

GOVERNMENT
OF
THE DISTRICT OF COLUMBIA

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OFFICE OF ZONING

+ + + + +

REGULAR PUBLIC MEETING

+ + + + +

THURSDAY

OCTOBER 29, 2020

+ + + + +

The Regular Public Meeting of the District of Columbia Board of Zoning convened via Videoconference, pursuant to notice at 4:03 p.m. EDT, Anthony J. Hood, Chairperson], presiding.

ZONING COMMISSION MEMBERS PRESENT:

| | |
|---------------------|--------------|
| ANTHONY J. HOOD | CHAIRPERSON |
| ROBERT MILLER | VICE CHAIR |
| PETER G. MAY | COMMISSIONER |
| PETER SHAPIRO | COMMISSIONER |
| MICHAEL G. TURNBULL | COMMISSIONER |

OFFICE OF ZONING STAFF PRESENT:

SHARON SCHELLIN
PAUL YOUNG, Zoning Data Specialist

OFFICE OF PLANNING STAFF PRESENT:

JENNIFER STEINGASSER, Deputy Director, Development Review & Historic Preservation
ELISA VITALE

The transcript constitutes the minutes from the Regular Public Meeting held on October 29, 2020.

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

2 4:03 p.m.

3 CHAIRMAN HOOD: Good afternoon, ladies and
4 gentlemen. We are convening and broadcasting this public
5 meeting by video conferencing. My name is Anthony Hood.
6 Joining me is Vice Chair Miller, Commissioner Shapiro,
7 Commissioner May, and Commissioner Turnbull. We are also
8 joined by Office of Zoning staff, Ms. Sharon Schellin, and
9 Mr. Paul Young who'll be handling all of our virtual
10 operations. Copies of today's meeting agenda are available
11 on the Office of Zoning's website.

12 Again, we do not take any public testimony at our
13 meetings unless the Commission requests someone to come
14 forward. And this is a very important announcement. If
15 you're having any problems accessing or seeing this video
16 recording, please dial 202-727-5471 for Webex login or call-
17 in instructions.

18 Again, if we have any hearing items, the only
19 documents before us this evening are the application and the
20 ANC set down report, and the Office of Zoning's planning
21 report. All other documents in the record will be reviewed
22 at the time of the hearing.

23 So with that, let me go right into it. Does the
24 staff have any preliminary matters?

25 MS. SCHELLIN: No, sir.

1 CHAIRMAN HOOD: Okay. Again, today's date is
2 October 29th, 2020. Our first case is final action, Zoning
3 Commission Case Number 20-09. This is the Wagner LLC
4 Consolidated Map Amendment at Square 5740, Lot 337. Ms.
5 Schellin?

6 MS. SCHELLIN: Yes, sir. At Exhibits 27 and 28,
7 and also 38 through 38E, we have the, I'm sorry, 30 through
8 30E, we have the Applicant's post hearing submissions.
9 Exhibit 29 was the submission from Mr. Watson. And Exhibit
10 31, and also it was corrected at 31A, is ANC 8B's response
11 to the Applicant's submissions that ask the Commission
12 consider final action on this case this evening.

13 CHAIRMAN HOOD: All right. Thank you, Ms.
14 Schellin. Again for those watching, this application
15 proposes to develop the site of a new five-story apartment
16 house containing approximately 67 senior affordable
17 residential units. One hundred percent of the residential
18 units in the building will be dedicated to seniors with
19 income not exceeding 60 percent of the median family income.

20 The building is proposed to have a maximum height
21 of 55 feet, approximately 50,733 square feet of gross floor
22 area, and a lot occupancy of 53 percent. And then also we
23 have a requested map amendment. It's currently an R3 zoning.
24 The Applicant has requested a PUD related map amendment to
25 rezone.

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1 So that's just the background of what the
2 Commission will be discussing. Let me start off. We did
3 receive a letter from Mr. Watson. And I will just say that
4 Mr. Watson's letter brings up a lot of concerns and issues.

5 I think what I would do, our job is to deal with
6 relief. and I would advise Mr. Watson, if these are some
7 issues that he has, that me may want to go to some of those,
8 to BEGA, to the ANC Office, and deal with those issues at
9 that point.

