed zone continues not to be
8 inconsistent with the future land use map for moderate
9 density commercial -- low and moderate density residential,
10 and specifically as a Skyland multi-neighborhood center. The
11 introduction of the medical office building would provide
12 much needed medical services within the neighborhood and the
13 wider community.

14 The Office of Planning recommends that the
15 requested Modification of Significance, Zoning Commission
16 Case 09-03F be set down for public hearing. And OP will work
17 with the Applicant to refine the design and to address any
18 comments from the Zoning Commission prior to the public
19 hearing.

20 Thank you, Mr. Chairman. And I'm available for
21 questions.

22 CHAIRMAN HOOD: Thank you. Thank you very much,
23 Ms. Brown-Roberts. Commissioners, any question of the Office
24 of Planning? Comments, Commissioner May?

25 COMMISSIONER MAY: Thank you. So yes, I have a

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1 few questions or comments. I'll do my one question and then
2 I'll go into my comments. The solar panels that are on top
3 of the garage, which there's relief needed, the total height
4 of that, that's well under the Capital Right height. Right?
5 I mean for the C3A zone?

6 MS. BROWN-ROBERTS: Yes.

7 COMMISSIONER MAY: Yeah? Okay. Any relief in
8 that circumstance is not a big deal. So you know, your first
9 statement sort of sums this up. Right? We're thinking about
10 making this so much more suburban kind of project. I think
11 somebody -- I think somebody needs to mute because we're
12 getting a lot of feedback or something.

13 Anyway, I mean the character of it is, I would say
14 problematic in many ways. The large parking lot in front of
15 the new grocery store. And then even the large parking
16 garage that faces on Naylor Road and what that looks like.
17 There's just a lot of work that needs to be done. I'm not
18 opposed to setting it down. I think that it's okay to set
19 it down, but boy, there's a lot of work to do before we can
20 even have a hearing on it.

21 And then some of the specific stuff that you
22 pointed out in your report. The trash area, the very odd
23 loading configuration, the drive-through -- the relief that's
24 needed for the drive-through. I mean, I don't even know why
25 would approve a drive-through frankly. I complained about

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1 the existence of drive-throughs when we were doing the zoning
2 regulations. And I'm not a fan. I just think that -- I
3 don't know, maybe it's a necessary marketing thing. I don't
4 know, but it just doesn't seem to make sense that we would
5 have cars parked or cars idling to pick up a cup of coffee.
6 It's bad enough that we have to that have that much surface
7 parking.

8 I'm interested in seeing some comparisons between
9 this project and the original approvals. Specifically site
10 sections that sort of go east-west toward the northern end
11 of the site because I remember there being a very substantial
12 issue with the neighbors across the ravine there. And I can
13 see from the drawings, there's still a very large retaining
14 wall kind of structure or something. So seeing those site
15 sections as they were proposed and as they are proposed now
16 I think is very important.

17 And I think that many of the facades need a lot
18 of work. I won't go into the particulars, but I mean I think
19 the grocery store design is fine for what it is. But the
20 other buildings, it just -- it seems like there's not enough
21 depth and finesse to the facades. It's like wallpaper or you
22 know, a kids sort of construction set thing where you -- you
23 know, you have little cutouts of building parts and they're
24 just stuck on. It just does not read like good solid
25 buildings. I understand you know, a lot of this is early,

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1 but it just does need a lot of work. And I think that --

2 Oh, I have one last issue which is that the
3 parking area -- the large parking lot, I mean as I understand
4 it, this is something that's going to be the final version
5 of this development under the PUD. Right?

6 MS. BROWN-ROBERTS: Yes. Yes, Mr. May.

7 COMMISSIONER MAY: Okay. So I don't think that's
8 very good. And I'm wondering -- I mean I can see the parking
9 lot being an important thing now in order to get it
10 developed. And you know, to have this amenity of the grocery
11 store there. But I think that in the long run, that parking
12 lot is going to go away.

13 And the question is whether we actually build
14 something into the PUD that prompts a reconsideration of the
15 parking lot at some point in the future -- I don't know, ten
16 years after construction of the project or that portion of
17 the project or 15 years or something like that. So that the
18 lease on life for that large surface parking lot is not, you
19 know, an infinite lease that in fact we have to -- the owner
20 or the project in ten, 15, 20 years has to come back and has
21 to be thinking about what the future of that space is. So
22 just a suggestion. That's it for my comments.

