

GOVERNMENT OF  
THE DISTRICT OF COLUMBIA

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BOARD OF ZONING COMMISSION

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REGULAR PUBLIC HEARING

+ + + + +

THURSDAY

JUNE 10, 2021

+ + + + +

The Regular Public Hearing of the District of Columbia Board of Zoning Adjustment convened via Webex, pursuant to notice at 4:01 p.m. EDT, Anthony J. Hood, Chairperson, presiding.

ZONING COMMISSION MEMBERS PRESENT:

- ANTHONY J. HOOD, Chairman
- ROBERT MILLER, VICE CHAIRMAN, Chairman
- PETER SHAPIRO, Board Member
- MICHAEL G. TURNBULL, Board Member
- PETER G. MAY, Board Member

OFFICE OF ZONING STAFF PRESENT:

- SHARON SCHELLIN, Secretary
- PAUL YOUNG, Zoning Data Specialist

D.C. OFFICE OF THE ATTORNEY GENERAL PRESENT:

- MAXIMILIAN TONDRO, Esq.
- ALEXANDRA CAIN, Esq.
- KARL RACINE, Esq.

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The transcript constitutes the minutes from the  
Regular Public Hearing held on June 10, 2021

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T-A-B-L-E O-F C-O-N-T-E-N-T-S

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LP. . . . . 5

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

2 (4:01 p.m.)

3 CHAIRMAN HOOD: Good afternoon, ladies and gentlemen.  
4 We are convening and broadcasting this public meeting by  
5 videoconferencing. My name is Anthony Hood. Joining me are Vice  
6 Chair Miller, Commissioner Shapiro, Commissioner May and  
7 Commissioner Turnbull. We're also joined by the Office of Zoning  
8 Staff, Ms. Sharon Schellin as well as Office of Attorney General,  
9 Mr. Tondro, and Ms. Cane, and Mr. Redding. Also we have Mr. Paul  
10 Young who will be handling all of our virtual operations.

11 If the Commission requests someone to come forward, we  
12 will ask that you introduce yourself at the appropriate time.  
13 Copies of today's meeting agenda are available on the Office of  
14 Zoning's website. Please be advised that this proceeding is  
15 being recorded by a court reporter, and is also webcast live,  
16 Webex and YouTube Live.

17 The video will be available on the Office of Zoning  
18 website after the meeting. Accordingly, all of those listening  
19 on Webex or by phone will be muted during the meeting unless the  
20 Commission suggests otherwise.

21 For hearing action items, the only documents before us  
22 this evening are the application, the ANC set down report, and  
23 the Office of Planning report. All other documents in the record  
24 will be reviewed at the time of the hearing. Again, we do not  
25 take any public testimony in our meetings unless the Commissioner

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1 requests someone to come forward to speak.

2 If you are experiencing -- well, come forward. You  
3 know what I mean. If you experience difficulty accessing Webex  
4 or with your phone call-in then please call our OZ hotline number  
5 at 202-727-5471 for Webex login or call-in instructions.

6 Again, today's date is June the 10th, 2021. This is  
7 our regular meeting. Ms. Schellin, do we have any preliminary  
8 matters?

9 MS. SCHELLIN: No preliminary.

10 CHAIRMAN HOOD: Okay. Okay. Our first case tonight,  
11 and we're going by the agenda, is Zoning Commission case on the  
12 Modification of Consequence under Deliberations. It's Zoning  
13 Case No. 19-19A, Terrace Manor Redevelopment, LP, PUD  
14 Modification of Consequence at Square 5894. Ms. Schellin?

15 MS. SCHELLIN: Yes, sir. At the May 27th public  
16 meeting, the Commission determined that this case was, in fact,  
17 a Modification of Consequence. At that time, the Commission set  
18 a schedule to allow ANC 8B to provide a response to the  
19 application. ANC 8B did not participate in the original case.  
20 And the applicant, they have not provided a response.

21 The applicant did provide a submission stating that  
22 they did reach out to the ANC and again, they did not provide a  
23 response. So if the Commission chooses to do so, this case is  
24 ready for final action this evening.

25 CHAIRMAN HOOD: Okay. Thank you, Ms. Schellin. Again,

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1 Commissioners, this Modification Request consists of increasing  
2 -- I'm saying this for the public -- increase the public height  
3 from the PUD from 47 feet 7 inches to 51 feet 3 inches, decrease  
4 the proposed FAR from 1.296 FAR to 1.290 FAR, introduction of a  
5 service elevator resulting in a change of the roof level and  
6 internal modifications resulting in a change to the mix of unit  
7 types as follows, which I think it increased some of their higher  
8 units. They had three bedrooms and (indiscernible) there.

9 And Ms. Schellin has already mentioned about the ANC  
10 and obviously, they have chosen not to weigh in, so obviously  
11 they have no issues. Well, no. I won't say they don't have no  
12 issues, but obviously they didn't think to the point that they  
13 wanted to weigh in on this one. So hopefully they are supportive  
14 even though they may be silent.

15 Okay, any other questions, follow-up questions or  
16 comments on this? If not, can somebody make a motion, please?

17 BOARD MEMBER TURNBULL: Mr. Chair. I would move that  
18 we take final action on Zoning Case No. 19-19A, Terrace Manor  
19 Redevelopment, LP, PUD Modification of Consequence at Square  
20 5894, look for a second.

21 VICE CHAIRMAIN MILLER: Second.

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

24 (No response.)

25 CHAIRMAN HOOD: Not hearing any, Ms. Schellin, will you

1 do a roll call vote, please?

2 MS. SCHELLIN: Commissioner Turnbull?

3 BOARD MEMBER TURNBULL: Yes.

4 MS. SCHELLIN: Commissioner Miller?

5 VICE CHAIRMAIN MILLER: Yes.

6 MS. SCHELLIN: Commissioner Hood?

7 CHAIRMAN HOOD: Yes.

8 MS. SCHELLIN: Commissioner May?

9 BOARD MEMBER MAY: (No audible response.)

10 MS. SCHELLIN: Commissioner May?

11 BOARD MEMBER MAY: (No audible response.)

12 MS. SCHELLIN: Okay. We can't hear him, but he is  
13 giving the thumbs up in the affirmative. Commissioner Shapiro?

14 BOARD MEMBER SHAPIRO: Yes.

15 MS. SCHELLIN: The vote is 5 to 0 to 0 to approve final  
16 action in Zoning Commission Case No. 19-19A.

17 BOARD MEMBER MAY: Can you hear me now?

18 MS. SCHELLIN: Yes.

19 BOARD MEMBER MAY: It's this crazy microphone thing.  
20 It keeps switching back and forth.

21 CHAIRMAN HOOD: So next on the agenda is Zoning  
22 Commission Case 21-04. Zoning Commission Case 21-04, Ms.  
23 Schellin?

24 MS. SCHELLIN: Yes, the second notice of -- this is the  
25 Office of Planning Text Amendment to Subtitle C to Provide Special

1 Exception Relief from the Size and Layout Requirements of Vehicle  
2 Parking. The notice of second emergency and proposed rulemaking  
3 was published in the D.C. Register on May 28th. They were for a  
4 seven-day comment period. There were no comments received. At  
5 Exhibit 14, you have an OP final report or supplemental report.  
6 I'm going to ask the Commission to consider final action.

7 CHAIRMAN HOOD: Okay. Thank you, Ms. Schellin. Again,  
8 Commissioners, as Ms. Schellin has already noted, this is for  
9 parking spaces and layout -- sizes and layout. We did receive  
10 comments from ANC 1A and I think they have incorporated that. I  
11 think we have a path forward to make sure that that's -- I think  
12 that has been included.

13 We have a path forward to include those comments and  
14 working with OAG, and OP, and also ANC 1A. I think they've done  
15 a good job in putting some of those concerns with them moving  
16 forward, so I wanted ANC 1A to know and I want the city to know  
17 that we do listen. They are -- the ANC's are listening to you,  
18 believe me, because they help incorporate what we're doing here  
19 today.

20 So I can link the path forward, is to do a revised  
21 emergency action and then revised proposed action. So let me  
22 hear from others. Any questions or comments on that?

23 (No response.)

24 CHAIRMAN HOOD: Not hearing any. So I would, unless I  
25 hear anything, so I would move that we -- I'm going to move this



1 one, that we approve Zoning Commission Case 21-04 with the revised  
2 emergency action and revised proposed action, which incorporates  
3 ANC 1A's concern. So is there a second?

4 BOARD MEMBER MAY: Second.

5 BOARD MEMBER SHAPIRO: Mr. Chair, just to be clear --

6 CHAIRMAN HOOD: Yes?

7 BOARD MEMBER SHAPIRO: -- are -- could you just -- I  
8 want to make sure that we're taking the right action. So we're  
9 putting out a shorter notice period for this, so we're actually  
10 not taking final action on this?

11 CHAIRMAN HOOD: We're not taking final, but I believe  
12 we're revising the emergency action revising the proposed action,  
13 correct?

14 BOARD MEMBER SHAPIRO: Right.

15 CHAIRMAN HOOD: So we are taking proposed action. Let  
16 me go to Mr. Tondro and make sure my motion was in order.

17 Mr. Tondro?

18 MR. TONDRO: Yes. I think the question is the emergency  
19 and the proposed, the revised, that is fine. The question is  
20 did you also want to have a shorter 7-day notice period for that  
21 proposed action?

22 CHAIRMAN HOOD: Okay. Yes, we will include a 7-day  
23 notice and who seconded that? Who seconded?

24 BOARD MEMBER MAY: I did. Second the seven days too.

25 CHAIRMAN HOOD: Okay. Okay. Yeah, we'll include

1 that. Some stuff -- I left that out, so thank you, Commissioner  
2 Shapiro, for flagging that. So it's been moved and properly  
3 seconded with all the limitations as noted. Any further  
4 discussion?

5 VICE CHAIRMAIN MILLER: Yeah.

6 CHAIRMAN HOOD: Vice Chair Miller?

7 VICE CHAIRMAIN MILLER: Yeah. I support the action  
8 that's been in the motion tonight. I just wanted to restate what  
9 I think I previously stated at the time of proposed action or  
10 previous action on this case, is that we know that there are  
11 other parking regulations that need to be clarified. I've sat  
12 on a recent BZA case which demonstrated that so, and there are a  
13 lot of things in our Zoning Commission parking lot, this is the  
14 parking lot, but we didn't -- all the parking regulations are one  
15 of the things that need to be in the parking lot to be looked  
16 at.

17 CHAIRMAN HOOD: Okay. I think not this meeting, maybe  
18 the next meeting, we can ask for an update. I was -- I've been  
19 waiting. I know that, you know, it's a lot more to like the RA  
20 zones and, as you mentioned, there's a lot in the parking lot.  
21 OP has a lot, especially with top (indiscernible) things that are  
22 happening now, so let's kind of get an update. I think -- I  
23 won't put them on the spot today, but maybe next meeting. And  
24 plus, I think they're in their over -- I mean, their budget  
25 hearing as well.

1           So anyway, it's moved and properly seconded. Thank  
2 you, Vice Chair. Any further discussion?

3           (No response.)

4           CHAIRMAN HOOD: Okay. Ms. Schellin, could you call for  
5 the roll vote, please?

6           MS. SCHELLIN: Commissioner Hood?

7           CHAIRMAN HOOD: Yes.

8           MS. SCHELLIN: Commissioner May?

9           BOARD MEMBER MAY: Yes.

10          MS. SCHELLIN: Commissioner Miller?

11          VICE CHAIRMAIN MILLER: Yes.

12          MS. SCHELLIN: Commissioner Shapiro?

13          BOARD MEMBER SHAPIRO: Yes.

14          MS. SCHELLIN: Commissioner Turnbull?

15          BOARD MEMBER TURNBULL: Yes.

16          MS. SCHELLIN: The vote is 5 to 0 to 0 to approve the  
17 revised emergency and proposed rulemaking to include 1A, ANC  
18 1A's, comments with a 7-day comment period in Zoning Commission  
19 Case No. 21-04.