10 Our particular job is on land use and relief
11 sought for the project. And I know he has some concerns he
12 wants to address. But unfortunately, this is not the forum.
13 This is about planning. If it was something improperly done,
14 the people who do the investigative stuff are the experts,
15 not us.

16 So I would encourage him, if those are concerns,
17 that hopefully they can resolve it without doing all that,
18 but I would encourage him to go to the proper venue to get
19 that resolved.

20 Okay. So does anybody have any comments on that?

21 All right, so let me open it for discussions on
22 the zoning issues that are before us. Let me see, does
23 anybody have any comments, or questions, or follow-up
24 comments? Commissioner Turnbull?

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

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1 just want to say that one of the things that, when we talked
2 at the hearing and went over reviewing the case, I really
3 just pointed out that architecturally the entrance of the
4 building looked a little, at least from my standpoint, it
5 like it wasn't much of an entrance. It looked hidden, it
6 didn't really draw, especially the location of the building
7 on the street where it is at the corner, it seemed to want
8 to be a little bit more open, more noticeable.

9 And the architect did go back, looked at the
10 building, and they made, on Drawing A19, they made a change
11 showing a much more prominent looking entrance and, I
12 thought, one that had a lot more character to it. So from
13 that standpoint, I'm quite happy with it. So I'm satisfied
14 that they went back and changed it.

15 From the other standpoint, at least for me, I
16 think the proffer's that they've made, this is a very, it's
17 all affordable senior housing. I think that's a significant
18 attribute for this project. And I think it does a lot, not
19 only for the neighborhood but for the whole city, to have
20 this kind of senior housing.

21 But I think that the proffers that they've given,
22 the superior architecture, I think the building, they've done
23 a lot with this, how you have a step back as it meets the
24 neighborhood from the corner. I think that there were just
25 so many aspects to the design that they did that I thought

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1 it was very significant. But I think the affordable housing
2 is a big factor. And I'm more than willing to vote in favor
3 of this project tonight.

4 CHAIRMAN HOOD: Okay, thank you, Commissioner
5 Turnbull. Commissioner May?

6 COMMISSIONER MAY: Yes. I'd like to echo what
7 Commissioner Turnbull had to say. I have to admit, I was not
8 totally onboard with his concerns about the entry at the
9 hearing. But I was really quite pleased to see what they
10 produced in response. Because I think that what we have now
11 is better.

12 And I especially appreciate the fact that they
13 continued the brick facade all the way up at that corner.
14 Because I do think that that's an improvement. They did also
15 provide some information to address my concerns about the use
16 of hardy panel and how that's detailed.

17 And, you know, seeing the detail is helpful,
18 seeing photographs that don't really show, they're not of
19 sufficient size or, you know, you can't get a close enough
20 look at the detail to really understand how, you know, what
21 it looks like, and how it performs, or how it has performed
22 in those particular buildings.

23 That was not particularly helpful. But I think
24 that, you know, the biggest concern I have is that it was in
25 some pretty prominent locations. And I think that's been

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1 addressed. So I'm less concerned about that now overall.

2 But next time this particular architect comes to
3 us with a design that features this particular detail, I
4 would like to see some closeup photos of this installation
5 of hardy panel in action and how it's weathered over time,
6 just to understand how it looks.

7 I also, I mean, there are other issues that they
8 address, the color of the panel. I'll let Mr. Shapiro speak
9 to that, since I think that was his issue. But they also
10 addressed things like the parking concern. And I think it's
11 pretty clear that this is not going to have a negative impact
12 on the parking in the neighborhood.

13 So all in all, I'm with Commissioner Turnbull all
14 the way. I mean, I think this is a good project, and I'm
15 prepared to vote in favor of it.

16 CHAIRMAN HOOD: Okay. Commissioner Shapiro, do
17 you have any questions or comments?

18 COMMISSIONER SHAPIRO: I don't, Mr. Chair. I'd
19 associate myself with the remarks of my colleagues. And I
20 will be supporting this as well.

21 CHAIRMAN HOOD: Okay. Vice Chair Miller?

22 VICE CHAIR MILLER: Thank you, Mr. Chairman. Yes,
23 I would agree with, concur with my colleagues as well that
24 the design changes that were made as a result of my
25 colleagues' comments at the last, at the hearing, are

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1 improvements.

