

GOVERNMENT
OF
THE DISTRICT OF COLUMBIA

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ZONING COMMISSION

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PUBLIC MEETING

+ + + + +

THURSDAY

JANUARY 27, 2021

+ + + + +

Video Teleconference

The Public Meeting of Case Nos. 05-28Z, 20-34A, 21-10, 15-24B, 12-15C, 19-29, and 06-11W/06-12W by the District of Columbia Zoning Commission convened at at 4:00 p.m. EDT, Anthony J. Hood, Chairperson, presiding.

ZONING COMMISSION MEMBERS PRESENT:

- ANTHONY J. HOOD, Chairperson
- ROBERT MILLER, Vice-Chair
- PETER SHAPIRO, Board Member
- PETER G. MAY, Board Member
- JOSEPH S. IMAMURA, PH.D., Board Member

OFFICE OF ZONING STAFF PRESENT:

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

D.C. OFFICE OF THE ATTORNEY GENERAL PRESENT:

- DENNIS LIU, Esquire
- JACOB RITTING, Esquire

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The transcript constitutes the minutes from the
Regular Public Hearing held on January 27, 2022

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

2 (4:00 p.m.)

3 CHAIRPERSON 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 this
6 evening are Vice Chair Miller, Commissioner Shapiro, Commissioner
7 May, and Commissioner Imamura. We're also joined by the Office of
8 Zoning Staff, Ms. Sharon Schellin and Mr. Paul Young who will be
9 handling all of our virtual operations. Also from our Office of
10 Zoning Legal Division we have Mr. Dennis Liu as well as Mr. Jacob
11 Ritting. I think I've covered everyone.

12 I will ask all others to introduce themselves at the
13 appropriate time. Copies of today's meeting agenda are available
14 on the Office of Zoning's website. Please be advised that this
15 proceeding is being recorded by a court reporter, and is also
16 webcast live, Webex and YouTube Live.

17 The video will be available on the Office of Zoning
18 website after the meeting. Accordingly, all those listening on
19 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 sit-down report, and the
23 Office of Planning report. All other documents in the record will
24 be reviewed at the time of the hearing. Again, we do not take any

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1 public testimony in our meetings unless the Commissioner requests
2 someone to speak.

3 If you experience difficulty accessing Webex or with
4 your phone call-in, then please call the OZ hotline number at 202-
5 727-5471 for Webex login or call-in instructions.

6 At this time, does the staff have any preliminary
7 matters.?

8 MS. SCHELLIN: No, sir.

9 CHAIRPERSON HOOD: Okay. I do want to make an
10 announcement. I want to do this at the very beginning, and this
11 is kind of an update on what the Zoning Commission has been doing.
12 We've heard a lot of talk about racial equity incorporated into
13 our business process, so one of the things I want the public to
14 know, the Zoning Commission -- we don't need to be triggered.

15 We are already working on developing a process to
16 evaluate applications with a racial equity lens as a part of the
17 Comp Plan consistency analysis. We are already communicating and
18 collaborating with other D.C. government agencies including the
19 Mayor's Office on racial equity to identify potential race and
20 equity impacts in zoning actions.

21 We also have learned that the Mayor's Office and the
22 City Council's Office of racial equity are working in tandem to
23 some degree and working together so we're going to get the full
24 effect of both of those offices. We've asked Office of Planning

1 to provide a racial equity lens analysis in their reports and
2 we've asked the Applicants to provide a racial equity lens
3 analysis in their applications and to submit a supplement to the
4 record when it is not included in the original application.

5 There are some other things that we are asking, that we
6 are asking how -- you know, possibility of how the racial equity
7 offices can weigh-in, they're the experts, as we continue to try
8 to better this tool to make sure that we do -- we get all out of
9 it with the intentions of the City and the Mayor, the councilman
10 and the Mayor is to get done.

11 I think this is great. This is going on globally, this
12 racial equity lens, and we want to make sure we get the full
13 effect of it. So I just wanted to put that out there. So the
14 Zoning Commission is already working on that. We're already well
15 underway and we're also going to need the public's help too.