20          CHAIRMAN HOOD: So let's -- let me just take a breath  
21 for a second. I have a question, and I know we -- I just do  
22 these things off the cuff. That's just me.

23                 So I have a question for anyone who's up. Have you  
24 ever heard somebody make a motion and the motion was seconded and  
25 the maker of the motion when it came time for the vote, voted

1 | against the motion? Does that make sense?

2 | BOARD MEMBER SHAPIRO: (No audible response.)

3 | CHAIRMAN HOOD: It does?

4 | BOARD MEMBER SHAPIRO: Yes.

5 | CHAIRMAN HOOD: I made the motion, Vice Chair Miller  
6 | seconded it and then when Ms. Schellin called for the roll call  
7 | vote, I voted against it. So Commissioner Shapiro, you've heard  
8 | that before? Yeah. Have you all heard that before? I thought  
9 | I would never see that, but I witnessed that.

10 | VICE CHAIRMAIN MILLER: I was trying -- Mr. Chairman,  
11 | I was 28, 27 years, at the counsel and I have seen that before.  
12 | I think it was mostly amendments were then made to the original  
13 | motion and -- which weren't supported by the original motion  
14 | maker. I don't know if that's analogous in the situation here,  
15 | but anyway. Just thought I'd -- I have seen that before.

16 | CHAIRMAN HOOD: I have never seen it, but anyway. A  
17 | side note, okay. Back to business, I guess. All right. So  
18 | that's why I shouldn't do that because now I forgot where I am.  
19 | I think I'm on Zoning Commission Case No. 20 -- which one are we  
20 | on, Ms. Schellin? Oh, I know where.

21 | MS. SCHELLIN: 20-02.

22 | CHAIRMAN HOOD: Okay. Final Action Zoning Commission  
23 | Case No. 20-02, Office of Planning, Text Amendments to Title B,  
24 | C, F, G, I, K, U, and X, and Z Expanded Inclusionary Zoning. Ms.  
25 | Schellin?

1 MS. SCHELLIN: Yes. So the notice of third proposed  
2 rulemaking was published in the D.C. Register on May 2first, and  
3 there was one comment received that Exhibit 43 from the Committee  
4 of 100. So this case is ready to proceed with final action if  
5 the Commission wishes to do so this evening.

6 CHAIRMAN HOOD: So let start off and see where others  
7 are. I know we want to get this in place, and we want to get it  
8 in place, right, but I will tell you that reading the Committee  
9 of 100's letter, and I'm going to pull it up right quick. Part  
10 of it, I know some of this may have been mentioned to us  
11 previously -- give me one second. Let me pull it up. It.

12 And in their letter, in the committee's letter -- but  
13 anyway, I'm going to try to -- I can't seem to put my hands on  
14 the right now. I'm going to try to -- they were saying that the  
15 way this is written; it tailors to a specific group. I know  
16 which group they were talking about, but I'm not going to say  
17 their name.

18 They've asked this Commission to take more time and  
19 let's really hash this out and think it through. They had a few  
20 comments for us about maybe -- and one of the things I think we  
21 can do, one of the options I think we can give it is maybe send  
22 it back to OP and ask them to respond to the Committee of 100's  
23 comments, but I took it a step further. I took it in my notes,  
24 because I want to really understand and I think in their letter  
25 they mentioned they didn't have the time to be able to -- they

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1 | were not able to present things to us and I wanted to give them  
2 | that opportunity.

3 |           I think what they're saying is -- because it showed  
4 | true to another case that we had and some of their comments.  
5 | While not all, but some of their comments were put into what we  
6 | did and I think it made a better solution for the city, and I  
7 | would like to take time, as they've asked, to move in this fashion  
8 | and I want to make sure we fully understand so we can all get on  
9 | the same table. Not that we're going to all agree 100 percent,  
10 | and let's just hash this out even if we did another limited scope  
11 | hearing.

12 |           But anyway, those are my thoughts on this. Let me hear  
13 | from others. Commissioner May?

14 |           BOARD MEMBER MAY: You know, I am interested in hearing,  
15 | perhaps, what the Office of Planning has to say in response to  
16 | the Committee of 100's letter, but I'm not so concerned that I  
17 | would want to go to another hearing.

18 |           CHAIRMAN HOOD: Okay. Commissioner Shapiro, any  
19 | comments on that?

20 |           BOARD MEMBER SHAPIRO: Yeah. I mean, respectfully, Mr.  
21 | Chair, I agree with Commissioner May. I think that a number of  
22 | the issues that the Office of -- that the Committee of 100 brought  
23 | up were issues that they brought up before. I think OP has  
24 | addressed them, so I'm not seeing anything that -- certainly not  
25 | seeing anything that merits an additional hearing or opening this

1 back up to a, even a limited scope, hearing. And I'm actually  
2 comfortable with us taking final action tonight. So I'm in a  
3 different place with you on this.

4 CHAIRMAN HOOD: Okay. That's why it's five of us. I  
5 even went another step and was talking about a limited scope  
6 hearing. I didn't think that was even on the table, but anyways  
7 I wanted to hear from them. Commissioner Turnbull?

8 BOARD MEMBER TURNBULL: Yes, Mr. Chair. I, after  
9 hearing Commissioner May and Commissioner Shapiro, I'm not  
10 uncomfortable with going ahead tonight either. I feel  
11 comfortable. The OP is -- it's one of those other things that  
12 if something happens later on where he finds it, we can always  
13 tweak it which we've done before. So I don't think that what -  
14 - basically what we've got here is good and something to work  
15 on, and I'm ready to go forward.

16 CHAIRMAN HOOD: Okay. Vice Chair Miller?

17 VICE CHAIRMAN MILLER: Thank you, Mr. Chairman. I  
18 concur with my other colleagues, other than you, Mr. Chairman.  
19 You know, I think we did revise this previously once, at least,  
20 because of the Committee 100's serious, thoughtful testimony and  
21 comments, and I don't disagree with their goals and we've asked  
22 to -- and they've -- it's -- they basically repeated they want  
23 what we want. Lower, deeper, affordability requirements, more  
24 satisfied requirements and we've asked about that in previous  
25 iteration of this case which has now been pending an expanded

1 exclusionary zoning case for, I think, a year-and-a-half now.

2           So I think we got responses from OP previously. The  
3 senior OP aren't here tonight because they're at the budget  
4 hearing there at the council right now, so it might have been  
5 helpful just to hear them reiterate what they said previously,  
6 which is the economic impact analysis was why we couldn't do  
7 something deeper this time.

8           You know, I was frustrated with that answer. We're  
9 always pushing we want more. We want more volume of affordable  
10 housing, we want deeper levels, and we share the goals and I  
11 think -- for now, I think this is -- well, this case is ready to  
12 go forward and as Commissioner Turnbull and others have said, we  
13 can amend it as we go forward and tweak it as we go forward.  
14 This is an amendment to the inclusionary zoning to add a different  
15 component to it. So I'm comfortable going -- I would like to go  
16 forward tonight. I think it's ready.

17           CHAIRMAN HOOD: Okay. I'm certainly not going to vote  
18 against this. I just thought as the Committee had asked us, you  
19 know, because I would like to have had an exchange with them,  
20 but obviously I think -- my colleagues think that it's flavored  
21 and I can count, so let's go ahead if somebody wants to make a  
22 motion.

23           I do know that Commissioner May mentioned that he  
24 wanted to hear -- wanted OP to respond. Is that still the case?  
25 Well, it's -- you know the vote seems. I hate to tell you.



1 BOARD MEMBER MAY: Well, you know, I'm tempted to argue  
2 the point, but no the -- I just thought it would be good for the  
3 sake of having a thorough record and for us to, you know, see  
4 the other side of the story because I know that that Office of  
5 Planning would have, you know, their own interpretation and their  
6 own reaction to the Committee 100's suggestions in their letter.

7 But I -- you know, I don't feel so strongly about it  
8 that I that I wouldn't vote for it tonight if everyone wants to  
9 move forward. So --

10 CHAIRMAN HOOD: Okay. I think --

11 BOARD MEMBER MAY: I'm not going to try to argue the  
12 case that we need to postpone for OP's report.

13 CHAIRMAN HOOD: Okay. All right. So with that, someone  
14 like to make a motion?

15 BOARD MEMBER SHAPIRO: -- Mr. Chairman, that we take  
16 final action on Zoning Commission Case No. 20-02, Office of  
17 Planning, Text Amendments to Subtitle B, C, F, G, I, K, U, X,  
18 and Z, Expanded Inclusionary Zoning. Look for a second?

19 VICE CHAIRMAIN MILLER: Second.

20 CHAIRMAN HOOD: It's been moved and properly seconded.  
21 Any further discussion? I would just note, as Mr. Turnbull and  
22 as we've always said, that if we find something and we find out  
23 maybe the Committee and Chairman Hood may have had a point that  
24 we probably need to revisit, then we would do that as  
25 expeditiously as possible.

1 Any further discussion?

2 (No response.)

3 CHAIRMAN HOOD: Okay. Ms. Schellin, would you do a  
4 roll call vote, please?

5 MS. SCHELLIN: Commissioner Shapiro?

6 BOARD MEMBER SHAPIRO: Vote yes.

7 MS. SCHELLIN: Commissioner Miller?

8 VICE CHAIRMAIN MILLER: Yes.

9 MS. SCHELLIN: Commissioner Hood?

10 CHAIRMAN HOOD: Yes.

11 MS. SCHELLIN: Commissioner May?

12 BOARD MEMBER MAY: Yes.

13 MS. SCHELLIN: Commissioner Turnbull?

14 BOARD MEMBER TURNBULL: Yes.

15 MS. SCHELLIN: The vote is 5 to 0 to 0 to approve final  
16 action in Zoning Commission Case No. 20-02.

17 CHAIRMAN HOOD: Okay. Our next case this evening is  
18 Zoning Commission Case No. 20-23, LDP Acquisitions, et al, Map  
19 Amendment at Square 2633 and Parcels 131/94, 131/146, 131/147,  
20 131/155, 131/161, 131/162, and 131/217. Ms. Schellin?

21 MS. SCHELLIN: Yes, sir. At Exhibit 27 there is draft  
22 order that was submitted by the applicant and Exhibit 28 NCPC  
23 submitted a letter advising the project was exempt from their  
24 review. Again, this case is up for final action if the Commission  
25 desires to move forward.

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1 CHAIRMAN HOOD: Okay. Again, Commissioners, I think  
2 the applicant is to rezone the property from the current PDR-2  
3 to MU-10. The abutting property on the parcels too, the 131/216  
4 and 131/144, was also proposed to be rezoned from PDR-2 to the  
5 MU-10 pursuant to the Zoning Commission Case No. 21-01 and then  
6 the property is currently improved with various industrial  
7 warehouses, retail, surface parking, and other issues associated  
8 with Greater Mount Calvary Holy Church community programs?

9 I think the hearing was straight forward. It was  
10 warranted a lot of support and the only reason we held it off  
11 from our last meeting was because we had a 2-day notice issue  
12 with the National Capital Planning Commission. So I think this  
13 is flavored for us to move forward.

14 Any additional comments, or concerns, or questions?

15 (No response.)

16 CHAIRMAN HOOD: So I would move that we approve Zoning  
17 Commission Case No. 20-23 for approval as noted and ask for a  
18 second.

19 BOARD MEMBER TURNBULL: Second.

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

22 (No response.)

23 CHAIRMAN HOOD: Not hearing any, Ms. Schellin will you  
24 do a roll call vote, please?

25 MS. SCHELLIN: Commissioner Hood?

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1 CHAIRMAN HOOD: Yes.

2 MS. SCHELLIN: Commissioner Turnbull?

3 BOARD MEMBER TURNBULL: Yes.

4 MS. SCHELLIN: Commissioner May?

5 BOARD MEMBER MAY: Yes.

6 MS. SCHELLIN: Commissioner Miller?

7 VICE CHAIRMAIN MILLER: Yes.

8 MS. SCHELLIN: Commissioner Shapiro?

9 BOARD MEMBER SHAPIRO: Yes.

10 MS. SCHELLIN: The vote is 5 to 0 to 0 to approve final

11 action, Zoning Commission Case No. 20-23.