2 It looks, the entrance looks much better. And the
3 brick going up that area looks much better. And it shows you
4 the value of having our architectural colleagues sometimes
5 make suggestions which work out very well. So I appreciate
6 that.

7 And I agree that the, I'd ask for more parking
8 information about the availability of on-street parking
9 spaces. Even though they weren't required to provide that,
10 in this type of case, but they did provide that. And based
11 on what they provided, in addition to the other information
12 that had previously been provided by DDOT and others, I think
13 there is available, there's been a showing that there's
14 enough both on-street and off-street being provided that this
15 can go forward.

16 It's meeting all the zoning requirements for sure.
17 But there's also availability of on-street parking which was
18 a question in my mind based on the opposition testimony we
19 had gotten. So I hope that that works out.

20 I think we still may need to revisit, from a
21 policy perspective with DDOT, as a Commission, whether or not
22 in senior housing the same kind of parking requirements,
23 minimums, whether there need to be higher requirements, more
24 parking provided in senior housing than in other types.

25 So I think that's a policy issue that's not for

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1 this case, although it was highlighted by what was being --
2 I think there are only five off-street spaces being provided,
3 maybe an additional two with a car care and electric. So
4 that's something maybe to revisit, this and other things to
5 revisit from a policy perspective was a design concern that
6 I had raised which wasn't addressed.

7 There were only nine Juliet balconies being
8 provided in this 60-some odd units, even though there are
9 terraces and other outdoor spaces that are being provided,
10 and landscaping which is good. But nine out of 60-some seem
11 a little -- and they're only Juliet balconies.

12 So I just want to reiterate to the Office of
13 Planning, who is listening, something I've said previously,
14 which I think they're looking at, which is the issue of not
15 counting the FAR of balconies in the overall FAR of a project
16 so that what we have in our regulations is not providing a
17 disincentive, essentially, to providing the balconies, the
18 essential, not essential, but the very desirable private
19 outdoor space that residential projects and residential
20 tenants and occupants would like to have in their projects.

21 So I think sometimes that's why we get fewer
22 balconies, and Juliet balconies rather than usable balconies,
23 is because they don't want to be bumping up the FAR and
24 having to get additional relief. And when there's a
25 balancing going on, and with what the FAR and density is with

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1 other Com plan policies, that comes into play.

2 So I would hope that the Office of Planning is
3 looking at that issue o that the FAR of balconies is not
4 being counted in a way that is disincentivizing their use or
5 their development in residential projects.

6 But I think as Mr. Turnbull said, the biggest
7 amenity or the biggest public benefit is the all affordable
8 housing, all affordable senior housing that is being provided
9 by this without many additions to the design. So I am ready
10 to go forward, Mr. Chairman.

11 CHAIRMAN HOOD: I would agree with all the
12 comments that I've heard. One of the things that I did look
13 at was the up to 60 percent. I've always encouraged to go
14 lower, I've always tried to get 30 and 20 as doable, but I
15 will leave that up to the Applicant and the other realm and
16 avenues that they have to go through.

17 I will say that the question about the laptops,
18 I think it is a public benefit, especially the timing of it
19 which I mostly appreciate it being ready for the young folks
20 before they go to school. I think that was very important.
21 So I would also not have a problem including that as a,
22 continue to include to that as a public benefit.

23 The other thing is that, just to make sure that,
24 again for the record, that Mr. Watson knows it hasn't been
25 on deaf ears. But if he could take those concerns to proper

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1 authorities, those who do that work, and go from there, and
2 hopefully the ANCs, and Mr. Watson, and everybody can work
3 through all of those conditions.

4 I think this senior affordability, I always like
5 to go deeper, as I stated earlier, but it's always good to
6 at least see the attempt made, as we do in this case. And
7 I think all the architectural questions have been remedied
8 mostly to the satisfaction of my colleagues. And I think
9 this is well worth us approving this project. It would be
10 very beneficial to, not just to Ward 8 but to the city

11 So with that, unless somebody else has any other
12 follow-up, I would move that we approve Zoning Commission
13 Case Number 20-09, Wagner, LLC, Consolidated PUD and Related
14 Map Amendment, Square 5740, Lot 337, and ask for a second.
15 Vice Chair Miller?