16 So we're going to get something and we're going to try
17 to perfect it. It's going to be fluid for a while and we're going
18 to keep on adding to it to improve. All right. Anything else?
19 Any other comments on that?

20 (No response.)

21 CHAIRPERSON HOOD: All right. So let's keep right on
22 moving. Let's go to the Consent Calendar. This is a modification
23 of consequence as we're doing determination and scheduling.
24 Zoning Commission Case No. 05-28Z, Parkside Residential, LLC -

1 Modification of Consequence to second-stage PUD at Square 5056.
2 Ms. Schellin?

3 MS. SCHELLIN: Yeah. So the Applicant's request for a
4 Modification of Consequence will allow for one, a phasing plan
5 that allows the building 9B, residential building, and the
6 building 9A, office building, to be constructed on separate
7 timelines. Two, a modest change to the approved height of the
8 building, 9B residential building and three, deviations from the
9 fenestration of Building 9B.

10 At Exhibit 3 there's an OP report that concurs this is a
11 modification of consequence and recommends approval of the
12 request. The ANC, the only party, has not yet provided a response
13 so I'd ask the Commission to determine whether this is, in fact, a
14 modification of consequence and if so, set a schedule for any
15 additional documents you may request, the ANC report, and
16 deliberations.

17 CHAIRPERSON HOOD: Okay. Ms. Schellin, before I go
18 ahead did I give out the right phone number for tonight?

19 MS. SCHELLIN: We have just updated it and it will --
20 going forward for the Zoning Commission will be Ron Barron's
21 number which is 202-727-0789.

22 CHAIRPERSON HOOD: okay. Thank you. Again, if anyone
23 has any issues, please dial 202-727-0789 and that is in effect
24 immediately.

1 MS. SCHELLIN: Yes.

2 CHAIRPERSON HOOD: I want to make sure that we give --

3 MS. SCHELLIN: And Mr. Young has that posted now.

4 CHAIRPERSON HOOD: Okay. Okay. Good. Thank you.

5 All right. I need to change it in my statement, so don't let me
6 forget, please.

7 All right. Let's open it up. Colleagues, does anyone
8 have any issues with this being a modification of consequence?

9 (No response.)

10 CHAIRPERSON HOOD: Okay. All right. I'm aware there
11 are still some things that are needed, so Ms. Schellin can we --
12 determine -- I mean, can we do the scheduling please?

13 MS. SCHELLIN: Yes, sir. If the Applicant would work
14 the ANC and let them know that they have until February 3rd to
15 provide their response, then we can put this on for February 10th
16 for the deliberations.

17 CHAIRPERSON HOOD: Okay. Thank you. Next on our agenda
18 is deliberation, Zoning Commission Case No. 20-34A, CP VI -- no,
19 VII, Cotton Annex, LLC - Modification of Consequence of D-8 Zone
20 approval at Square 326. Ms. Schellin?

21 MS. SCHELLIN: Yeah. So at the last public meeting, the
22 Commission determined this request to be a modification of
23 consequence and allowed time for the ANC to respond. They have
24 not provided a response, but the time period has passed. The

1 Applicant then provided a supplemental statement at Exhibit 8
2 responding to the items that OP requested in their report. So
3 this case is ready for final action if the Commission chooses to
4 move forward.

5 CHAIRPERSON HOOD: Okay. Commissioners, again the
6 request is a reduction in number of units in the project from 610
7 to 594 which will change -- change -- which would be a change to
8 our A1 condition and additional flexibility which is that we know
9 that Office of Planning has asked for some other goals. But
10 anyway, the flexibility to pursue the LEED Gold certification
11 under either the LEED HMM or the LEED for new construction, which
12 is LEED NC, criteria which will be a change to our condition A2.

13 Let me open on those two points. Are there any other
14 points that someone may have in this case? Let me open it up for
15 any questions or comments. Commissioner May?