23 CHAIRMAN HOOD: Okay, thank you. Commissioner
24 Shapiro?

25 COMMISSIONER SHAPIRO: Thank you, Mr. Chair. I

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1 share a lot of the concerns that Commissioner May has. I
2 don't -- you know, I have a pretty negative reaction to
3 taking a town center style development and converting it to
4 a more suburban style development. And you know, is this
5 ready for setdown? You know, probably. But I have lots of
6 questions and concerns.

7 There's also a question about whether what we're
8 reviewing, the changing aspects of the project that would be
9 subject to a first stage review. And so the Applicant, you
10 know, has the burden of proving that the first stage beauty
11 standards are met in this modified project. It's hard for
12 me to tell what's appropriately second stage and what are
13 changes to the first stage.

14 You know, I had lots of questions about the design
15 as well. You know, in general, the auto orientation of this
16 doesn't make a lot of sense to me. So I'm, you know -- yes,
17 I would support setting this down. And yeah, I have lots of
18 questions. And I'll leave it at that, Mr. Chair.

19 CHAIRMAN HOOD: Okay, thank you. Commissioner
20 Turnbull?

21 COMMISSIONER TURNBULL: Yeah. Thank you, Mr.
22 Chair. I think that the issues that both Commissioner May
23 and Commissioner Shapiro are substantial issues that the
24 design of this project has had some issues before it goes
25 forward. But I mean that's no reason why we can't set it

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1 down.

2 But the question that I have and I think OAG
3 brought it up is that the Applicant is under the contention
4 that this is going to be reviewed under the 1958 regs. But
5 OAG says that under Subtitle A, Section 102.4, clearly that
6 a modification of a vested project is subject to the current
7 regulations. So the Applicant has to be prepared to address
8 it before it even gets -- I mean if this is going to be set
9 down and going to go forward, then the Applicant has to
10 understand that we're going to be looking for it to be set
11 down under the current regulations. I don't know if they're
12 prepared to do that or not.

13 And I think the other thing is the IZ issue. I
14 don't know -- I don't think they've addressed the IZ issue
15 as to what they're proposing for this project as it goes
16 forward under the new regulations. So I think from the
17 standpoint of just a regulatory effect on how we're going to
18 review this, I think the Applicant has to be prepared to look
19 at this from the new 2016 regs. I mean if we want to set
20 this down, I'm fine with it. But I think the Applicant's got
21 to realize that what they're thinking is not the way that we
22 think that we think it's going to happen when it comes to a
23 hearing. That's about it for me.

24 CHAIRMAN HOOD: Okay. Thank you, Mr. Turnbull.
25 Vice Chair Miller?

1 VICE CHAIR MILLER: Thank you, Mr. Chairman. I
2 generally concur with the all the comments of my colleagues.
3 But I strongly support setting this down for a public
4 hearing. This project has been promised to this community
5 for decades. I assume that these modifications have been
6 consulted with the community like all the other aspects of
7 this project as it's gone through its various machinations.
8 But I would want to see that community's support for the
9 modifications that are going to still be proposed, whether
10 they're the ones that are in this setdown report or revised
11 ones.

12 Yeah and I certainly lament suburbanizing what was
13 supposed to be an urban mixed town center. I detest the
14 suburban park-and-shop historic centers in my neck of the
15 woods. And I certainly don't want them anywhere else either.
16 We may be though in a different reality unfortunately or new
17 normal where drive-through is needed more than it has been
18 in the past in terms of contactless food and beverage
19 distribution. I mean I would hate to resort to that six
20 weeks into this pandemic, but for the future, because you
21 want to be aspirational in that we could get back to an urban
22 design.

23 But anyway, I just make that comment just because
24 there may be new normals that we may have to adapt to at
25 least for the time being. Maybe that's something that could

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1 be changed, I don't know when this is supposed to be coming
2 online.

3 But I agree also -- I think Commissioner -- Well
4 all the commissioners made the point about what regulations
5 apply. I think the Applicant should be prepared and will be
6 prepared because they've put a lot of time into this project,
7 as has the community. As have I when I worked for the
8 current Ward 7 council member when he was on the council and
9 the Mayor's office on this project.

10 So anyway, I think the Applicant will be prepared
11 to -- should be prepared and can be prepared to address how
12 the 2016 regulations should or should not apply, including
13 Comp Plan issues, the IZ issues that Commissioner Turnbull
14 raised. Because the first stage review has been affected by
15 -- some of the first stage review has been affected by some
16 of these new proposed modifications. But I strongly support
17 setting it down and keeping this moving forward so many years
18 after it began its life. Thanks.

19 CHAIRMAN HOOD: Okay, I would agree with
20 everything I've heard. I will tell you though, I do agree
21 with what Vice-Chair about the drive-through, but I didn't
22 think of what we're going through right now, I thought of
23 some other issues as you get older.