12 CHAIRMAN HOOD: (No audible response.)

13 BOARD MEMBER SHAPIRO: You're on mute, Mr. Chair.

14 CHAIRMAN HOOD: Okay. Thank you. So I got to read

15 all that over again. So the last case is Zoning -- for final

16 action is Zoning Commission Case No. 20-01, Office of Planning,

17 Map Amendments at Parcels 131/216 and 131/44. Ms. Schellin?

18 MS. SCHELLIN: At Exhibit 18, NCPC submitted a letter

19 advising that this case too was exempt from review. So this case

20 is ready for final action if the Commission decides to go forward.

21 CHAIRMAN HOOD: And as we said previously, I'm glad to

22 hear that this case was exempt. We waited to see what the

23 response was going to be and it's exempt, so better to be safe

24 than sorry. Again, this case is on behalf of IMPED, proposed to

25 rezone the two parcels, the parcel is 3,574 square feet from PDR-

1 2 to MU-10 zone. The abutting properties to the east and south  
2 are subject to proposed map amendments in Zoning Commission Case  
3 No. 20-23 which was just done and the property's currently  
4 improved by a D.C. FMAS fire station facility, Engine No. 12.  
5 The key development standards and use permissions of current PDR-  
6 2 and proposed MU-10 zone. So it is -- that's where we are and  
7 I'm going to open it up. Any questions or comments? This too  
8 is, I think, pretty straight-forward unless somebody has any  
9 questions or comments.

10 UNIDENTIFIED SPEAKER: No.

11 CHAIRMAN HOOD: Okay. Can I get a motion?

12 BOARD MEMBER TURNBULL: Mr. Chair, I would move that  
13 we take final action in Zoning Case No. 21-01, Office of Planning,  
14 Map Amendment at Parcels 131/216 and 131/44.

15 BOARD MEMBER MAY: Second.

16 CHAIRMAN HOOD: Is there a -- okay. It's been moved  
17 and properly seconded. Any further discussion?

18 (No response.)

19 CHAIRMAN HOOD: Not hearing any, Ms. Schellin, would  
20 you please do a roll call vote?

21 MS. SCHELLIN: Commissioner Turnbull?

22 BOARD MEMBER TURNBULL: Yes.

23 MS. SCHELLIN: And I think I heard Commissioner May  
24 second that.

25 BOARD MEMBER MAY: Yes.

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1 MS. SCHELLIN: Commissioner Hood?

2 CHAIRMAN HOOD: Yes.

3 MS. SCHELLIN: Commissioner Miller?

4 VICE CHAIRMAIN MILLER: Yes.

5 MS. SCHELLIN: Commissioner Shapiro?

6 BOARD MEMBER SHAPIRO: Yes.

7 MS. SCHELLIN: The vote is 5 to 0 to 0 to approve final  
8 action in Zoning Commission Case No. 21-01.

9 CHAIRMAN HOOD: Okay. With that, I'm going to turn  
10 this part of the meeting over to our Vice Chair who is going to  
11 take us through the hearing action. Vice Chair, the floor is  
12 yours.

13 VICE CHAIRMAIN MILLER: Okay. Thank you, I think, Mr.  
14 Chairman. So the first case under hearing actions is Zoning  
15 Commission Case 15-24B, JBG 6th Street Associates, LLC and  
16 Gallaudet University, Second Stage PUD, Consolidated PUD and  
17 Related Map Amendment and a Modification of a Significance to a  
18 First Stage PUD at Square 3591 and Parcels 129/70, 129/103, and  
19 a portion of Parcel 141/69.

20 I was going to call on the Office of Planning to, I  
21 guess, present the hearing, but I'll just briefly say that the -  
22 - on the case history that the Zoning Commission previously  
23 considered whether to set this case down at its February 25th,  
24 2021, public meeting. And at that meeting, the Commission decided  
25 that the modifications were significant enough to warrant a

1 rebalancing of the benefits and amenities for the project, and  
2 including affordable housing.

3           During that meeting, the Commission expressed concerns  
4 regarding the project in three different areas. One was process,  
5 the size and complication of the project. I think, as you could  
6 heard -- might have heard and now I read the case matter and how  
7 it should be heard by the Commission; two, the affordable housing  
8 component of the project; and three, the open space component of  
9 the project.

10           And as a result, the project was not set down in  
11 February and the applicant was asked to respond to the issues  
12 that were addressed and I think there's been some work with OP  
13 and discussions with OAG since that time, and I'll turn it over  
14 to Ms. Brandis Elliot from the Office of Planning. We're happy  
15 to see you tonight.

16           MS. ELLIOTT: Thank you, Mr. Vice Chair, and good  
17 evening, Mr. Chairman, Mr. Vice Chair, members of the Commission.  
18 I'm Brandice Elliott representing the Office of Planning. You  
19 may recognize some of this presentation from last time, so I'll  
20 try to mix things up so that you don't get too bored.

21           The Office of Planning recommends that the Commission  
22 set down the application for Zoning Case 15-24B which proposes  
23 development along the 6th Street, along 6th Street and the Florida  
24 Avenue Market area.

25           The application consists of three parts. First, it's a

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1 consolidated PUD and Zoning Map amendment to expand parcel two  
2 to include land from the university's campus and rezone it from  
3 RF-1 to 3C-A. Second, it's a modification of significance to the  
4 first stage PUD for parcels one, two, and three. And third is  
5 the second stage PUD for parcels two and three.

6 So as the Vice Chair indicated, this application was  
7 presented to the Zoning Commission at its February 25th public  
8 hearing and the Commission decided not to set it down due to the  
9 need to rebalance some of the benefits and amenities of the  
10 project. I'll go ahead and summarize the project on the following  
11 slides and then I'll explain some of the things that have been  
12 changed since you last saw it. May I have the next slide, please?

13 So the first stage PUD for the development was  
14 approved May 8th, 2017 under the 1958 Zoning Regulations. The  
15 consist of four separate parcels, but only three of them are the  
16 subject of this particular application. So parcel one is located  
17 at the northeast corner of Florida Avenue and 6th Street adjacent  
18 to Gallaudet University. And then parcel two is just to the  
19 north of that. Parcel three is on the west side of 6th Street,  
20 just south of the building that we know as Union Market. May I  
21 have the next slide, please?

22 So parcel one, the first stage PUD for parcel one  
23 approved a visitor center and office building with university  
24 uses. The parcel featured open space known as Gateway Plaza, and  
25 the applicant proposes to modify the PUD by changing the building



1 program to include only university uses, to change the building  
2 footprint, and increase the building size by about 13,000 square  
3 feet. The lot size would be reduced as 27,000 square feet of  
4 land area would be transferred to parcel two.

5           These changes would result in modifications to a lot  
6 occupancy, building height, and lot area. And Gateway Plaza  
7 would be replaced with Creativity Way, which would be located  
8 off-site. And more specifically, it would be along the east  
9 property lines of parcels one and two on the Gallaudet University  
10 campus. So the proposal would ultimately result in an 89-foot  
11 high building with an FAR of 2.7. Next slide, please?

12           Parcel two was approved for a university, retail, and  
13 residential uses. The applicant proposes to increase the size  
14 of the parcel by adding about 6,000 square feet of land area from  
15 the university to the parcel, which is in addition to the land  
16 area being transferred from parcel one. This change requires the  
17 consolidated PUD and map amendment from RF-1 to C3-A.

18           A modification of significance would modify the  
19 building footprints, increase the floor area of the buildings,  
20 increase the height ranging between 10 to 20 feet, and increase  
21 the number of parking spaces. Tapscott Street would also be  
22 realigned between the two northern buildings, but that was  
23 actually contemplated in the order for the first stage PUD.

24           The proposal would result in two buildings having  
25 heights of 65 and 70 feet, an overall FAR of 2.86, and

1 approximately 230 residential units. It's also worth noting here  
2 that this parcel includes a second stage PUD and will also require  
3 the filing of a Campus Plan amendment. May I have the next slide,  
4 please?

5 Parcel three was approved for residential and retail  
6 uses. The applicant has requested a Modification of Significance  
7 that would modify the building footprint and reduce the Gross  
8 Floor Area. The request also includes a second stage PUD. The  
9 proposal would result in a building having a height of 120 feet,  
10 an FAR of 7.0, and approximately 300 residential units. Next  
11 slide, please?

12 So at the previous public meeting, the Zoning  
13 Commission discussed these significant changes that have been  
14 proposed and agreed that the benefits and amenities should be  
15 recalibrated as a result. There was also a lot of concern  
16 expressed about the size of the project and how we could break  
17 this down into smaller pieces and make it more manageable for the  
18 review and through the PUD process.

19 So we've been working with the applicant on these  
20 issues. So the first issue is the PUD process. And as noted,  
21 it's a very large project consisting of three different parcels,  
22 some significant modifications, and then there was a lot of  
23 concern about having everything thrown at the Commission at the  
24 same time. So the applicant has suggested separating each parcel  
25 into its own review, with each one having its own hearing.

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1           So they would move forward, as we've outlined on the  
2 screen. Parcel one would have its own hearing, and parcel two  
3 would have its own hearing, and parcel three would have its own.  
4 And the applicant indicated in their submission that they  
5 expected to have two hearings on any given night over the course  
6 of a couple of weeks to go through all of these cases or to go  
7 through all of these parcels.

8           Although we're not necessarily committed to the exact  
9 same time frame, OP does support this process. The benefits and  
10 amenities are tied to each individual parcel and we think it  
11 makes sense to proceed in that manner. However, OAG has recently  
12 informed us that there could be some concerns moving forward on  
13 a parcel-by-parcel basis. So OP would request some flexibility  
14 to continue working with the applicant, OAG, and OZ to define a  
15 process that meets the needs of all parties and in particular,  
16 any concerns that the Zoning Commission has moving forward. May  
17 I have the next slide, please?

18           So the second issue that the applicant was asked to  
19 address was that of affordable housing. As noted in OP's previous  
20 presentation, the proposal would have resulted in a decrease in  
21 affordable housing of about 8,300 square feet. So we were looking  
22 for an increase in IZ that would at least maintain the amount  
23 that was approved in the first stage PUD. As indicated on the  
24 slide here, that 77,098 square feet.

25           So the applicant has agreed to provide that amount of

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1 affordable housing in the project. That also amounts to 11.2  
2 percent of the residential Gross Floor Area. OP would further  
3 request that any use flexibility that results in additional  
4 residential uses would continue to set aside 11.2 percent of the  
5 Gross Floor Area for IZ.

6 One thing to keep in mind with this particular project  
7 is it was approved in 2017 under the 1958 Zoning Regulations. It  
8 predates a lot of things that have happened and a lot's changed  
9 since then. So first of all, we're working with the 2016 Zoning  
10 Regulations now. We have the new council adopted Comprehensive  
11 Plan. We have the mayor's order and the Housing Equity Report.

12 So obviously if this was a new PUD, we would be asking  
13 for them to provide more affordable housing that's consistent  
14 with these policies, which is more in the neighborhood of 15  
15 percent. But this case does predate all these, all of these,  
16 policies. Next slide, please?

17 So the final item that the applicant was asked to  
18 address was the open space component of the project, and as we  
19 noted earlier in this presentation, there are some fairly  
20 significant modifications being requested, including the open  
21 space on parcel one which is probably the more significant change  
22 to open space, and it would have decreased the open space under  
23 what was required by the first stage PUD.

24 So the applicant has revised -- has submitted a revised  
25 open space plan to the record, as well as the calculations for

1 each area of the open space. So based on these calculations,  
2 the proposed plan would result in about 8,700 square feet of  
3 additional open space for the PUD, but OP would like to continue  
4 working with the applicant on the refinement of these open spaces  
5 to make sure that, you know, we also consider them open spaces,  
6 well-designed spaces that meet the threshold as being a benefit  
7 and amenity of the project.