16 COMMISSIONER MAY: No, I don't have any further
17 comments. I think what they've submitted is fine. I'm in favor.

18 CHAIRPERSON HOOD: Okay. Commissioner Shapiro?

19 COMMISSIONER SHAPIRO: Yeah, just to be clear that what
20 we're saying is that we actually are -- we prefer LEED HMM and
21 it's only if they cannot achieve it because they have a specific
22 issue around the blower door test, then we would allow LEED NC.

23 CHAIRPERSON HOOD: That's correct.

24 COMMISSIONER SHAPIRO: Okay.

1 CHAIRPERSON HOOD: Yeah, that would -- yeah. Thank you
2 for putting that on the record. That's correct.

3 COMMISSIONER SHAPIRO: Thank you.

4 CHAIRPERSON HOOD: Anything else?

5 (No response.)

6 CHAIRPERSON HOOD: Okay. Commissioner Imamura, do you
7 have any comments?

8 COMMISSIONER IMAMURA: No comments.

9 CHAIRPERSON HOOD: Okay. And Vice Chair Miller?

10 VICE CHAIR MILLER: No comments other than to say that
11 the reduction in the number of residential units actually doesn't
12 result in any reduction in the residential square footage. It's
13 my understanding it just might lead to some larger units and the
14 same number of Inclusionary Zoning units as previously applied
15 for.

16 CHAIRPERSON HOOD: Okay. Thank you. And as already
17 stated, ANC 6D had time to respond, but obviously they didn't want
18 to opine or have any issues with those two modification of
19 consequences changes. So with that, I think this is flavored for
20 us to approve. Would somebody like to make a motion?

21 (No response.)

22 CHAIRPERSON HOOD: Okay. I will move that we approve,
23 as discussed, the modification as discussed especially with the
24 LEED achievements, Zoning Commission Case No. 20-34A, CP VII

1 Cotton Annex, LLC - Modification of Consequence to D-8 Zone
2 approval at Square 326. I'd ask for a second.

3 VICE CHAIR MILLER: Second.

4 CHAIRPERSON HOOD: It's been moved and properly
5 seconded. Any further discussion?

6 (No response.)

7 CHAIRPERSON HOOD: Not hearing any, Ms. Schellin, would
8 you do a roll call, please?

9 MS. SCHELLIN: Commissioner Hood?

10 CHAIRPERSON HOOD: Yes.

11 MS. SCHELLIN: Commissioner Miller?

12 VICE CHAIR MILLER: Yes.

13 MS. SCHELLIN: Commissioner Shapiro?

14 COMMISSIONER SHAPIRO: Yes.

15 MS. SCHELLIN: Commissioner May?

16 COMMISSIONER MAY: Yes.

17 MS. SCHELLIN: Commissioner Imamura?

18 COMMISSIONER IMAMURA: Yes.

19 MS. SCHELLIN: The vote is 5 to 0 to 0 to approval final
20 action in Zoning Commission Case No. 20-34A.

21 CHAIRPERSON HOOD: Okay. Thank you. Let's keep it
22 moving. Let's go to final action Zoning Commission Case No. 21-
23 10, Office of Planning Text Amendment to Subtitle C, Chapter 7,
24 Vehicle Parking; Chapter 8, Bicycle Parking; and Chapter 9,

1 Loading. Ms. Schellin?

2 MS. SCHELLIN: Yes. The Notice of Proposed Rulemaking
3 was published in the D.C. Register on December 17th. We received
4 one comment at Exhibit 12 from ANC 6C. We'd ask the Commissioner
5 to consider moving forward this evening with final action.

6 CHAIRPERSON HOOD: Okay. Let's open it up for questions
7 and comments. I will just tell you that I do like what ANC 6C has
8 submitted. I think it gives us more predictability, it gives us
9 more accuracy. I know we may have a slight discussion on this. I
10 know it's not necessarily recommended from others from our other
11 departments, but I think that, for me, I kind of like that and it
12 gives the community more predictability, so I will -- let's open
13 it up. Commissioner May?

14 COMMISSIONER MAY: Yeah. I mean, I -- I'm sympathetic
15 to the ANC's concerns. I'm not convinced that it's totally
16 necessary, but I don't feel strongly one way or the other, so I'm
17 interested in hearing what my fellow Commissioners have to say.