24 But anyway, regardless as it may, I believe that
25 we should go ahead and hear this. I do have a note from

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1 myself when I was reading this. I have everything is up for
2 discussion. And that's a note I made to myself and I wanted
3 to pass that on to the Applicant. As far as I'm concerned,
4 everything is up for discussion.

5 I know there's some changes from the prior first
6 stage, but especially the changes. Whether it was the first
7 stage or whatever the case is, but for me, everything is up
8 for discussion. And I just want to put that out. It kind
9 of goes in line of what I heard others say because it seems
10 like there are a lot of moving parts to this -- a lot of
11 changes.

12 And as the Vice-Chair has already mentioned,
13 Skyline has been around for a while. And I'm glad to see
14 that they're at least still trying to make another move.
15 This is like I think the Commissioners third or fourth
16 movement, but I'm glad to see that we're here again trying
17 to re-visit some of the things that -- trying to get this
18 moving for the city and especially for that local area. So
19 I'm supportive of setting this down, but I just want to make
20 sure the Applicant knows that everything is up, as far as I'm
21 concerned, for discussion.

22 All right, so anything else? Would somebody like
23 to make a motion to set this down?

24 VICE CHAIR MILLER: I would like to make a motion
25 to set this down --

1 COMMISSIONER TURNBULL: I second it.

2 VICE CHAIR MILLER: -- to set down Zoning Commission Case 09-
3 03F, as in Frank, Skyland Holdings, LLC, PD Modification of
4 Significance at Square 5633. And ask for a second.

5 COMMISSIONER TURNBULL: Second.

6 CHAIRMAN HOOD: Okay, it's been moved and properly
7 seconded. Any further discussion? Okay Ms. Schellin, can
8 we do a roll call vote?

9 MS. SCHELLIN: Yes. Commissioner Miller?

10 VICE CHAIR MILLER: Yes.

11 MS. SCHELLIN: Commissioner Turnbull?

12 COMMISSIONER TURNBULL: Yes.

13 MS. SCHELLIN: Commissioner Hood?

14 CHAIRMAN HOOD: Yes.

15 MS. SCHELLIN: Commissioner May?

16 COMMISSIONER MAY: Yes.

17 MS. SCHELLIN: Commissioner Shapiro?

18 COMMISSIONER SHAPIRO: Yes.

19 MS. SCHELLIN: The vote is 5-0-0 to set down
20 Zoning Commission Case No. 09-03F as a contested case.

21 CHAIRMAN HOOD: Okay, thank you. Our next hearing
22 action is Zoning Commission Case No. 19-30. This is ANC 5D,
23 map amendment at Square 4494, 4495, 4506, and 4507. Let's
24 see, Mr. Kirschenbaum, there you are, and Mr. Lawson.

25 MR. KIRSCHENBAUM: My presentation is loading.

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1 It will just take a minute or two. Can everyone see the
2 presentation?

3 CHAIRMAN HOOD: Yes, I can see it. We're good.

4 MR. KIRSCHENBAUM: Perfect. Good evening, Chair
5 Hood and members of the Zoning Commissioner. Jonathan
6 Kirschenbaum with the Office of Planning for Case 19-30. The
7 Office of Planning recommends setdown of this two-fold
8 petition for an area wide map amendment in ANC 5D.

9 The petition is to re-zone approximately 13-1/2
10 acres from RA-2 to RF-4. Entry zone approximately 4.3 acres
11 from MU-4 to MU-5A. Should the Commission set down these map
12 amendments, the proposed RF-4 zone would take effect instead
13 of the RA-2 zone while the existing MU-4 zone would continue
14 to be in effect.

15 This slide shows proposed boundaries of the map
16 amendments. The area outlined in red is the proposed RF-4
17 map of area, which is located just north of Benning Road.
18 The area outlined in green is the proposed MU-5A map
19 amendment area, which is located along the northern side of
20 Benning Road, a wide mixed use corridor with a streetcar
21 running down its median.

22 This slide shows the existing zoning in blue
23 around the proposed RF-4 zone and the proposed MU-5A zone.
24 The proposed RF-4 area has a predominant building typology
25 of two-story rowhouses built between the mid-1920s and the

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1 mid-1940s. Most of these properties are single family houses
2 or flats despite being in RA-2 zone. Many squares in the
3 proposed RF-4 area have cohesive sets of rowhouses that were
4 planned by a single developer and built to the same height
5 with uniform front setbacks and rear yards.