8 So overall, the proposal continues to meet the  
9 requirements of the C-3-C and C-3-A PUD zones. It's not  
10 inconsistent with the future Land Use Maps, the Generalized  
11 Policy Map and the Small Area Plans and studies as demonstrated  
12 in the first stage PUD.

13 In addition to any comments provided by the Zoning  
14 Commission, OP would like to remind the applicant that there are  
15 additional comments provided in our first report that should be  
16 responded to and they're prehearing submissions. That concludes  
17 OP's presentation. Thanks for your time. I'm happy to answer  
18 any questions you have.

19 VICE CHAIRMAIN MILLER: Thank you, Ms. Elliott, for  
20 that very thorough presentation. So as has been alluded to, this  
21 is a somewhat complicated case which we heard before, and the  
22 applicant and OP came back with -- well, there were a number of  
23 issues accepted at the previous set down hearing. There was the  
24 process issue and how to maybe break it up into more manageable  
25 parts and OP and the application came back with one simplified -

1 - I agree it's a simplified, not simplified, but more manageable  
2 process and OAG recently has come up with another process.

3           So I think we just need to -- we'll walk through -- I  
4 think as a Commission we should walk through the process issue,  
5 then walk through the affordable housing, the response to  
6 affordable housing issue, the response to the open space issue,  
7 the response to the 24 items in OP's original report which needed  
8 to be clarified before a hearing is held. We're not having the  
9 hearing tonight, so they don't have to be clarified tonight, but  
10 just they need to be acknowledged that that would have to be  
11 clarified before we have the hearing.

12           I am supportive of having a hearing. I'm supportive  
13 of a more manageable process. I think OAG has come up with an  
14 alternative manageable process which would -- and I'll call my  
15 fellow Commissioners to help me out here, but which has suggested  
16 that we consider first the -- if we go from the -- maybe go from  
17 the general to the specific and if we did the first -- and in a  
18 series of hearings that would be worked out by OP, and the  
19 applicant, and OAG.

20           The first would be something from the general to the  
21 specific. The first would be first stage PUD modifications for  
22 parcels one, two, and three including the modifications to the  
23 PUD benefits and amenities and whether they're sufficient. The  
24 new amount in amendment for parcel two and the Campus Plan  
25 amendment for Gallaudet University, and then the second series

1 | of hearings, or hopefully one hearing, would be second stage  
2 | hearing for parcel two, and then the third manageable part would  
3 | be the second stage for PUD -- second stage for PUD parcel three.

4 |           So I am willing to give that flexibility to OP, and  
5 | OAG, and the applicant to work out that more manageable process  
6 | so that the public and the Zoning Commission, all the parties,  
7 | can understand where we're going. But I think this general  
8 | specific most recent process proposal makes sense and I'd ask for  
9 | my comments, comments from my other colleagues. I'm going in no  
10 | particular order. I'd call Commissioner May who raised this  
11 | issue, I think, at the original set down hearing originally.

12 |           BOARD MEMBER MAY: Sorry. We're just doing the process  
13 | question now, right? Yeah. So yeah. I mean, I prefer to go  
14 | from the general to the specific rather than try to do it parcel-  
15 | by-parcel because what we -- you know, what we would typically  
16 | consider in a stage one are the -- you know, the overall  
17 | parameters of the project and the overall benefits and amenities  
18 | of it.

19 |           Yeah, there are some particular things, but -- and we  
20 | -- you know, since so much of it is ready for stage two, maybe  
21 | we will delve into those particulars a little bit more in the -  
22 | - in that first hearing than we would typically do, but I would  
23 | much rather be looking at this at the macro scale at the start  
24 | and then move on to the stage twos for the for the two parcels  
25 | where we are doing stage twos.

1           The other -- you know, the other complicated thing  
2 about the big picture is, you know, it's not just the first stage  
3 PUD modifications. It's also a Campus Plan Amendment, right?  
4 And so it's like we're going to be considering all these bits  
5 and pieces and, in other words, I mean, it's just it's just easier  
6 for me to grapple with this if we look -- go from general to the  
7 more specific, and I would prefer that we not give flexibility  
8 to go one way or the other. I would prefer that we, you know,  
9 we decide that we want it the way I'd prefer it. What can I say?

10           But I'm -- you know, of course, we work by consensus  
11 on issues like this, so I'm very happy to hear what other people  
12 have to say.

13           VICE CHAIRMAN MILLER: So let's hear what other people  
14 have to say. Commissioner Shapiro?

15           BOARD MEMBER SHAPIRO: Thank you, Mr. Vice Chair. I'm  
16 fine with what Commissioner May originally suggested and the way  
17 OAG has framed it. I mean, I guess I do have a question for Ms.  
18 Elliott, if I may, Mr. Vice Chair. That -- not to get you too  
19 much in the middle of our stuff, but my read of this is that it  
20 addresses the issues that you had concerns about, that even if  
21 we take it this way, that we will be including discussion of  
22 modifications to PUD benefits and amenities parcel-by-parcel  
23 which is what your issue was.

24           So as long as we're doing that within this frame, it  
25 sounds like it's addressing the issues that you all maybe



1 concerned is too strong, but at least mindful of. Does that  
2 sound right?

3 MS. ELLIOTT: Yes. I think that we could probably  
4 address our issues with any process sort of moving forward. I  
5 think it's flexible enough that we could do that, but this is  
6 especially helpful and definitely more specific and I think that  
7 it will be easy for us to go through the process and explain any  
8 of our issues at any given stage.

9 BOARD MEMBER SHAPIRO: Good. Good answer because now  
10 Commissioners May is not mad at you, so life is good.

11 The only other comment I have is that first stage --  
12 the first grouping. Just the first grouping. That first grouping  
13 looks like a lot and so it's going to be helpful for me and the  
14 way my brain works, and I'm sure the public too, to make, even  
15 within that first grouping to figure out what's Map Amendment,  
16 what's Campus Plan, what's the first stage PUD modifications and,  
17 you know, all the different standards that apply to each.

18 So, you know, I'm not suggesting we break that up into  
19 even smaller groupings because I think there is a logic from  
20 going from the general to the specific here, but, you know, put  
21 in the extra work just to help us and the public digest that,  
22 that'll make a big difference. And that's all I have Mr. Vice  
23 Chair.

24 VICE CHAIRMAIN MILLER: I think that's a good point,  
25 Commissioner Shapiro.

1 Commissioner Turnbull, do you have comments on the  
2 process issue?

3 BOARD MEMBER TURNBULL: Yeah. I'm in favor of grappling  
4 with Commissioner May. I think it's a -- sounds like it'll be a  
5 lot of fun grappling, but I also recognize, as Commissioner  
6 Shapiro said, it's going to be a lot of work involved, but I  
7 think it's the way to go.

8 VICE CHAIRMAIN MILLER: Thank you. Chairman Hood?

9 CHAIRMAN HOOD: I agree with the comments I've heard.  
10 Again, as we go through this, we want to make sure we have --  
11 it's structured, it's understandable, it's clear, because this  
12 is quite a bit, as Commissioner Shapiro mentioned, especially the  
13 first part. So let me just ask. I do have a question for Ms.  
14 Elliott.

15 Ms. Elliott, I'm trying to remember. Did you say that  
16 they are keeping the MFI level or they reduced it? I know they  
17 proposed to reduce it, but I think Office of Planning wants them  
18 to keep what they've presented to us previously. So are they  
19 back to that level?

20 MS. ELLIOTT: So, Mr. Chairman, the -- were trying --  
21 we were negotiating with the applicant to maintain the 77,098  
22 square feet of IZ that was approved with the first stage PUD.  
23 The PUD -- the order for that first PUD says it's 10 percent or  
24 such and such square feet. What happened was the Gross Floor  
25 Area for the PUD was reduced and it reduced the amount of

1 affordable housing that was being provided. So we were just  
2 trying to get them back up to that level of the first stage PUD  
3 and that's what they have agreed to provide at this point.

4 CHAIRMAN HOOD: Oh. Okay. Okay. So they've agreed  
5 to go back up to the level even though it was reduced?

6 MS. ELLIOTT: Correct, so there will --

7 CHAIRMAN HOOD: Okay.

8 MS. ELLIOTT: -- be less residential in the project,  
9 but there is more IZ than would otherwise be required by the  
10 first stage -- by the order of the first stage PUD --

11 CHAIRMAN HOOD: Okay. I think that's a --

12 MS. ELLIOTT: -- if that makes sense.

13 CHAIRMAN HOOD: -- balanced trade off. Thank you, Mr.  
14 Vice Chair. Thank you, Ms. Elliott.

15 VICE CHAIRMAIN MILLER: Okay. Or we'll maybe get more  
16 discussion in a second, Mr. Chairman, on the affordable housing,  
17 but on the process issue, I think we're in agreement, or consensus  
18 as you've said, with going with the general to specific proposed  
19 approach that OAG has suggested OP is comfortable with, I think  
20 the applicant will be comfortable with it, and as -- but with a  
21 maybe some kind of a bite size digestion -- digestible version  
22 of that first part which, as Commissioner Shapiro pointed out,  
23 has a lot in it so that the public and all parties, including  
24 us, can understand what's going on. So that's -- I think we have  
25 a consensus on the process issue going forward.

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1           On the affordable housing proffer -- well, I guess I  
2 should call my other colleagues first. Commissioner May?

3           BOARD MEMBER MAY: Yeah. So first of all, it is  
4 positive that the applicant agreed to throw -- to add in that  
5 extra 8,000 square feet of affordable housing. But, you know,  
6 the world of housing in Washington, the world of housing in  
7 general, generally, is changing, and changing so rapidly. And,  
8 you know, certainly what's come about just in the last few months  
9 in the District, I think, is a consideration.

10           And I -- you know, the notion that, you know, this  
11 would -- you know, if this were a new project, we would be talking  
12 about 15 percent. And I think that the applicant needs to work  
13 with the Office Planning to push their numbers into a greater  
14 percentage of affordable housing. You know, what we're seeing  
15 here is, you know, the -- sort of the notion that when you do a  
16 PUD and you do a stage one, and you can sort of like extend the  
17 life of the overall project and implement it in, you know,  
18 subsequent stages.

19           But you've got your benefits and amenities nailed down  
20 in the stage one early on, right, and so that gives you greater  
21 certainty and security and maybe a better deal as the world  
22 changes. But when the project evolves, right, it's not -- you  
23 know, over a course of several years, the project evolves, and,  
24 you know, I think that opens the door and everything that was  
25 you know, as soon as we start talking about stage one

1 modifications, whether this is explicit in the Regulations or  
2 not, I think opens the door for us to do some renegotiation.

3           So I would be in favor of a much higher affordability  
4 level. I'm sorry. Much -- a higher percentage of affordable  
5 units and I would encourage the Office of Planning to work with  
6 the applicant to achieve that. I don't feel so strongly about  
7 it that I'm not willing to set it down until we know more. I  
8 think that was the case in February. But, you know, since  
9 February, the world has changed a bit. So I think, you know, we  
10 just need to push harder.

11           VICE CHAIRMAIN MILLER: Thank you, Commissioner May.  
12 Commissioner Shapiro, do you have any comments on the affordable  
13 housing issue?

14           BOARD MEMBER SHAPIRO: Sorry. I hit "stop video"  
15 instead of "unmute". No, I ditto.

16           VICE CHAIRMAIN MILLER: Thanks. Commissioner Turnbull?

17           BOARD MEMBER TURNBULL: I would agree with Commissioner  
18 May's comments. I think that once you're going to get into  
19 modifications of PUDs, especially of significance, I think --  
20 and, again, we'd have to get -- I'm not -- I'm willing to set  
21 this down, but I think there's, as Commissioner May said, this  
22 opens the door.

23           I think, from a legal standpoint, we may be right and  
24 that there is a need to go back and revisit the affordable housing  
25 limit. So I think they may be subject to that, so. But I would

1 | be willing, but they need to go back and revisit that and I think  
2 | the Office of Planning needs to sit down and have some serious  
3 | talks with them about it. But, I would basically agree that we  
4 | need to revisit it. But again, I would be still in favor of  
5 | setting it down. This would not stop me from approving this.