16 VICE CHAIR MILLER: Second.

17 CHAIRMAN HOOD: It's been moved and properly
18 seconded. Commissioners, any further discussion?
19 Commissioner May?

20 COMMISSIONER MAY: Yes. I just wanted to be clear
21 what we are voting on is inclusive of the benefits package
22 that had been previously discussed and presented to us.
23 Because there was discussion in the Applicant's, you know,
24 the Applicant's submission, and in the ANC's submission,
25 about making changes to that in terms of who receives money

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1 and all that sort of thing.

2 But I assume that we are going with what was
3 originally presented and discussed and, you know, if there
4 are issues with how the ANC acted, you know, that can get
5 sorted out through whatever means Mr. Watson chooses to do
6 in that. You know, we don't want to back away from anything
7 that was committed to as a proffer from the Applicant.

8 CHAIRMAN HOOD: Right. I would agree. I think
9 that what was agreed to. I think that's what this motion
10 entitles to. And that's what our processes are. If it's
11 something different, I think they would have to come back for
12 either a consent calendar item or anything other, you know,
13 whatever course they have, if they're still with us, they
14 would have to come back, whatever course of action is, we
15 would have to take within our realm of how we do our things
16 for the zoning purposes of the PUD.

17 I don't know if that answers your question,
18 Commissioner May, but yes. We would be attuned to what we
19 have.

20 COMMISSIONER MAY: Yes, it does. Thank you, Mr.
21 Chairman.

22 CHAIRMAN HOOD: Commissioner Turnbull?

23 COMMISSIONER TURNBULL: Yes. I just want to be
24 clear also on just what we're, we're including the laptops
25 as a proffer?

1 CHAIRMAN HOOD: Yes, that's our recommendation.
2 Because with PUD, I don't think we would have any laptops.

3 COMMISSIONER TURNBULL: Right, okay.

4 CHAIRMAN HOOD: Maybe I'm assuming too much, but
5 --

6 COMMISSIONER TURNBULL: I just wanted to be sure.
7 Because somehow it was in, it was out. I just wanted to make
8 sure that that's going to be in.

9 CHAIRMAN HOOD: I think it's in. I appreciate the
10 timing of it. That was very important --

11 VICE CHAIR MILLER: Yes, I would agree that they
12 should be included as a public benefit. They wouldn't have
13 happened but for the PUD. And the fact that they happened
14 earlier than we normally would see, I think that's above and
15 beyond what our regulations require. And it was beneficial
16 to the community. And we shouldn't punish Applicants for
17 good behavior that goes beyond our requirements in terms of
18 timing.

19 And the other benefits in terms of the
20 contributions to the community organizations that the ANC has
21 identified, I think that's important as long as they meet all
22 of our verifiable zoning regulations. So I think as the
23 second for the motion, that was all part of the motion, from
24 my understanding.

25 CHAIRMAN HOOD: Okay, sounds good. Okay, it's

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1 been moved and properly seconded. Any further discussion?

2 Okay, Ms. Schellin, would you do a roll call vote,
3 please?

4 MS. SCHELLIN: Commissioner Hood?

5 CHAIRMAN HOOD: Yes.

6 MS. SCHELLIN: Commissioner Miller?

7 VICE CHAIR MILLER: Yes.

8 MS. SCHELLIN: Commissioner May?

9 COMMISSIONER MAY: Yes.

10 MS. SCHELLIN: Commissioner Shapiro?

11 COMMISSIONER SHAPIRO: Yes.

12 MS. SCHELLIN: Commissioner Turnbull?

13 COMMISSIONER TURNBULL: Yes.

14 MS. SCHELLIN: The vote is five, to zero, to zero
15 to approve final action in Zoning Commission Case Number 20-
16 09.

17 CHAIRMAN HOOD: Okay. Next, let's go hearing
18 action, Zoning Commission Case Number 18-04A, Office of
19 Planning text amendment to Subtitle A, 209.2, Construction
20 of Playing Fields and Accessory Structures at RFK, Parcel
21 149, Lots 65 through 66.

22 Ms. Vitale?

23 MS. VITALE: Good afternoon, Mr. Chair, and
24 members of the Commission, Elisa Vitale with the Office of
25 Planning for Case 18-04A. OP is recommending set down of a

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1 modification to the zoning text that was approved for the RFK
2 campus. The original text allowed for the construction of
3 three athletic playing fields, an unenclosed pavilion, three
4 shade structures, and three accessory buildings on unzoned
5 land next to the RFK stadium.