6 However the RF-4 area has started to see re-
7 developments and enlargement of several existing single
8 family homes or flats into apartment houses. These apartment
9 houses are three and four stories in height and they are
10 attached to the end of cohesive rows of two-story single
11 family houses or flats. And as you can see in this slide,
12 they are generally larger in scale compared to the
13 predominant building typology.

14 What does this example look like on a site plan?
15 The new apartment house is outlined in purple and the single
16 two-story rowhouse next door is outlined in red. The new
17 apartment house was allowed to go 12 feet forward to its
18 front property line because the RA zones do not have front
19 setback requirements. And the apartment house was allowed
20 to extend 35 feet back in the rear because the RA zones do
21 not limit rear wall extensions to no more than ten feet
22 beyond the farthest rear wall of an adjoining residential
23 building.

24 The map amendment to RF-4 would reflect the
25 existing rear house development pattern original to this

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1 area. It would limit the reduction of front setbacks and
2 limit the reduction of rear yards. And limit the addition
3 of multiple new stories as reflected in recent apartment
4 house construction.

5 The proposed MU-5A map amendment area is located
6 along Benning Road. A wide mixed use corridor with a variety
7 uses, including row buildings, mixed use buildings, and
8 stand-alone retail uses. Benning Road is well served by mass
9 transportation including the H Street streetcar and multiple
10 bus lines.

11 The MU-5A map amendment would encourage
12 redevelopment of this area by allowing additional density for
13 new market rate and affordable housing and commercial
14 opportunities for residents. This is likely to happen more
15 quickly as MU-5A is more developable than MU-4. The
16 Applicant also believes that increasing density would more
17 likely trigger inclusionary zoning and increase the supply
18 of affordable housing.

19 The two map amendment proposals would shift some
20 of the potential density from the rowhouse area of the
21 proposed RF-4 zone to the mixed use corridor of the proposed
22 MU-5A zone. Our analysis indicates that any minimal loss of
23 dwelling units in the proposed RF-4 zone should be offset by
24 an increase in potential dwelling units in the MU-5A area.

25 The generalized policy map indicates that the area

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1 of the RF-4 map amendment is located within the neighborhood
2 conservation area. The proposed map amendment from RA-2 to
3 RF-4 will not be inconsistent with this designation, which
4 anticipates retention of residential uses and the established
5 neighborhood character.

6 For the area of the MU-5A map amendments, the
7 generalized policy map indicates that the majority of this
8 area is designated Main Street mixed use corridors with a
9 small portion designated neighborhood conservation areas.
10 The proposed map amendment from MU-4 to MU-5A would not be
11 inconsistent with these designations as the map amendment
12 would maintain the mixed use nature of the corridor and would
13 continue to support neighborhood commercial uses.

14 The proposal to re-zone from RA-2 to RF-4 will not
15 be inconsistent with the comprehensive plan including the
16 future land use map, which designated this area for modern
17 density residential development. The area of the proposal
18 to re-zone from MU-4 to MU-5A is also predominantly
19 designated for moderate density residential development on
20 the future land use map -- a designation which does not
21 reflect the long-term existing development patterns of the
22 area.

23 Neither the MU-4, nor MU-5A zones would typically
24 be considered consistent with this designation and isolation.
25 However OP concurs with the ANC that in this particular

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1 instance, the MU-5A zone would be considered to be not
2 inconsistent with the comprehensive plan as a whole given the
3 existing land use patterns, the generalized policy map
4 designation, the policies and actions of the written
5 elements, specific direction contained within the upper
6 northeast area element and the direction found within
7 approved small area plans.

8 It should also be stated that as part of the
9 comprehensive plan update process, the ANC requested a future
10 land use map amendment for the area in question to medium
11 density residential, modern density commercial, a designation
12 of the proposed MU-5A zone would be consistent with.

13 And it's also important that the two map
14 amendments proceed and be evaluated together as each helps
15 make the case for the other's consistency with plenty
16 objectives for the neighborhood and for the District of
17 Columbia. Proceeding in this manner also helps ensure that
18 the proposal would further the Mayor's vision for the
19 creation of 36,000 new housing units by 2025, including
20 12,000 affordable housing units.

21 This concludes my presentation for Zoning
22 Commission Case 19-30. Please let me know if you have any
23 questions.

24 CHAIRMAN HOOD: Okay. Thank you, Mr.
25 Kirschenbaum. Colleagues, any questions or comments?

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1 Commissioner May?

2 COMMISSIONER MAY: No, that was an excellent
3 presentation. And I'm all in favor of setting this down.
4 I think you laid out the issues very well. And I'm assuming
5 that this presentation is going to be put into the record
6 because I think it really sums up the case. A lot less
7 worries than the report, which was also good, but I like
8 pictures.