6 |           VICE CHAIRMAIN MILLER:     Thank you, Commissioner  
7 | Turnbull. I would concur with all my colleague's comments.  
8 | Chairman Hood, do you have other comments you want to make about  
9 | the affordable housing?

10 |           CHAIRMAN HOOD: No, that's it. I actually had to do  
11 | that the other time because that was on my mind, I remember, from  
12 | her presentation. So I know you have a structured layout to  
13 | where you're going, so forgive me. I've asked my question  
14 | previously, but I do associate myself with what I've heard about  
15 | revisiting and even I'm looking forward to having the  
16 | conversation about this with the applicant as well, because, as  
17 | you all know, I bring up other things as far as affordable housing  
18 | because it's good to get the affordable housing, but if you can't  
19 | get in it then what good is it? So anyway, let's see what we can  
20 | do to have that discussion. I'm looking forward to that.

21 |           VICE CHAIRMAIN MILLER: Thank you.

22 |           CHAIRMAN HOOD: Thank you, Mr. Vice Chair. Thank you.

23 |           VICE CHAIRMAIN MILLER: Thank you, Mr. Chairman. The  
24 | third issue just to -- from our previous set down hearing was  
25 | the open space issue. Does the Commission have sufficient

1 understanding of the Open Space Plan at this stage, at this point,  
2 to believe that it's ready for a hearing?

3 I guess I'll call on Commissioner Shapiro, maybe first,  
4 since you raised, I think, the question at the initial set down.  
5 Commissioner Shapiro?

6 BOARD MEMBER SHAPIRO: Thank you, Mr. Vice Chair. I  
7 am satisfied that this is ready to be set down based on the  
8 information that we have, but I agree with what was Ms. Elliott  
9 said around further -- I'm looking forward to the applicant and  
10 OP working together to make sure that the definition of what is  
11 open space actually is meeting the definitions that OP wants to  
12 see and it's truly a public benefit. So even though on paper it  
13 looks like there's more open space now, there might be more work  
14 to do, but I think it's ready to be set down.

15 VICE CHAIRMAIN MILLER: Thank you, Commissioner  
16 Shapiro. Does anyone else have any comments on the open space  
17 aspect?

18 UNIDENTIFIED SPEAKER: No.

19 VICE CHAIRMAIN MILLER: So then the other only aspect  
20 that I would mention at this point, if anyone wants to comment  
21 on it, OP's original report, as I original -- as I mentioned just  
22 a little while ago mentioned 24 items that needed to be clarified.  
23 They may have been clarified in the submissions that have come  
24 in since. I haven't really gone through each and every one of  
25 those 24. I'm not sure OP has, but they need to be clarified

1 before we get to the hearing. We're not at the hearing tonight,  
2 so they just wanted to say that we need we need to get that at  
3 the hearing, to be addressed at the hearing.

4 Now, does somebody want to make a -- I think this is  
5 ready for set down. Does anybody want to make a motion to set  
6 it down for a hearing?

7 BOARD MEMBER SHAPIRO: Mr. Chair?

8 VICE CHAIRMAIN MILLER: Commissioner Shapiro?

9 BOARD MEMBER SHAPIRO: I'm happy to make a motion, but  
10 a question also. I want direction to the applicant to when they  
11 -- we are clear that they are addressing all of OP's points or  
12 not, that they're giving it in a way that is easily digestible  
13 for us and for the public as well.

14 So I guess don't make us work for that and don't make  
15 the public work for that, because there's a lot of information,  
16 a lot of questions, so format matters for that.

17 MS. ELLIOTT: Yeah.

18 BOARD MEMBER SHAPIRO: And in terms of a motion, Mr.  
19 Chair --

20 CHAIRMAN HOOD: Yeah. Can I just -- before you add a  
21 motion, can I just add to what Commissioner Shapiro said? I  
22 think it's very crucial. I think it's his comments are definitely  
23 in line with helping us with all this information. So again, I  
24 just want to piggyback on what Commissioner Shapiro said. We  
25 shouldn't have to search high and low to find out what you mean.



1 It should pop right out on the paper, so make it very clear for  
2 us, even if you one pagers or whatever the case is. I think it  
3 should -- it would help us and it'll also be clear, as you  
4 mentioned, for the public. So I wanted to echo that. So thank  
5 you, Mr. Vice Chair.

6 VICE CHAIRMAIN MILLER: And I think the notice a public  
7 hearing is where that starts actually playing it out in a  
8 digestible format. So we may need to see that as it gets  
9 developed by our OAG, and OZ, and OP friends here.

10 So is someone prepared to make a motion to set this  
11 down for a public hearing?

12 BOARD MEMBER SHAPIRO: Mr. --

13 VICE CHAIRMAIN MILLER: Commissioner --

14 BOARD MEMBER SHAPIRO: -- Vice Chair --

15 VICE CHAIRMAIN MILLER: Yes?

16 BOARD MEMBER SHAPIRO: I move that we set down Zoning  
17 Commission Case No. 15-24B, JBG/6th Street Associates, LLC,  
18 Gallaudet University Second Stage PUD, Consolidated PUD and  
19 Related Map Amendment and Modification of Significance of First  
20 Stage PUD at Square 3591 and parcels 129/70, 129/103, and a  
21 portion of parcel 141/69. Ask for a second?

22 BOARD MEMBER MAY: Second.

23 VICE CHAIRMAIN MILLER: Is there any further  
24 discussion? If not, Ms. Schellin, could you call the roll call  
25 vote for that?

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MS. SCHELLIN: Yes, sir. Before I do, the applicant has asked, "Does the commission want separate statements in support for each of the -- or separate prehearing statements for each of the stages since you want different hearings?" Do you want those broken down? I see one head nodding.

CHAIRMAN HOOD: Let me just say, I think it should mirror what our discussion was. It should mirror exactly what we've laid out, yes.

MS. SCHELLIN: Okay.

CHAIRMAN HOOD: I think the answer to that question is yes.

BOARD MEMBER SHAPIRO: It's one case, but we're going to experience it as three cases, even though it's one case.

MS. SCHELLIN: Okay. All right. So he's listening, so he got that. So --

BOARD MEMBER MAY: Can I --

CHAIRMAN HOOD: We have a question.

BOARD MEMBER MAY: Can I --

CHAIRMAN HOOD: Commissioner May?

BOARD MEMBER MAY: -- answer that, please? Yeah.

MS. SCHELLIN: I'm sorry. Commissioner May?

BOARD MEMBER MAY: I just wanted to add that, you know, the fact that we're getting three different submissions does not mean that we should get all of the words three times, or large

1 portions of the words three times, right? We don't need to have  
2 -- I mean, just try not to make it all repetitive.

3           So, you know, you could refer from one, you know, one  
4 statement to the other statement when it comes to, you know, for  
5 example, the first stage stuff, just -- but, yes. When we're  
6 looking at each individual case on a hearing night, we want to  
7 look at one set of information, but don't make it all repetitive.  
8 Lawyers tend to repeat themselves in zoning cases and write the  
9 same words many times.

10           MS. SCHELLIN: Okay. I'm sure Mr. Hughes will not do  
11 that.

12           BOARD MEMBER TURBULL: Yeah, and you gotta --

13           BOARD MEMBER SHAPIRO: All right.

14           BOARD MEMBER TURNBULL: -- be frugal with the drawings,  
15 but concise.

16           BOARD MEMBER SHAPIRO: Yes.

17           BOARD MEMBER TURNBULL: Make sure that the overlap is  
18 clear, that we can all understand.

19           MS. SCHELLIN: Okay.

20           BOARD MEMBER SHAPIRO: Yep.

21           MS. SCHELLIN: All right. So Commissioner Shapiro?

22           BOARD MEMBER SHAPIRO: Vote yes. Actually, as a  
23 discussion, I just want to say one thing. Well, not as a  
24 discussion, but if you allow me the liberty. Ms. Elliott, your  
25 report was not boring. It was very helpful, and I vote yes.

1 MS. SCHELLIN: Okay. Commissioner May?  
2 BOARD MEMBER MAY: (No audible response.)  
3 MS. SCHELLIN: Commissioner May?  
4 BOARD MEMBER MAY: No.  
5 MS. SCHELLIN: You're voting no?  
6 BOARD MEMBER MAY: Oh, no. I'm sorry. Yes, I'm sorry.  
7 I didn't know it was voting yet. I was like, "What are we doing  
8 now? I thought we already voted."  
9 BOARD MEMBER SHAPIRO: You were tested.  
10 MS. SCHELLIN: Chairman Hood?  
11 CHAIRMAN HOOD: Yes.  
12 MS. SCHELLIN: Commissioner Miller?  
13 VICE CHAIRMAIN MILLER: Yes.  
14 MS. SCHELLIN: Commissioner Turnbull?  
15 BOARD MEMBER TURNBULL: Yes.  
16 MS. SCHELLIN: The vote is 5 to 0 to 0 to set down  
17 Zoning Commission Case No. 15-24B as the contested case.  
18 BOARD MEMBER TURNBULL: If Commissioner May had made  
19 the motion, then it would have been the same thing that the Chair  
20 was talking about.  
21 MS. SCHELLIN: I thought he was testing that. That's  
22 why I was like, "No?"  
23 VICE CHAIRMAIN MILLER: Okay. Our second, and  
24 hopefully more less complicated hearing action tonight is Zoning  
25 Commission Case 12-08D as in dog, Office of Planning, Text

1 Amendment to Subtitle K, Section 603, StE-2 Zone. The proposed  
2 text amendment would raise the maximum building height in the  
3 StE-2 zone to accommodate the new hospital on the St. Elizabeth's  
4 east campus site to a proposed 98 feet from the current permitted  
5 80 feet.

6 I think we have -- I see Mr. Lawson. I was going to  
7 say Ms. Brown-Roberts. Mr. Lawson from the Office of Planning?

8 MR. LAWSON: Thank you, Commissioner Miller, members  
9 of the Commission. I'm happy to be here. I am sitting in action  
10 for Maxine Brown-Roberts, who is definitely our St. Elizabeth's  
11 expert, but I'm sitting in for her tonight.

12 The Office of Planning recommends that the Zoning  
13 Commission set down this text amendment to amend a height limit  
14 for new construction on a portion of the StE-2 zone to accommodate  
15 a new hospital at the St. Elizabeth's campus. The District  
16 government in conjunction with George Washington Hospital  
17 proposes to construct the acute care community hospital on parcel  
18 two of the campus. This would provide Ward 7 and 8 residents  
19 with access to an integrated health network, including a new  
20 hospital and two urgent care centers.

21 To accommodate the hospital, an increase in height on  
22 the central portion of the building from 80 feet to 98 feet is  
23 proposed to accommodate one additional floor. The 40-foot height  
24 maximum along Martin Luther King and the 90-foot height maximum  
25 on the western portion adjacent to the ravine would be retained.

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1           The St. Elizabeth campus is a historic district  
2 designated locally and nationally. The design for the new  
3 construction would be subject to review by HPRB and the Commission  
4 of Fine Arts. Requested text amendment would be not inconsistent  
5 with the Comprehensive Plan, Future Land Use Map and the  
6 Generalized Policy Map and with further objectives of the land  
7 use and community services and facilities, citywide elements, as  
8 well as the southeast/southwest area element.

9           The proposal would also meet our further objectives  
10 found in the St. Elizabeth's East Redevelopment Framework Plan  
11 and the St. Elizabeth's Master Plan and Design Guidelines as  
12 discussed in the OP report. OP recommends that the text amendment  
13 be sat down for a hearing and we're available for questions.  
14 Thank you.

15           VICE CHAIRMAIN MILLER: Thank you, Mr. Lawson. I think  
16 this is a pretty straight-forward request. Do my colleagues have  
17 any comments or questions? Commissioner May?