6 The playing fields pavilion, one shade structure,
7 a visitor building, a storage building, and restroom facility
8 have been constructed and are currently in use.

9 Events DC, which has a long-term lease agreement
10 with the National Parks Service on behalf of the District
11 government, has determined that an additional restroom
12 facility is required. And they have requested that a text
13 amendment be brought forward to allow a fourth accessory
14 building.

15 The amendment is necessary to allow for the
16 issuance of a building permit for the interim use on land
17 that is not yet zoned or subdivided. The field use and
18 associated structures support community serving recreational
19 uses, and the proposed amendment would not be inconsistent
20 with the comprehensive plan.

21 This concludes my report, and I'm happy to answer
22 any questions. Thank you.

23 CHAIRMAN HOOD: I'm going to start off with every
24 time I've pronounced your name I actually practiced
25 pronouncing your name. And it seems, I guess, it's going to

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1 take me longer with your name than it took me to get Ms.
2 Elliott. So just to let Ms. Elliott know, it's taking me
3 even longer. But I'm going to get it right eventually.

4 MS. VITALE: I think you're close.

5 CHAIRMAN HOOD: I'm close, okay. All right, well,
6 thank you.

7 Okay, let's see if we have any questions or
8 comments. Commissioner May?

9 (No audible response.)

10 CHAIRMAN HOOD: Commission Shapiro?

11 (No audible response.)

12 CHAIRMAN HOOD: Commissioner Turnbull?

13 COMMISSIONER TURNBULL: If Commissioner May's
14 fine, since he's the custodian over there, I'm okay.

15 CHAIRMAN HOOD: Yes, that's ---

16 COMMISSIONER MAY: -- custodian, you know, some
17 days.

18 CHAIRMAN HOOD: Vice Chair Miller?

19 (No audible response.)

20 CHAIRMAN HOOD: Okay. So we have the requested
21 force. Commissioner May, since you are unmuted, could you
22 make a motion?

23 COMMISSIONER SHAPIRO: I thought you were going
24 to say since he's the bathroom custodian.

25 CHAIRMAN HOOD: Ha, ha, ha.

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1 COMMISSIONER MAY: Yes. You know, when this first
2 came up, I had to, maybe they already knew, but I reminded
3 people that, you know, you needed to have a zoning amendment
4 in order to build this extra bathroom. So yes, I am still
5 the custodian.

6 Anyway, I would like to, I've got to find the
7 right thing in front of me here, sorry. What case number is
8 this?

9 CHAIRMAN HOOD: This is Case Number 18-04.

10 COMMISSIONER MAY: Thank you very much. I have
11 a long list of these things, but it doesn't have the names
12 on it, 18-04, yes. So I would move that we set down for
13 hearing Zoning Commission Case Number 18-04A, Office of
14 Planning Text Amendment Subtitle A regarding RFK Stadium, and
15 ask for a second.

16 COMMISSIONER SHAPIRO: Second.

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

19 Not seeing any, Ms. Schellin would you please do
20 a roll call vote?

21 MS. SCHELLIN: Commissioner May?

22 COMMISSIONER MAY: Yes.

23 MS. SCHELLIN: Commissioner Turnbull?

24 COMMISSIONER TURNBULL: Yes.

25 MS. SCHELLIN: Commissioner Hood?

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1 CHAIRMAN HOOD: Yes.

2 MS. SCHELLIN: Commission Shapiro?

3 COMMISSIONER SHAPIRO: Yes.

4 MS. SCHELLIN: Commissioner Miller?

5 VICE CHAIR MILLER: Yes.

6 MS. SCHELLIN: The vote is five, to zero, to zero
7 to approve Zoning Commission Case Number 18-04A as amended.

8 CHAIRMAN HOOD: Okay. Thank you. I want to thank
9 Ms. Vitale for her report.

10 Let's go to Commission Case Number 19-27B. This
11 is the Office of Planning Text Amendment to Subtitle J,
12 Zoning Reorganization, and Subtitles A, B, C, U, W, X, Y and
13 Z, Zoning Conformity. Ms. Steingasser?