9 MR. KIRSCHENBAUM: Thank you very much. And we
10 can upload it to the record for sure.

11 COMMISSIONER MAY: Thank you.

12 CHAIRMAN HOOD: Okay. Commissioner Shapiro?

13 COMMISSIONER SHAPIRO: Thank you, Mr. Chair. I'm
14 too in favor of setting this down. I think -- And I also
15 commend you on the report, Mr. Kirschenbaum. And I
16 appreciate what you said about looking at both the
17 downsetting and the upsetting in its totality. And that
18 really does help make the case in my head about why this is
19 appropriate for setdown. So thank you for that.
20 And I'll leave it at that, Mr. Chair.

21 CHAIRMAN HOOD: Okay. Commissioner Turnbull?

22 COMMISSIONER TURNBULL: Thank you, Mr. Chair. I
23 want to thank you for your presentation. Technically I'm
24 glad it worked. It's amazing what we can do now with this
25 web stuff. The only question I had was that OAG had made

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1 some comments that there was -- that could be potentially
2 inconsistent with the flow. Even though there's an amendment
3 going in by the Agency to change this, they had some concerns
4 that it was potentially inconsistent with the comprehensive
5 plan. Do you want to comment on that?

6 MR. KIRSCHENBAUM: You know, I think what we said
7 in our presentation that when you look at the comprehensive
8 plan as a whole between the policies that are the elements
9 of the comprehensive plan, the small area plans for this
10 area, the upper northeast area elements, the direction
11 contained in that, and then the generalized policy map, I
12 think everything -- And also given the general development
13 history of this area, it all works together to support more
14 density in this area and to a mixed use zone.

15 And it should also be stated that, you know, the current
16 zoning is MU-4. It's already zoned mixed use, though the
17 future land use map may not technically support that at the
18 moment, it is already zoned that. And again, there's many
19 other policies to support keeping this mixed use. And also
20 increasing the density along this, you know, very wide
21 commercial order that is, you know, rich in transit.

22 COMMISSIONER TURNBULL: Okay, thank you.

23 CHAIRMAN HOOD: Okay, Vice Chair Miller?

24 VICE CHAIR MILLER: Thank you, Mr. Chairman and
25 thank you, Mr. Kirschenbaum for your excellent report and

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1 your presentation today and your comments in response to
2 questions from my colleagues.

3 I think there's a lot of work that's gone into
4 this by both the ANC and the community and the Office of
5 Planning. And there's a lot of language that you presented
6 today and commented on in your report that we need to just
7 make sure we have in our deliberations in order about the
8 totality aspect of being not inconsistent with the
9 comprehensive plan. So I think it's -- I certainly support
10 it being set down for a public hearing. Thank you.

11 CHAIRMAN HOOD: Okay Mr. Kirschenbaum, I really
12 appreciate your report. It's already been said by others.
13 I just want to make sure that we have done the outreach
14 needed. And I know the ANC 5D and a lot of times you're
15 going to have everyone who attends those ANC 5D. So I want
16 to make sure the community as a whole knows about change.
17 Because when I look at this, a lot of these conversions and
18 things that we're going to be making, a lot of times
19 people are concerned about what I see.

20 So you know, I don't have a problem with setting
21 it down. I just want to make sure that due diligence was
22 done because we don't want to create a scenario where the
23 Commission comes back later and then the Board -- we have all
24 these significant problems -- or the Commission has all these
25 problems about -- and all this going back and forth about the

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1 conversions and neighborhoods. So I want to make sure that
2 we vet that out. And I know the ANC is bringing it. But I
3 want to also make sure that the ANC can help us target those
4 who don't attend the ANC, so they'll know that this is -- all
5 this change.

6 I know a lot of work has been put into it. I
7 value that. I think that's great. But I just want to make
8 sure that not after the fact, that we have a lot of -- Oh,
9 I didn't notice. When did you all do that -- you know, those
10 kinds of things. But anyway, other than that, any other
11 further comments from anybody?

12 All right. So Mr. Kirschenbaum, we're looking
13 forward to setting this down. Any other questions or
14 comments?

15 MR. KIRSCHENBAUM: Yes, sir.

16 CHAIRMAN HOOD: Not hearing any, I would move that
17 we set down Zoning Commission Case No. 19-30 and ask for a
18 second.

19 COMMISSIONER MAY: Second.

20 CHAIRMAN HOOD: Yes. Okay, it's been moved and
21 properly seconded. Any further discussion? Ms. Schellin,
22 could you do a roll call vote?