18           BOARD MEMBER MAY: (No audible response.)

19           VICE CHAIRMAIN MILLER: No? Commissioner Shapiro?

20           BOARD MEMBER SHAPIRO: (No audible response.)

21           VICE CHAIRMAIN MILLER: Commissioner Turnbull?

22           BOARD MEMBER TURNBULL: None here, Mr. Vice Chair.

23           VICE CHAIRMAIN MILLER: And I don't have any questions  
24 on the specific proposal, but I would just be interested in terms  
25 of context if at the time of the hearing we could see maybe

1 information on what the height is and the number of beds. I  
2 really -- and the other level one, acute care hospitals that  
3 exist in the city.

4 This is the State of the Art hospital that it's going  
5 to be newly built east of the river, finally, which is great and  
6 there are obviously different demands from the constituency's  
7 nearby and the historic constraints of all the hospitals. But I  
8 just would be interested to see what the height is of each of  
9 those hospitals, the stories, the number of beds.

10 It just occurred to me when I when I saw that, you  
11 know, it's being developed in conjunction, in partnership with  
12 GW, which is adjacent to a historic district, also adjacent to a  
13 downtown district, that there is a lot of height for these  
14 hospitals. It reminded me about that, about other hospitals.

15 So just out of informational and context citywide  
16 purposes, not that we're the State Health Planning, we're  
17 certainly not the State Health Planning, it would just be --it  
18 might be interesting to -- it's useful for the public and us to  
19 have that information at the hearing if somebody is able to  
20 provide it from the health sector, Mr. Lawson.

21 MR. LAWSON: Sure. We'll try to get that information,  
22 and we'll have that prior to the public hearing.

23 VICE CHAIRMAIN MILLER: Okay. Thank you. I didn't  
24 mean to delay this meeting. Does anybody want to make a motion  
25 for a set down of this case?

1 CHAIRMAN HOOD: Mr. Vice Chair, I do want to add that  
2 I'm very excited about this case. This case is a long as time  
3 coming. I know we have some who, in their other jobs, have worked  
4 hospitals, so I think this is very important to the city. It's  
5 been very important to the city for a long time and I don't want  
6 it to grow no grass on (indiscernible) of the Zoning Commission,  
7 so I'll just leave it at that. Thank you, Mr. Vice Chair.

8 VICE CHAIRMAIN MILLER: I totally concur with your  
9 comments, Mr. Chairman.

10 BOARD MEMBER TURNBULL: Mr. Chair?

11 VICE CHAIRMAIN MILLER: Yes, Mr. -- Commissioner  
12 Turnbull?

13 BOARD MEMBER TURNBULL: I would move that we set down  
14 Zoning Case No. 12-08D, Office of Planning, Text Amendment to  
15 Subtitle K, Section 603 in StE-2 zone. Look for a second.

16 CHAIRMAN HOOD: I'll second it.

17 VICE CHAIRMAIN MILLER: Ms. Schellin, could you -- is  
18 there any further discussion? If not, Ms. Schellin, could you  
19 call for the vote?

20 MS. SCHELLIN: Commissioner Turnbull?

21 BOARD MEMBER TURNBULL: Yes.

22 MS. SCHELLIN: Commissioner Hood?

23 CHAIRMAN HOOD: Yes.

24 MS. SCHELLIN: Commissioner May?

25 BOARD MEMBER MAY: No. I mean, yes.

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1 MS. SCHELLIN: Commissioner Miller?

2 VICE CHAIRMAIN MILLER: Yes.

3 MS. SCHELLIN: Commissioner Shapiro?

4 BOARD MEMBER SHAPIRO: Yes.

5 MS. SCHELLIN: The vote is 5 to 0 to 0 to set down  
6 Zoning Commission Case No. 12-08D as a rulemaking case.

7 VICE CHAIRMAIN MILLER: Okay. Moving right along, I  
8 think that three or four hearing set down cases. We have, for  
9 hearing action tonight, my colleagues, Zoning Commission Case No.  
10 19-29, UM 1348 4th Street, NE, LLC, Consolidated PUD, Related Map  
11 Amendment, and Air Rights Development at Square 3587 and 3594.  
12 Mr. Jesick is from the Office of Planning. Do you want to present  
13 that case to us at this time?

14 MR. JESICK: Yes. Thank you, Mr. Vice Chairman and  
15 members of the Commission. The application --

16 VICE CHAIRMAIN MILLER: Yes.

17 MR. JESICK: -- before for you is a consolidated PUD  
18 which opposes the redevelopment of a site on the western side of  
19 the Florida Avenue Market. Next slide, please?

20 You can see the location there on the vicinity map and  
21 OP strongly supports redevelopment of the site with a mixed use  
22 building, and generally supports the height, massing, and design  
23 that has been proposed. However, OP cannot determine that the  
24 public benefits and project amenities of the PUD are commensurate  
25 with the degree of development incentives requested including the

1 increase in density from the PUD related map amendment.

2 OP's evaluation of the application is framed by two  
3 main issues, the provision of sufficiently robust IZ and PDR, or  
4 Production, Distribution and Repair, components. IZ is a policy  
5 area. As the Commission knows, that has been reinforced over  
6 time, most recently with the mayor's 2019 order on housing and  
7 the Comp Plans and revised framework element. The Council  
8 approved Revised Comprehensive Plan also places a very strong  
9 emphasis on affordable housing.

10 The applicants most recent proffer of 12 percent IZ is  
11 not commensurate with the degree of flexibility that would be  
12 gained through the PUD nor would it adequately further the  
13 district's policy goals for affordable housing. The PUD would  
14 result in an increase of over six FAR, 277,000 square feet of  
15 floor area, 80 feet in height, and the ability to establish a  
16 residential use.

17 In light of those gains, as well as the District's  
18 adopted housing policies, OP recommends that an appropriate  
19 minimum standard for IZ should be 15 percent, a standard that OP  
20 has been recommending as a minimum for other new PUDs. Next  
21 slide, please?

22 Regarding preservation of PDR space in the District,  
23 this is another policy area that has been reinforced over many  
24 years by a number of planning documents, including the Florida  
25 Avenue Market Small Area Plan, the Comprehensive Plan and its

1 updated framework elements from 2019. And again, the Council's  
2 recently approved a Revised Comprehensive Plan.

3           You can see the Future Land Use Map on the screen and  
4 the subject site as planned for PDR high density residential and  
5 high density commercial uses, and areas with these designations  
6 should incorporate an appropriate component of actual PDR uses,  
7 even when redeveloped with other compatible uses.

8           The applicant has not shown how their commitment to  
9 reserve 5 percent of the commercial floor area for PDR uses for  
10 a period of five years would sufficiently address the text of the  
11 Comprehensive Plan or the direction of the Future Land Use Map.  
12 OP therefore, consistent with our recommendations on other recent  
13 PUDs, has recommended to the applicant that an appropriate  
14 baseline would be reserving 50 percent of the commercial space  
15 for PDR uses in perpetuity. Next slide, please?

16           In our written report, we have identified -- you can  
17 go back one slide, please, Mr. Newman. Thank you. In our written  
18 report, we have outlined some other items that should be addressed  
19 by the applicants and we look forward to continuing to work with  
20 the applicant on this project. That concludes my testimony and  
21 I'd be happy to take any questions. Thank you.

22           VICE CHAIRMAIN MILLER: Thank you, Mr. Jesick, for your  
23 very thorough report. Let me call upon -- which raises, I think,  
24 a number of concerns. Let me call upon my colleagues.  
25 Commissioner May?

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1           BOARD MEMBER MAY:    Sure, happy to start on this.  So  
2  unlike the previous case that we set down in the same vicinity,  
3  this one is brand new and the extent of the up-zoning is  
4  extraordinary, and I think the Office of Planning is correct to  
5  be reluctant to support this fully given what's being proffered  
6  in ways of -- in the way of affordable housing and the PDR uses.

7           So, I -- you know, I don't -- I feel like I've been  
8  through this before in this neighborhood, and perhaps with this  
9  particular developer, where it's almost like, you know, people  
10 are not talking the same language and I just feel like, you know,  
11 it doesn't make any sense for us to move this forward at this  
12 moment, given the fact that there is so much unresolved and the  
13 applicant is clearly not in sync with the needs of the city and  
14 the recommendations of the Office of Planning or even have a good  
15 sense of, you know, exactly what benefit they're getting here  
16 that requires a much more substantial affordable housing  
17 component and more substantial PDR commitments.

18           So I could go on a little bit longer on this and, you  
19 know, sort of express my confusion and unhappiness about the  
20 proposal, but I'll leave it at that.  I am not in favor of setting  
21 it down, and I imagine that my colleagues have additional comments  
22 that they would want to make.  I don't know if everybody's on  
23 the same page, but I'm certainly not going to vote to set this  
24 down tonight.

25           VICE CHAIRMAIN MILLER:  Thank you, Commissioner May,

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1 | for your succinct comments. Commissioner Shapiro, do you have  
2 | any questions or comments?

3 |           BOARD MEMBER SHAPIRO: Yeah, briefly, Mr. Vice Chair.  
4 | I agree with Commissioner May and I agree -- I appreciate OP's  
5 | report. You know, I would like to -- if when we get this back,  
6 | and I hope we do, it's -- you know, there's lots that's exciting  
7 | about the project and I appreciate that the applicant is moving  
8 | in the right direction with this in response to OP and the  
9 | applicant's (indiscernible) for letter. But yeah, I want to see  
10 | this. I don't -- I can't imagine why the applicant can't come  
11 | to us with a project that is meeting what OP is requesting and  
12 | that's what I'd like to see. And I have nothing further to add  
13 | to Mr. Chair -- Mr. Vice Chair. I'm sorry.

14 |           VICE CHAIRMAIN MILLER: Thank you, Mr. Shapiro.  
15 | Commissioner Turnbull, do you have any questions or comments?

16 |           BOARD MEMBER TURNBULL: I would just add I would agree  
17 | with Commissioners Shapiro and May. I don't think -- it's sad  
18 | because this this area is ripe for development. It's a key node  
19 | in a part of the city that is slowly evolving, and I think this  
20 | is a section of the city, a part -- well, this particular site  
21 | is a key site and I think it would be well to be developed to  
22 | the best of its ability and I don't see that happening right now.

23 |           The only thing that I would add onto my colleague's  
24 | comments is its sort of the icing on the cake that really  
25 | irritates the hell out of me, is that the -- they're drawing --

1 | they have a -- Drawing 72 show the signage on the side of the  
2 | building, I don't know whether the sign is etched into the glass  
3 | windows and says, "Union Market," but it's like 62 feet high by  
4 | about 280 feet long on the side of the building at the top of  
5 | the building. 62 feet high, 280 -- it's ridiculous.

6 |           And then at the end right next to that sign is a  
7 | trapezoidal end of the building with some rather nice balconies  
8 | up there, but they're all -- they've got LED lights circling all  
9 | of them and during the summer they're telling you they could be  
10 | red, white, and blue. Maybe at Christmas and Hanukkah, they  
11 | could be blue, white, red, and green. I don't know, but this is  
12 | so wrong.

13 |           This is ego, self-centered, glitzy, Vegas design that  
14 | doesn't belong in Washington, D.C. To me, I think that there's a  
15 | sensitive -- we've got a lot of designers, and a lot of buildings  
16 | that we see being developed that are sensitive to their locations.  
17 | They respond to the development of the area, and I think this  
18 | really is going nowhere. To me, this goes nowhere. I think this  
19 | needs to go back to Planning 101 and Design 101 to make it work  
20 | better, but that was sort of just the icing on the cake to the  
21 | other main primary comments that have been said. So that's it,  
22 | Mr. Vice Chair.

23 |           VICE CHAIRMAIN MILLER: All right. Thank you,  
24 | Commissioner Turnbull for that icing. Chairman Hood?

25 |           CHAIRMAN HOOD: Thank you, Mr. Vice Chair, and this

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1 question is more for Mr. Jesick and if Mr. Lawson wants to chime  
2 in, he can.

3           Mr. Jesick, when you was giving the report -- you've  
4 always been enthusiastic. To me, I felt like we were getting  
5 ready to enter a funeral and I don't know if I was just, you  
6 know, but when you started, and then I guess what was more  
7 depressing for me was when you mentioned how -- what the  
8 recommendation was.