18 CHAIRPERSON HOOD: Okay. Commissioner Shapiro?

19 COMMISSIONER SHAPIRO: Thank you, Mr. Chairman. I agree
20 that I'm certainly sympathetic to where the ANC is. I'm mindful
21 though that OP and DDOT feel that it actually -- the language
22 isn't so helpful and that it changes the timeline. It makes the
23 loading relief more onerous than the requirements of the parking
24 relief. It has different deadlines. It counterfeits the process

1 | in ways that aren't -- that I don't think are particularly helpful
2 | and then -- and the ANC has -- will have all sorts of ways to
3 | weigh-in on this.

4 | So I'm more inclined, Mr. Chair -- I don't have very
5 | strong feelings about this, but I'm more inclined in this case to
6 | follow the guidance of our professionals who are involved in this
7 | on a day-to-day basis and to trust their recommendation around
8 | this despite the ANC's, I think, thoughtful comments.

9 | CHAIRPERSON HOOD: Okay. Commissioner Imamura?

10 | COMMISSIONER IMAMURA: Thank you, Mr. Chair. I agree
11 | with Mr. May and Commissioner Shapiro, also appreciate the ANC's
12 | point of view on this. But as Commissioner Shapiro had pointed
13 | out, I -- my concern here would be just making it overly onerous
14 | and I think there are ample opportunities for community to weigh-
15 | in. It's really about process and I certainly wouldn't want to
16 | make it overly burdensome, so those are all the comments that I
17 | have.

18 | CHAIRPERSON HOOD: Okay. And Vice Chair Miller?

19 | VICE CHAIR MILLER: Thank you, Mr. Chairman. Yeah, in
20 | this case I think in the most recent round we -- Office of
21 | Planning is recommending two of the three changes that ANC 6C had
22 | recommended which I think are appropriate and I agree that it --
23 | with OP and DDOT that it's not really necessary to having the
24 | loading plan approved by DDOT before they submit it 30 days in

1 advance. We're all going to see it. We'll find out when DDOT
2 approves it.

3 They're developing it with DDOT all along the way.
4 Certainly by the time of the hearing we'll be able to ask
5 questions. ANC will be able to ask questions of DDOT and others
6 about the plan and any deficiencies in it. So I think we're ready
7 to go with this on final action.

8 CHAIRPERSON HOOD: Okay. Well, I'm going to be happy to
9 say I disagree with each and every one of you, but it's not a
10 showstopper for me. I think 6C is -- they live it. The
11 predictability and what they're asking for I think is not a hard
12 ask. I think it's a great adjustment and it just gives us some
13 predictability, but I can count, but I just want y'all -- the four
14 of you to know that I disagree with all four of you, but I'm not
15 going to hold it against you.

16 So with that, if somebody would like to make a motion
17 unless there is something else you'd like to add. I've always
18 wanted to say I disagree with all four of you, but -- so I've said
19 it and I feel good. So anyway --

20 COMMISSIONER SHAPIRO: I'd make a motion, Mr. Chair.

21 CHAIRPERSON HOOD: All right. Go right ahead.

22 COMMISSIONER SHAPIRO: Move that we take final action in
23 Zoning Commission Case No. 21-10 as read and captioned by the
24 secretary. I'm questioning about the language that we need to

1 include. I mean, I'm not supportive of -- is there anything else
2 that I need to add, Ms. Schellin?

3 (No response.)

4 COMMISSIONER SHAPIRO: Okay. So that's it. That's the
5 motion. Look for a second.

6 VICE CHAIR MILLER: Second.

7 CHAIRPERSON HOOD: It's been moved and properly
8 seconded. Any further discussion?

9 (No response.)