23 MS. SCHELLIN: Commissioner Hood?

24 CHAIRMAN HOOD: Yes.

25 MS. SCHELLIN: Commissioner May?

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1 COMMISSIONER MAY: Yes.

2 MS. SCHELLIN: Commissioner Miller?

3 VICE CHAIR MILLER: Yes.

4 MS. SCHELLIN: Commissioner Shapiro?

5 COMMISSIONER SHAPIRO: Yes.

6 MS. SCHELLIN: Commissioner Turnbull?

7 COMMISSIONER TURNBULL: Yes.

8 MS. SCHELLIN: The vote is 5-0-0 to set down
9 Zoning Commission Case No. 19-30. And that will be set down
10 as a rulemaking case. I'm sorry.

11 CHAIRMAN HOOD: Okay, thank you. Thank you, Mr.
12 Kirschenbaum and Mr. Lawson. I appreciate all the work
13 that's been done on this.

14 All right, let's move right to our next case.
15 Zoning Commission Case No. 19-27A, Office of Planning - Text
16 amendment to subtitles C, G, H, and K Hold on, let's see.
17 Ms. Steingasser

18 MS. STEINGASSER: Yes. Yes, sir. I'm doing this
19 one.

20 CHAIRMAN HOOD: Okay, thank you. I saw your hand
21 raised.

22 MS. SCHELLIN: I think we need Jonathan to return
23 the presenter back. He needs to return that back so that we
24 can remove him -- the presenter status maybe back. I'm
25 sorry, Chairman Hood. I'm just trying to -- We've got to get

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1 that taken care of first, I believe.

2 MR. KIRSCHENBAUM: Sorry, I thought I -- I thought
3 I was done. Paul, do you know how we can take that off?

4 MR. YOUNG: There should be something on the top
5 on one of those tabs to give that presenter role back.

6 MR. KIRSCHENBAUM: I X'd out of that.

7 MS. SCHELLIN: Paul, are you still showing him as the
8 presenter?

9 MR. YOUNG: Yeah.

10 MR. KIRSCHENBAUM: Okay. I think I gave it to
11 you, Paul. Did I?

12 MR. YOUNG: Yeah, you're good. Yeah, that's good.

13 MR. KIRSCHENBAUM: Sorry about that, everyone.

14 MS. SCHELLIN: Okay.

15 MR. YOUNG: It's okay.

16 MS. SCHELLIN: Because we couldn't get you off the
17 screen, that's why.

18 MR. KIRSCHENBAUM: Sorry.

19 MS. SCHELLIN: Okay, there we go. Now we have
20 Jennifer and we need her camera on.

21 MS. STEINGASSER: Okay.

22 MS. SCHELLIN: There we go.

23 MS. STEINGASSER: I was going to try to share, but
24 I don't need to share. I just wanted to mention, Chairman
25 Hood, that this is actually Case No. 19-27A.

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1 CHAIRMAN HOOD: Did I call something else?

2 MS. STEINGASSER: You called it 20-07.

3 CHAIRMAN HOOD: Oh, okay. I'm sorry. You're
4 right.

5 MS. SCHELLIN: That's the next one.

6 CHAIRMAN HOOD: I must be trying to finish. So
7 let me call it again.

8 MS. SCHELLIN: You were close.

9 CHAIRMAN HOOD: This Case is 19-27A, Office of
10 Planning - Text amendment to Subtitles C, G, H, and K. And
11 thank you for the correction. MS. STEINGASSER: Yes,
12 sir. This case is a continuation of the reorganization of
13 the zoning regs consistent with the new zonings that the
14 Commission approved in Case 18-16. It builds on the
15 subtitles -- the residential subtitles that the Commission
16 set down in November. We're requesting that the Commission
17 set down these two subtitles: Reorganization of Subtitle G,
18 mixed use and reorganization of Subtitle H, the neighborhood
19 mixed use zones. As well as the conforming language from
20 Subtitle C and Subtitle K.

21 We're also asking that the Commission schedule
22 this case and 19-27, which is the residential subtitles,
23 together for one hearing. And it's important to point out
24 that there are no substantive or policy changes as a result
25 of this organization. It only reflects the change in

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1 structure of the code itself. It does not have any changes
2 to development standards, uses, permissions, any policy or
3 substantive changes.