14 MS. STEINGASSER: Yes, Chairman Hood,
15 Commissioners, this case represents the third and hopefully
16 final segment of the reorganization of the zoning
17 regulations. It incorporates the zonings from Case 18-16 and
18 reorganizes the Subtitle J, which is the PDR zones, to
19 reflect those new names and that new structure as well as
20 provide conforming language for other subtitles to
21 incorporate the new zone names.

22 The Commission has approved the other 19-27 and
23 19-27A per proposed action as well as the Zoning Case 18-16.
24 This will be final portion, and we recommend that the
25 Commission sets this case down.

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1 CHAIRMAN HOOD: Okay. Thank you, Ms. Steingasser.
2 Let's see if we have any questions or comments. I'm looking
3 to see if anybody could just throw your hand up if you have
4 any -- Okay, I see none of you.

5 Okay. Well, Ms. Steingasser, thank you. Good
6 job, no questions or comments. So with that, since I'm
7 unmuted, I will move that we set down Zoning Commission Case,
8 wait a minute, set down Zoning Commission Case Number 19-27B
9 as stated and ask for a second.

10 COMMISSIONER SHAPIRO: Second.

11 CHAIRMAN HOOD: Okay, Commissioner Shapiro
12 seconded. Any further discussion?

13 All right, Ms. Schelling, could you do a roll call
14 vote, please?

15 MS. SCHELLIN: Commissioner Hood?

16 CHAIRMAN HOOD: Yes.

17 MS. SCHELLIN: Commissioner Shapiro?

18 COMMISSIONER SHAPIRO: Yes.

19 MS. SCHELLIN: Commissioner May?

20 COMMISSIONER MAY: Yes.

21 MS. SCHELLIN: Commissioner Miller?

22 VICE CHAIR MILLER: Yes.

23 MS. SCHELLIN: Commissioner Turnbull?

24 COMMISSIONER TURNBULL: Yes.

25 MS. SCHELLIN: The vote is five, to zero, to zero

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1 to set down Zoning Commission Case Number 19-27B as a
2 rulemaking case.

3 CHAIRMAN HOOD: Okay, thank you. I Thank Ms.
4 Steingasser for her report.

5 Next, I think this is last on our agenda. Let's
6 go to Zoning Commission Case Number 20-25. This is the
7 Office of Planning Text Amendment to Subtitle C, U, and X,
8 Clarification, Conforming Apartment Houses in the RF Zones.

9 The request is a waiver of a ten-day filing rule
10 to accept the report, and the set down, and then take
11 emergency action, and authorize the immediate publication
12 of Notice of Proposed Rulemaking, and then approve a shorter
13 notice period of 30 days for public hearing notice.

14 Ms. Schellin, do you have anything else to add?

15 MS. SCHELLIN: No sir.

16 CHAIRMAN HOOD: Okay. I shouldn't be coming to
17 you anyway. I should be going to Ms. Vitale.

18 MS. SCHELLIN: Right.

19 (Laughter.)

20 MS. VITALE: Actually, I believe this is Ms.
21 Elliott's case.

22 CHAIRMAN HOOD: Oh, I'm going on what I, Ms.
23 Elliott, I didn't get your name wrong this time. I'm looking
24 at what I have here in front of me. Ms. Elliott?

25 MS. ELLIOTT: Man, ha, ha, ha.

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1 CHAIRMAN HOOD: I thought she was ---

2 MS. ELLIOT: I thought --

3 CHAIRMAN HOOD: You can't hold me responsible for
4 that. That's what's written here.

5 All right, Ms. Elliott?

6 MS. ELLIOT: Well, that's sorted. All right, I'm
7 here, I'm happy to be here. Good evening, Mr. Chairman, and
8 members of the Commission. I'm Brandice Elliott, and I'm
9 speaking for Zoning Commission Case 20-25. OP is
10 recommending that the emergency text amendment which is
11 intended to address apartment houses in the RF zones is set
12 down for a public hearing.

13 Specifically, just to clarify, we're talking about
14 legally built apartment houses that are not subject to a
15 conversion. We often refer to them as purpose built
16 apartment houses. And just for the sake of clarity, I'll go
17 ahead and call them that for this presentation.