9           So I get that, and I agree with the Office of Planning's  
10 report, but let me ask this question. Why did Office of Planning  
11 just not say, "We don't recommend set down," like we're used to?  
12 I know we're trying to be polite. I know that we're trying to  
13 do things right now and trying to make sure that the city is  
14 developing, but if it doesn't meet the policies and it doesn't  
15 meet some of the things that have been put in place by the  
16 residents of this city, then why don't we just say, "We don't  
17 recommend set down?" I'm just curious. And I see how you -- I  
18 can read that you didn't recommend it by what you said, but we  
19 used to go right to the point. "We don't recommend set down."  
20 Why didn't we do that, Mr. Jesick? I'm going to ask you first  
21 and then Mr. Lawson, if you want to opine.

22           MR. JESICK: Sure. Well, I apologize for the general  
23 (phonetic) tone. We did actually discuss that, about what exact  
24 language to use and one, like I said in my testimony, we are  
25 excited about this redevelopment. We think, you know, it has a

1 | lot of positive aspects. So I think, you know, we didn't want  
2 | to be overly negative, but we hear the direction that you're  
3 | giving Chairman Hood and, you know, we can certainly incorporate  
4 | that feedback in future cases.

5 |           CHAIRMAN HOOD: I think that's important and, Mr.  
6 | Lawson, if you want to say something, if not, I'm satisfied with  
7 | the answer that Mr. Jesick gave. I think it's just important  
8 | for all of us to make sure that we know; the public, us, and all  
9 | of us, to know what you're -- where you're really coming from.  
10 | You know, "Are we going here?" But I agree with you. We do want  
11 | to work with them, so I kind of understand, I think, your answer.  
12 | So I'll leave that up to you.

13 |           I'm not saying to say we don't recommend set down. I  
14 | think this is the more diplomatic way because we do want  
15 | development. We do want this to happen, but I think Commissioner  
16 | May hit it right on the head. We just talk the same language.  
17 | It looks like one person talking one thing, somebody else is  
18 | doing something else. We're not meeting the public benefits and  
19 | amenities. We need to make sure that it's up to par, commensurate  
20 | as you mentioned in your report. I think that's very important,  
21 | and I'm hoping, I'm sure and I believe that this applicant will  
22 | we'll get to that and we get there and have a hearing and it'll  
23 | be a win-win or the city. So thank you and thank you, Mr. Vice  
24 | Chair.

25 |           VICE CHAIRMAIN MILLER: Thank you, Chairman Hood. I

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1 | guess I would just add -- obviously the votes are not here to  
2 | set this down for a public hearing at this time. I would just  
3 | add that if and when we get to a point when we do set it down  
4 | for a public hearing or when we get to a public hearing, there  
5 | are a couple of issues in addition to the PDR issues that are -  
6 | - the very serious PDR issues that are contained in the Office  
7 | of Planning report and to me, more importantly, the Office -- the  
8 | affordable housing issues contained in the OP report, and the  
9 | signage issues raised by my colleague, Commissioner Turnbull,  
10 | which I think was raised also in the OP report.

11 |           There are a couple other issues that need to be  
12 | clarified when -- as this - as -- well, as this hopefully moves  
13 | forward and addresses all of these issues. One is, I think, OP  
14 | lists 14 discreet items that need to be clarified. I'm not going  
15 | to go through them all right now, but they -- there's -- it's a  
16 | very -- it's a long report and there are 14 items that are there.  
17 | They should be clarified going forward. They might have been  
18 | addressed in maybe a later submission that I missed from the  
19 | applicant, but they should they addressed and worked on with OP.

20 |           And the other issue is between OP and the applicant,  
21 | there seems to be a discrepancy, and maybe I have this wrong,  
22 | between what the applicant is requesting in terms -- which says  
23 | a PUD Related Map Amendment to the MU-30 Zone District requiring  
24 | only special exception relief for the rooftop bar and the OP  
25 | report refers to an amendment to the MU-9 district and states

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1 | that the project also requires court relief and additional PUD  
2 | bonus FAR relief in addition to the rooftop bar special exception.

3 |           So if those additional issues, if they are issues, can  
4 | be worked on between the applicant and OP as we work through all  
5 | these serious issues for this important site in this important  
6 | neighborhood, which even has played very important part in  
7 | redeveloping thus far and will continue to do so, and we wanted  
8 | to see the progress on these issues.

9 |           Mr. Chairman, remind me, when we -- when there  
10 | obviously is no consensus on setting down, do we just not -- do  
11 | we not take a -- do we take a vote not to set down and we just  
12 | don't -- we just say, "Thank you and we'll see it another day?"

13 |           CHAIRMAN HOOD: Sure. I think -- Mr. Vice Chair; I  
14 | think they've heard our comments. We're going to give them an  
15 | opportunity to go back and work with the Office of Planning  
16 | themselves and see if they can tighten up this proposal, make it  
17 | commensurate, take into consideration what the Office of Planning  
18 | has in place, and bring it back to us and present it again at a  
19 | later time.

20 |           Now, Ms. Schellin, I'm not sure what the date timeframe  
21 | is, but I think you have a --

22 |           BOARD MEMBER SHAPIRO: Mr. Chair?

23 |           CHAIRMAN HOOD: -- handle.

24 |           Commissioner Shapiro?

25 |           BOARD MEMBER SHAPIRO: Thank you, Mr. Vice Chair, Mr.

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1 Chair. Yeah, just one more thing for the applicant too for when  
2 this comes back to us and I'm certainly hoping it's a strong  
3 "when." If they can be more clear about that PV array, what  
4 they're proposing. I may have missed it. I know there's a  
5 reference to it and I'm looking at a drawing that says that some  
6 of the green roof "may be covered by several panels." So just a  
7 more explicit definition. If it's buried in there and I missed  
8 it, I apologize, but I couldn't find it. That's all I have.

9 VICE CHAIRMAIN MILLER: Okay. So we'll wait for this  
10 to come back to us, I guess, at another date when we -- when it  
11 may be more flavored in line with the comments that have been  
12 made by the Office of Planning and the and the Zoning Commission.  
13 So unless we can --

14 CHAIRMAN HOOD: Mr. Vice Chair?

15 VICE CHAIRMAIN MILLER: Yes?

16 CHAIRMAN HOOD: Mr. Vice Chair, if I can just say, on  
17 me, I think these opportunities, because a lot of times we go in  
18 front of the Council, I can't -- I always hear, "The Zoning  
19 Commission." I didn't hear that today though. It was great. I  
20 probably shouldn't even say this, but I always take these  
21 opportunities to say this when it's -- when we do this.

22 We always hear that the Zoning Commission has never  
23 seen a case of PUD they've never liked. This is what I like for  
24 the Council to see, that we are sending -- I've mentioned this  
25 at our oversight. Not tonight, but our oversight. Today was

1 | actually great, but I will tell you that this is one of those  
2 | instances and I wanted to make sure I put that on the record,  
3 | that we just didn't set it down, approve it, which we never do.

4 |           I always say it comes in looking like an A and it leaves  
5 | out looking like a W. For some reason, even if this case comes  
6 | back, the public, some people in the public, not all of the  
7 | public, seem to think that this is how it came in. But as we  
8 | know, how it came in at some point as we continue to plow through  
9 | this case, is not going to be how it's going to leave out.

10 |           So, again, I want to thank the Office of Planning and  
11 | the applicant for continuing to work on this and Mr. Vice Chair,  
12 | hopefully we'll come back with something a little closer together  
13 | and also meeting the policies of the city. So I just wanted to  
14 | flag that point. Thank you, Mr. Vice Chair.

15 |           VICE CHAIRMAIN MILLER: I'm glad you flagged that, Mr.  
16 | Chairman, be it we're often criticized and that comes with the  
17 | territory, but -- being this big rubber stamp. I've never found  
18 | that rubber stamp and, you know, when we had 20 hours of hearing  
19 | on it on a case like we had recently and maybe we end up approving  
20 | it, I don't even know where that case is, it never gets approved  
21 | in the way that it comes in and there -- we don't spend 20 hours  
22 | on it because we don't have anything else to do. We're trying  
23 | to address the questions that have been legitimately raised by  
24 | citizens and others and the Office of Planning, and --

25 |           Anyway, so I appreciate what you've said and let's move

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1 on to maybe our final hearing action case tonight if I can find  
2 it. Hang on. Zoning Commission Case 08-34L, Capitol Crossing,  
3 III, LLC and Capitol Crossing IV, LLC, Second Stage PUD Center  
4 Block at Square 566 and ask for the Office of Planning. I see  
5 Ms. Anne Fothergill ready to go with a presentation. Thank you,  
6 Ms. Fothergill.

7 MS. FOTHERGILL: Good evening, Vice Miller and members  
8 of the Commission. I'm Anne Fothergill for the Office of  
9 Planning. Officer Planning, recommends that the Commission set  
10 down Zoning Commission Case 08-34L which is a second stage PUD  
11 of the Center Block of the Capitol Crossing PUD.

12 The proposal is not inconsistent with the approved  
13 first stage PUD or the Comprehensive Plan. In 2011, the Zoning  
14 Commission approved a first stage PUD as part of the overall PUD,  
15 Zoning Commission 08-34 for three block development site to be  
16 constructed above the center leg freeway. The Center Block where  
17 the proposed buildings in this application are located is between  
18 2nd Street, N.W. to the east, 3rd Street, N.W. to the west, G  
19 Street to the north, and the reconnected F Street, N.W. to the  
20 south.

21 The first stage PUD approved a commercial building with  
22 office and ground floor retail, and a residential building with  
23 ground floor retail, as well as facilities for the Holy Rosary  
24 Church.

25 In Zoning Commission Case No. 08-34K, the Commission

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1 approved a Modification of Significance to add lodging and  
2 college university educational uses to the permitted uses in the  
3 approved commercial building.

4           The 2nd stage PUD proposal before you is consistent  
5 with the previous approvals. The proposal is for two 12-story,  
6 130-foot tall buildings above a shared podium with 20,567 square  
7 feet of retail below. The residential building would have 166  
8 apartments and the hotel would have 221 hotel rooms. Both  
9 buildings would use the below grade garage that was approved and  
10 constructed for the whole development. The residential building  
11 would be certified LEED gold with rooftop solar panels and green  
12 roofs, and the hotel building will be certified LEED platinum  
13 with a green roof, both of which are consistent with the original  
14 PUD order. Next slide, please Paul?

15           In terms of the Comprehensive Plan, the Future Land Use  
16 Map shows the property is high density commercial and the  
17 Generalized Policy Map designates the site within central  
18 Washington and the central employment area.

19           As detailed in the OP set down report, the second stage  
20 PUD proposal for the Center Block would further a number of the  
21 Comprehensive Plans policies found in the land use,  
22 transportation, housing, environmental protection, economic  
23 development, and urban design elements, as well as the central  
24 Washington area element.

25           The two proposed buildings would meet all development

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1 standards, but the hotel would require a special exception for  
2 the penthouse regulations in order to have a restaurant, bar, or  
3 nightclub use in the penthouse. And the applicant has also  
4 requested some additional flexibility and a phasing  
5 (indiscernible).

6 In Zoning Commission Order No. 08-34, benefits and  
7 amenities for the overall project were proffered as part of the  
8 initial approval and the applicant has not proposed any changes.  
9 OP has found that the proposal is not inconsistent with the first  
10 stage PUD approval or the Comprehensive Plan and recommends that  
11 it be set down for a public hearing. Thank you.

12 VICE CHAIRMAIN MILLER: Thank you, Ms. Fothergill. Do  
13 my colleagues, have any questions or comments? Commissioner May?

14 BOARD MEMBER MAY: I don't. This does seem to be pretty  
15 straight-forward. It's consistent with stage one. I appreciate  
16 the design of these buildings. I mean, it's -- well, first of  
17 all, we don't often see this particular design firm add any PUD's  
18 in Washington, so that's -- it's welcome. You know, I'm glad to  
19 see them her.