4 With that, I'm available for question.

5 CHAIRMAN HOOD: Okay. Thank you, Ms. Steingasser.
6 Commissioners, do we have any questions? Commissioner May?

7 COMMISSIONER MAY: Sorry, it took me a minute to
8 unmute. I have no questions.

9 CHAIRMAN HOOD: Okay. Commissioner Shapiro?

10 COMMISSIONER SHAPIRO: No, sir. I'm happy to move
11 forward.

12 CHAIRMAN HOOD: Commissioner Turnbull?

13 COMMISSIONER TURNBULL: I'm fine with everything.

14 CHAIRMAN HOOD: Okay. Vice-Chair Miller?

15 VICE CHAIR MILLER: No. Thank you, Ms.
16 Steingasser for your report.

17 CHAIRMAN HOOD: Chairman Hood? No, I don't have
18 anything. Okay, so -- Okay, so can I get a motion?

19 COMMISSIONER SHAPIRO: Mr. Chair, I move that we
20 set down Zoning Commission Case No. 19-27A, Office of
21 Planning - Text amendment, Subtitles C, G, H, and K, zoning
22 reorganization. Look for a second.

23 VICE CHAIR MILLER: Second.

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

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1 COMMISSIONER SHAPIRO: Under discussion, Mr.
2 Chair, do we need to note anything about the scheduling with
3 19-27 or does Ms. Schellin just takes care of that?

4 CHAIRMAN HOOD: I think she can take care of that.

5 MS. SCHELLIN: Just that you include it in your
6 motion.

7 COMMISSIONER SHAPIRO: I would include motion that
8 this will be heard with Zoning Commission Case 19-27. Is
9 there a second?

10 VICE CHAIR MILLER: And the seconder agrees with
11 that.

12 COMMISSIONER SHAPIRO: Thank you.

13 MS. SCHELLIN: Okay, thank you.

14 CHAIRMAN HOOD: Okay. So it's been moved and
15 properly seconded in agreement with the request. It was
16 seconded. Right?

17 VICE CHAIR MILLER: Yes.

18 MS. SCHELLIN: Yes.

19 CHAIRMAN HOOD: Okay. Moved and properly seconded
20 by Vice Chair Miller. Ms. Schellin, could you do a roll call
21 vote?

22 MS. SCHELLIN: Yes. Commissioner Shapiro?

23 COMMISSIONER SHAPIRO: I vote yes.

24 MS. SCHELLIN: Commissioner Miller?

25 COMMISSIONER MILLER: Yes.

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1 MS. SCHELLIN: Commissioner Hood?

2 COMMISSIONER HOOD: Yes.

3 MS. SCHELLIN: Commissioner May?

4 COMMISSIONER MAY: Yes.

5 MS. SCHELLIN: Commissioner Turnbull?

6 COMMISSIONER TURNBULL: Yes.

7 MS. SCHELLIN: The vote is 5-0-0 to set down
8 Zoning Commission Case No. 19-20A as a rulemaking case, which
9 will be combined in a hearing with Case No. 19-27.

10 CHAIRMAN HOOD: Okay. And again, I want to thank
11 you, Ms. Steingasser for the presentation.

12 Okay, let's move right on. I think this is our
13 last case. Zoning Commission Case No. 20-07 - Office of
14 Zoning - Text amendment re: 6-month extension of Zoning
15 Commission and BZA orders. We want to hear from either Mr.
16 Lawson or Mr. Gyor.

17 MS. SCHELLIN: Well the Office of Zoning actually
18 brought that case.

19 CHAIRMAN HOOD: Oh.

20 MS. SCHELLIN: So I think it actually comes to us.
21 The Office of Zoning filed the case so that -- because of the
22 COVID-19 and the issues surrounding moving forward with some
23 plans -- and at the urging of the Commission, that any orders
24 that are due to expire, whether they're Zoning Commission or
25 BZA that are due to expire between today and December 31st,

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1 2020, that they will automatically get a six-month extension.
2 And we're asking that the case be, one, set down. That
3 emergency action be taken so that it will be in effect
4 immediately for 120 days. And that you guys authorize the
5 immediate publication of the proposed rulemaking. And also
6 authorize a 30-day notice for the public hearing notice that
7 needs to be published.

8 CHAIRMAN HOOD: Okay. Thank you, Ms. Schellin.
9 Certainly with everything that's going on and delays, I am
10 definitely inclined and definitely very supportive of
11 everything that's been teed up by Ms. Schellin. And even to
12 the point that we'll just see how this works and I'm sure
13 staff will be able to work through all those requests because
14 there hasn't been a whole lot of movement. We have been --
15 I think we have been at least a month out ourselves. So I'm
16 in support, but let me hear from others. Any comments?

17 (Simultaneous speaking)

18 CHAIRMAN HOOD: Okay. Commissioner Turnbull?

19 COMMISSIONER TURNBULL: I'm supportive.

20 CHAIRMAN HOOD: Okay, I think we're all in support
21 and I would --

22 (Simultaneous speaking)

23 CHAIRMAN HOOD: Vice Chair Miller?

24 VICE CHAIR MILLER: We're going to take emergency
25 and proposed action tonight?

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1 CHAIRMAN HOOD: Right, the whole request.