10 CHAIRPERSON HOOD: All right. So Ms. Schellin, could
11 you do a roll call vote, please?

12 MS. SCHELLIN: Commissioner Shapiro?

13 COMMISSIONER SHAPIRO: Yes.

14 MS. SCHELLIN: Commissioner Miller?

15 VICE CHAIR MILLER: Yes.

16 MS. SCHELLIN: Commissioner Hood?

17 CHAIRPERSON HOOD: Yes.

18 MS. SCHELLIN: Commissioner May?

19 COMMISSIONER MAY: Yes.

20 MS. SCHELLIN: Commissioner Imamura?

21 COMMISSIONER IMAMURA: Yes.

22 MS. SCHELLIN: The vote is 5 to 0 to 0 to approve final
23 action Zoning Commission Case No. 21-10.

24 CHAIRPERSON HOOD: Okay. We're now in final action.

1 I'm going to call both of these case together. They're
2 companions. Zoning Commission Case No. 15-24B, Gallaudet
3 University and JBG/6th Street Associates, LLC - First Stage PUD
4 Modification of Significance and second stage and consolidated
5 PUDS and related map amendment at Square 3591, Lots 4 and 6 and
6 Square 3593, Lots 5 and 7. Next, Zoning Commission Case No. 12-
7 15C. This is Gallaudet University amendment to the Campus Plan.
8 Ms. Schellin?

9 MS. SCHELLIN: Yes, sir. At Exhibits 52 through 55A,
10 you have documents submitted by the Applicant since proposed
11 action was taken. Exhibits 56 and 56A is a submission by the
12 opposition party and response thereto. And then today we
13 received, without requesting a waiver, at Exhibit 57 a
14 supplemental filing from the Applicant and Exhibit 58 and 58A we
15 received without a waiver request, EDEN's supplemental filing.
16 And we went ahead and included it because the record was not clear
17 on a position that they were responding to and so I'd like for the
18 Commission to accept it or I'll remove it, both of them.

19 CHAIRPERSON HOOD: Okay. As we proceed through this,
20 I'm going to ask our counselor if he could turn on -- I'm sure
21 he's listening, but maybe if he could turn his camera on. There
22 you go. So you won't pop up and scare me that we're doing
23 something wrong, you'll already be there.

24 So I would like to ask you this, Mr. Ritting. How do I

1 get -- can we just formally -- they have not requested that any of
2 that come into the record. The record was closed. What is the
3 legal way to -- do we have to send it back and ask them to give it
4 to us or how? We just -- I don't necessarily like waiving the
5 rules on that. I don't. I don't know what others feel.

6 MR. RITTING: Well, the Commission does have its own
7 authority to permit the late filings if it waives its rule and the
8 standard to apply is whether there's good cause for the waiver and
9 whether there's prejudice to any other party. In this case, I
10 think there is good cause because you did ask for the parties to
11 negotiate in good faith and try to reach an agreement and I think
12 the new submissions were intended to update the Commission about
13 the progress of those negotiations.

14 As far as prejudice, the only other party is ANC -- is
15 the ANC and they don't really have interest in this issue at all,
16 so I don't think it would prejudice anyone. So I think that there
17 is a basis for a waiver.

18 CHAIRPERSON HOOD: Okay. So what I would ask is from
19 now on if Applicants when they're asking for something, please
20 send the request as outlined in our regulations. I think that
21 would be very helpful.

22 So as Mr. Ritting has just mentioned, colleagues, we
23 could, on our own, waive it, but I would like for people to follow
24 the procedure and the process. I think that keeps it cleaner. So

1 let's -- any objections to waiving it --

2 (No response.)

3 CHAIRPERSON HOOD: -- even though it's our -- so we will
4 continue the -- continue that status and leave it there. I'll be
5 frankly honest. I've been busy today. I haven't had a whole lot
6 of time to read it. I will probably try to skim through it today
7 in a few minutes, but let me open it up for either discussions and
8 I think what we want to do is start with that issue while I have
9 my views, but let me not start off on that one. Let me let
10 somebody else -- who'd like to start us off on that alley issue?
11 Commissioner Shapiro?

12 COMMISSIONER SHAPIRO: Thank you, Mr. Chair, and I agree
13 with you. I think that the -- you know, deliberating around this
14 alley issue first and the two submissions is the right thing to
15 do. We've had hours and hours of public hearing on these cases;
16 very, very complex, multiple days and I think that it's -- in so
17 many ways it really is a transformative project and I'm excited
18 about it.