18 The BZA has recently seen some requests to expand
19 existing purpose built apartment houses in the RF zones where
20 are variances have been requested in order to increase the
21 number of dwelling units beyond the 900 square-foot rule
22 allowance.

23 So in reviewing the relief for these cases, we
24 found that the regulations explicitly call out existing
25 purpose built apartment houses as non-conforming uses,

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1 including those that were built prior to the 1958 zoning
2 regulations.

3 So the purpose of this text amendment is to ensure
4 that purpose built apartment houses in RF zones are
5 considered conforming uses and may expand, as permitted,
6 under the matter of right provisions included in Subtitle U
7 without the need for a use variance. This leaves the 900
8 square-foot rule intact, and an area variance is still
9 required when 900 square feet of land area is not provided
10 for a dwelling unit.

11 The text amendment would amend sections of
12 Subtitles C, U, and X to explicitly call out these legally
13 constructed apartment houses as conforming uses. The Zoning
14 Administrator has also requested a minor amendment to
15 Subtitle U, 301.1, to clarify uses in the RF zones.

16 Accepting these amendments would allow the BZA
17 cases that are in process to proceed with the requested area
18 variances and without use variances.

19 OP requests that the text amendment be set down
20 for a public hearing, that the Commission takes emergency
21 action, and approve the immediate publication of a Notice of
22 Proposed Rulemaking, and approve a shorter notice period of
23 30 days for the notice of public hearing. The public hearing
24 would be held on permanent text within 120 days. So thank
25 you, I'm going to leave at that. And I'm happy to take any

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1 questions that you have.

2 CHAIRMAN HOOD: Okay, thank you, Ms. Elliott. Ms.
3 Schelling, could you send a copy of what we had when I gave
4 it to Ms. Elliott so she can see that I did not make that
5 mistake, because I've agreed -- I've made it for so many
6 years I just can't let that one go, really.

7 Let's see, do we have any questions or comments?

8 I don't see anybody. So since I'm unmuted, I
9 would move that we set down, as asked for, the waiver of ten-
10 day filing report, the separate report. We set this down,
11 we take emergency action, and authorize the immediate
12 publication of Notice of Proposed Rulemaking.

13 And we also approve a shorter notice period for
14 30 days for public hearing notice for Zoning Commission Case
15 Number 20-25 which is the Office of Planning text amendment
16 to Subtitle C, U, and X, clarification of RF zones and ask
17 for a second. Commissioner May?

18 COMMISSIONER MAY: Second.

19 CHAIRMAN HOOD: It's been properly seconded. Any
20 further discussion?

21 Not seeing any, Ms. Schellin, would you please do
22 a roll call vote.

23 MS. SCHELLIN: Commissioner Hood?

24 CHAIRMAN HOOD: Yes.

25 MS. SCHELLIN: Commissioner Miller?

1 VICE CHAIR MILLER: Yes.

2 MS. SCHELLIN: Commissioner May?

3 COMMISSIONER MAY: 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 five, to zero, to zero
9 to set down Zoning Commission Case Number 20-25 as a
10 rulemaking case, to waive the ten-day filing period, to take
11 emergency action, and to approve the immediate publication
12 of the proposed rulemaking, and also to approve a 30-day
13 notice period for the public hearing notice.

14 CHAIRMAN HOOD: Okay. Thank you, and thank you,
15 Ms. Elliott.

16 Ms. Schellin, do we have anything else tonight?

17 MS. SCHELLIN: No, sir, we do not.

18 CHAIRMAN HOOD: Okay. All right. I want to thank
19 everyone for their participation. The Zoning Commission will
20 have a hearing on this coming Monday, November the 2nd.
21 Office of Planning text amendment to Subtitle C for the GAR
22 requirements for certified landscape expert requirements.

23 And that will be at 4:00 p.m. on November the 2nd.
24 We'll be back on this same web server link. Or you can go
25 to that website, and you can watch us. So unless I hear from

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1 anyone else, this meeting is adjourned. Good night.

2 (Whereupon, the above-entitled matter went off the
3 record at 4:34 p.m.)

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C E R T I F I C A T E

This is to certify that the foregoing transcript

In the matter of: Public Meeting

Before: DCZC

Date: 10-29-20

Place: teleconference

was duly recorded and accurately transcribed under my direction; further, that said transcript is a true and accurate record of the proceedings.



Court Reporter

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