2 VICE CHAIR MILLER: Yeah. So I guess the only
3 thing I would say is that when we get to -- do we have a
4 public hearing on the -- Like I don't know if we're having
5 any public hearings.

6 MS. SCHELLIN: Yes. There will be a hearing.

7 VICE CHAIR MILLER: Good. So maybe we just need
8 to look at other approvals that need six months or whatever,
9 indefinite extensions so that things don't expire during this
10 emergency public health situation. So that we can have the
11 continuity of our own processes and not have to go
12 retroactively and recreate. That can be looked at, I guess
13 between now and final rulemaking.

14 CHAIRMAN HOOD: I think that's a good point, so
15 let's note that. I think that's a good point, Vice Chair,
16 for us to look at our other processes and see if there's
17 anything else we could do to help mitigate some of the things
18 projecting into the future. So any other comments or
19 questions? All right, so I would move approval of Zoning
20 Commission Case No. 20-07. And also approve of everything
21 that was asked; the emergency setdown, the setdown for 30
22 days, the extraditing hearing, whatever's been asked for.
23 And also the comments of Vice Chair Miller and would ask for
24 a second.

25 VICE CHAIR MILLER: Second.

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1 MS. SCHELLIN: It's been moved and properly
2 seconded. Any further discussion? Ms. Schellin, why don't
3 you do a roll call vote.

4 MS. SCHELLIN: Got to the very last case, Chairman
5 Hood. Commissioner Hood?

6 COMMISSIONER HOOD? Yes.

7 MS. SCHELLIN: Commissioner Miller?

8 COMMISSIONER MILLER: Yes.

9 MS. SCHELLIN: Commissioner May?

10 COMMISSIONER MAY: Yes.

11 MS. SCHELLIN: Commissioner Shapiro?

12 COMMISSIONER SHAPIRO: Yes.

13 MS. SCHELLIN: Commissioner Turnbull?

14 COMMISSIONER TURNBULL: Yes.

15 MS. SCHELLIN: The vote is 5-0-0 to set down
16 Zoning Commissioner Case No. 20-07 to take emergency action,
17 along with the immediate publication of the proposed
18 rulemaking the 30-day notice for the public hearing notice.

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

21 MS. SCHELLIN: Nothing else.

22 CHAIRMAN HOOD: Vice Chair Miller?

23 MS. SCHELLIN: It looks like Commissioner -- Yeah.

24 CHAIRMAN HOOD: Vice Chair Miller?

25 VICE CHAIR MILLER: I don't have anything else.

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1 I would just say what I know you were going to say and beat
2 you to the punch. To thank Paul Young and all of our staff
3 and everyone at OP and OAG and our colleagues and the public
4 for being patient with our first public meeting. And maybe
5 we'll figure out how to do public hearings someday. Thank
6 you.

7 CHAIRMAN HOOD: So I think that's on track. And
8 you're right, Vice Chair Miller. I guess you know me. I
9 want to thank everyone. I think this went very well. Our
10 staff and Paul and Sharon and Director Bardin and everybody,
11 Office of Planning, Office of Attorney General, and the
12 public. I did peak to see who all was looking, so if you
13 didn't think I noticed you were looking, I did notice you
14 were looking and I appreciate it.

15 So if anybody has any comments on a way we can
16 approve -- I think we did pretty good. Actually I think we
17 did very good. Let me take that back. I think we did very
18 good, but you can always improve. I don't want to say that
19 we are 100 percent. Okay, we were 99.9, but I really think
20 that this was very well done. And I'm looking forward to the
21 -- I don't want to jinx the next hearing, so I better leave
22 it at that. But thank everyone for all the work you've done.
23 I want to thank my colleagues also for muting and unmuting.
24 I think we did a great job. And that's to everyone that can
25 hear the sound of my voice.

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1 Ms. Schellin, do we have anything else?

2 MS. SCHELLIN: Nothing else.

3 CHAIRMAN HOOD: Okay, so we're --

4 COMMISSIONER TURNBULL: Don't forget your masks
5 and watch out for those nasty droplets.

6 CHAIRMAN HOOD: Exactly. So let's all be careful.
7 Stay strong, stay safe, and stay at home. With that, this
8 hearing is adjourned.

9 (Whereupon, the above-entitled matter went off the
10 record at 5:31 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: Commission Meeting

Before: DCZC

Date: 04-27-20

Place: teleconference

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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