20 This, and the buildings, I think, are very interesting  
21 in that this initial presentation they're showing, you know, a  
22 little bit more solidity. There's still a lot of glass, but it's  
23 not just a, you know, the glass box that was built just to the  
24 north or that is, you know, so much the trend. And so I appreciate  
25 having some -- a little more solid in the solid void ratio when

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1 | it comes to these buildings and some texture to them the way the  
2 | windows are placed.

3 |           So it's -- I mean, I think it's a very interesting  
4 | couple of buildings, very finely designed. So but I -- you know,  
5 | I'm sure that they will -- you know, they could -- they'll be  
6 | tweaked a bit before we see them and perhaps the Office of  
7 | Planning will have some say in that, but I look forward to having  
8 | the hearing in this case.

9 |           I do have a question. There were two other cases, 08-  
10 | 34I and that we had discussed at some point, and I just don't  
11 | remember what happened with them. In my notes, they're still,  
12 | you know, open and nothing ever happened. Did they get dropped?

13 |           MS. FOTHERGILL: They did get dropped. One of them was  
14 | related to off-site affordable housing.

15 |           BOARD MEMBER MAY: Right.

16 |           MS. FOTHERGILL: And I can't remember off the top of  
17 | my head what the other one is, but all of them are listed in the  
18 | set down report, the ones that did get --

19 |           BOARD MEMBER MAY: Right

20 |           MS. FOTHERGILL: -- processed and approved.

21 |           BOARD MEMBER MAY: Yeah, I saw those. Yeah. I mean,  
22 | there was a change of the residential component for PUD to hotel.  
23 | That that did get set down? I mean, that did get approved or  
24 | not?

25 |           MS. FOTHERGILL: No, the hotel is going in the



1 commercial building.

2 BOARD MEMBER MAY: Yeah.

3 MS. FOTHERGILL: The residential building is staying  
4 residential.

5 BOARD MEMBER MAY: Yeah. Okay. I'm not sure it was  
6 the same building. All right. Well, whatever. But I and J are  
7 not -- have not moved forward from when they were considered in  
8 2019?

9 MS. FOTHERGILL: No, and if you would like, I can  
10 follow-up and in the next -- in the hearing report, explain what  
11 happened with those. I don't -- I can't recall --

12 BOARD MEMBER MAY: It's --

13 MS. FOTHERGILL: -- at this time.

14 BOARD MEMBER MAY: It's not a big deal, but if they are  
15 truly dead, then I'd like to know that and move on. Thanks.  
16 That's it.

17 VICE CHAIRMAIN MILLER: Thank you, Commissioner May.  
18 Commissioner Shapiro, do you have some -- any questions or  
19 comments?

20 BOARD MEMBER SHAPIRO: No questions, and I'm in support  
21 of setting this down and I look forward to the hearing. That's  
22 all I have, Mr. Vice Chair.

23 VICE CHAIRMAIN MILLER: Thank you. Commissioner  
24 Turnbull?

25 BOARD MEMBER TURNBULL: Mr. Vice Chair, I would only

1 echo Commissioner May's comment. I think the materiality of the  
2 two buildings is very diverse. I mean, I think they're using  
3 metal, glass, stone. It is very well done from what I can see  
4 right now. So totally satisfied with the way it's being developed  
5 and, guess what, the signage is very simple and discreet, and  
6 fits in very well. I just thought I'd throw that in.

7 VICE CHAIRMAIN MILLER: That must be --

8 BOARD MEMBER TURNBULL: That's (indiscernible).

9 VICE CHAIRMAIN MILLER: -- (indiscernible).

10 BOARD MEMBER TURNBULL: It's a very well balanced --  
11 it's very well designed.

12 BOARD MEMBER MAY: Right. It's the right kind of icing  
13 on the cake, right?

14 VICE CHAIRMAIN MILLER: Thank you.

15 BOARD MEMBER TURNBULL: Or it's delicate icing.

16 VICE CHAIRMAIN MILLER: Chairman Hood, do you have any  
17 questions or comments?

18 CHAIRMAN HOOD: I have no comments, Mr. Vice Chair.  
19 Thank you.

20 VICE CHAIRMAIN MILLER: Thank you. The only comment I  
21 would have is that the LEED gold for the residential and the LEED  
22 platinum for the hotel is certainly to be commended and is a  
23 standard that we like to see. So I -- if there are no other  
24 questions or comments, I will move that the Zoning Commission set  
25 down for a hearing Case No. 08-34L, the Capitol Crossing second

1 stage PUD case and ask for a second.

2 BOARD MEMBER MAY: Second.

3 VICE CHAIRMAIN MILLER: Thank you. Ms. Schellin, if  
4 there is no further discussion, Ms. Schellin, could you record  
5 the vote?

6 MS. SCHELLIN: Commissioner Miller?

7 VICE CHAIRMAIN MILLER: Yes.

8 MS. SCHELLIN: Commissioner May?

9 BOARD MEMBER MAY: Yes.

10 MS. SCHELLIN: Commissioner Hood?

11 CHAIRMAN HOOD: Yes.

12 MS. SCHELLIN: Commissioner Shapiro?

13 BOARD MEMBER SHAPIRO: Yes.

14 MS. SCHELLIN: Commissioner Turnbull?

15 BOARD MEMBER TURNBULL: (No audible response.)

16 MS. SCHELLIN: Commissioner Turnbull?

17 BOARD MEMBER TURNBULL: (No audible response.)

18 MS. SCHELLIN: Commissioner Turnbull, you're on mute.

19 Okay. We can't hear him, but it looks like he --

20 BOARD MEMBER TURNBULL: (Indiscernible). Yes, I --

21 MS. SCHELLIN: Okay.

22 BOARD MEMBER TURNBULL: Sorry about that.

23 MS. SCHELLIN: It's all right. The vote is 5 to 0 to  
24 0 to set down Zoning Commission Case No. 08-34L as a contested  
25 case.

1 VICE CHAIRMAIN MILLER: Thank you, Ms. Schellin. I'm  
2 going to turn this meeting back over to the Chairman if he is  
3 ready to --

4 CHAIRMAN HOOD: Yes.

5 VICE CHAIRMAIN MILLER: -- bring back over to.

6 CHAIRMAN HOOD: Well let me, first of all, thank you,  
7 Vice Chairman. You really did an excellent job tonight in laying  
8 out the issues. I really appreciate not having to do it and I  
9 think you did an excellent job and that's something we may need  
10 to consider in the future. I really like that, so I want to  
11 thank you Mr. Vice Chair for pinch hitting and taking care of  
12 that tonight. Great job. And also great job, and great  
13 discussion, to my colleagues.

14 Ms. Schellin, did we have anything from the Office of  
15 Planning? I mean, the --

16 MS. SCHELLIN: I --

17 CHAIRMAN HOOD: -- (indiscernible) report?

18 MS. SCHELLIN: Do not think we have a report from the  
19 Office of Planning.

20 CHAIRMAN HOOD: Okay. All right. So --

21 VICE CHAIRMAIN MILLER: Mr. Chair?

22 CHAIRMAN HOOD: Yes?

23 VICE CHAIRMAIN MILLER: On that, you've eluded to the  
24 -- we've alluded to this before and tonight and on our previous  
25 meeting that there is -- we're expecting at some point in a future

1 meeting to get a list of pending for possible text amendment or  
2 other cases that we've asked from time-to-time be looked into or  
3 investigated from the Office of Planning, so we're expecting a  
4 report on the (indiscernible) of --

5 MS. SCHELLIN: We could take --

6 VICE CHAIRMAIN MILLER: all those cases that they're  
7 looking into, potential cases that they're looking into and maybe  
8 a prioritization or a proposed prioritization that we can then  
9 maybe prioritize ourselves. And then I -- I know we're also  
10 expecting, at some point, a report from the Office of Planning  
11 on the Council Comprehensive Plan Amendments that affect what we  
12 do, and what they do, and what we as a city do.

13 And to the extent -- that's obviously a very big report  
14 that would be happening, but to the extent we can get a draft of  
15 that at any point in the near future, it might be helpful to have  
16 as we as we go forward, knowing what the policies are of the city  
17 that are about to become law. Thank you, Mr. Chair.

18 CHAIRMAN HOOD: Thank you, Mr. Vice Chair. I think  
19 that's a great idea. I do know that at one of the meetings, Ms.  
20 Steingasser presented us with a hierarchy of some of the things  
21 we asked for, and I just remember number one being RA, which I  
22 think we requested. I would ask that she kind of update us.

23 Also, Ms. Schellin, if you can work with OP and kind  
24 of mention what the Vice Chair just mentioned. I know they gave  
25 us an update, I guess, I want to say about a month or two ago.

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1 But, you know, we read a lot so sometime this stuff kind of runs  
2 together, but I will say that I -- if we can update back and if  
3 we can get Ms. Steingasser to come in and answer some of the  
4 questions, we can just have a session. Do like we used to do,  
5 the OP update.

6 I'm sorry. I know they have a lot on their plate  
7 especially with the Comp Plan, stuff that's being at this time,  
8 and some of the things that we've put on their plate. So we can  
9 have that conversation, I think, as the Vice Chair mentioned and  
10 we've also mentioned in the past. Let's try to set that up for  
11 our very next meeting if it's doable. If not, I would ask that  
12 Ms. Steingasser just inform you that she needs another month or  
13 so. And let's -- at least let's try to do it before we take our  
14 August break. That's --

15 MS. SCHELLIN: Okay.

16 CHAIRMAN HOOD: (Indiscernible).

17 MS. SCHELLIN: I'll pass that on.

18 CHAIRMAN HOOD: All right. Did I capture some of the  
19 motions that Vice Chair pretty much --

20 VICE CHAIRMAIN MILLER: You've thanked --

21 MS. SCHELLIN: The big (indiscernible), the update on  
22 the Comp Plan, what the Zoning Commission's involvement will be  
23 in that?

24 VICE CHAIRMAIN MILLER: Right. There are a lot of --

25 CHAIRMAN HOOD: If it's (indiscernible).

1 VICE CHAIRMAIN MILLER: Right.

2 CHAIRMAN HOOD: I'm sorry. (Indiscernible).

3 MS. SCHELLIN: Okay.

4 CHAIRMAN HOOD: Okay. So that's kind of what we're  
5 asking for. We want to have that discussion. We can make a  
6 place for it at our next agenda if it's doable. If not, we would  
7 like to do it before our August recess.

8 Anything else, Ms. Schellin?

9 MS. SCHELLIN: No, sir.

10 CHAIRMAN HOOD: Anything else, Vice Chair? Again,  
11 great job. Thank you. And also to my Commissioners.

12 VICE CHAIRMAIN MILLER: Thank you.

13 CHAIRMAN HOOD: To our Commissioners. To the  
14 Commissioners. I call you my Commissioners, but you're  
15 Commissioners of the District of Columbia. I'm so focused on  
16 trying to figure out how to announce this next meeting because I  
17 see two cases. Do we have two cases next week? Westminster.

18 MS. SCHELLIN: Well --

19 CHAIRMAN HOOD: Westminster has two cases?

20 MS. SCHELLIN: No, it's 20-12 on the 14th.

21 CHAIRMAN HOOD: Okay. All right.

22 MS. SCHELLIN: No, same case.

23 CHAIRMAN HOOD: It's just in there twice. But anyway,  
24 the Zoning Commission -- I always like to do this. Zoning  
25 Commission will be meeting again on these same platforms this

1 coming Monday, June the 14th on Zoning Commission Case 20-12.  
2 This is the Westminster Presbyterian Church, Westminster  
3 Community Partners, Buzzuto Development Company and Buzzuto  
4 Homes, Inc.

5 So with that, I want to thank everyone for the  
6 participation in this meeting tonight and note that meeting is  
7 adjourned.

8 MS. SCHELLIN: Thank you.

9 (Whereupon, the above-entitled matter went off the  
10 record at 5:44)

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This is to certify that the foregoing transcript

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Before: DCBZA

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*Nicole Kittleson*

\_\_\_\_\_  
Nicole M. Kittleson