19 In terms of the alley issue, it's a judgment call for us
20 as a Commission about whether, you know, we think we should move
21 forward notwithstanding that there isn't an agreement between the
22 Applicant and another stakeholder. So, you know, my perspective
23 on this is that I don't see sending them back for more discussions
24 being particularly productive.

1 You know, we have tried that. We have done our best to
2 get them to come to terms. So, you know, what is before us? We
3 have a decision to make. Do we think that moving forward that
4 this issue around alley access is unacceptable, is an unacceptable
5 risk? You know, my view on that, Mr. Chair, is it's not. That,
6 you know, that the public benefits of this project greatly
7 outweigh the risk that (indiscernible) could pull alley access.

8 And I think that -- that, you know, it's not a perfect
9 world and who knows where the parties are going to end up after
10 this if they run into problems with each other, but our
11 perspective with what's before us, I don't have any -- I recognize
12 that there's a risk and I think it's acceptable risk and the
13 public benefits of the project outweigh it, and that's where I
14 stand.

15 I think this is worth moving forward on, Mr. Chair, and
16 I don't want that issue between these two parties to hold up all
17 the amazing benefits from this case as far as the new housing,
18 neighborhood revitalization, affordable housing. It's quite
19 transformative. So not a perfect world, but I believe this is
20 worthy of us moving forward on.

21 CHAIRPERSON HOOD: Okay. Commissioner Imamura, you have
22 anything you want to add or take away?

23 COMMISSIONER IMAMURA: Thank you, Mr. Chair. I would
24 concur with Commissioner Shapiro. You know, I understand the risk

1 and the potential adverse effect that EDENS raises, but it's
2 really contingent upon whether a series of events actually
3 transpire and that may not even be likely.

4 So it's -- you know, it's my perspective too that, you
5 know, after balancing the requested zoning flexibility and the
6 public benefits, this is acceptable and the application is -- now
7 that we know, it's been stated that it's not inconsistent with the
8 Comprehensive Plan and I think the project should move forward.

9 CHAIRPERSON HOOD: Okay. And Vice Chair Miller?

10 VICE CHAIR MILLER: Thank you, Mr. Chairman. I concur
11 with Commissioners Shapiro and Imamura and their comments thus
12 far, and I think this is a very commendable project that has a lot
13 of positive attributes. There are three different properties that
14 are involved immediately here and they each need, as we're
15 recognized in the previous case, alley access, alley easement
16 access, along that easement way to the street.

17 The Applicant can only provide the access that it
18 controls and it's providing it to EDENS in this draft order. They
19 can't really provide what another party, LCOR, has to provide and
20 the easement for both the Applicant and for EDENS to get to the
21 street. So I think the Applicant -- we wanted them -- they --
22 this should have been worked out.

23 It's frustrating, I'm sure, to everybody involved that
24 it hasn't been worked out, but this case stands alone and I think

1 the issues are ready to be -- are ready to move forward. We
2 should encourage the -- LCOR to continue to work with EDENS to
3 provide the access that was contemplated in the previous case, but
4 that's not the case before us, so I'm ready to move forward, Mr.
5 Chairman.

6 CHAIRPERSON HOOD: Thank you. Commissioner May? I
7 haven't forgotten you, Commissioner May.

8 COMMISSIONER MAY: Oh, thanks. I just thought maybe
9 because Commissioner Shapiro went first you just forgot about me.
10 No, the -- I agree with everything that's been said so far. I
11 think, you know, it would have been nice if there had been
12 agreement and what we had were the Applicant and the party, you
13 know, coming to us with something that had been completely worked
14 out. That's how we usually like to see things, but that's not
15 something that we actually have to do in this circumstance.

16 I think that we can move forward without having that
17 agreement and leave the Applicant and the party to resolve it
18 essentially on their own, so I don't see any problem with moving
19 forward today.

20 CHAIRPERSON HOOD: Okay. I've heard all my colleagues
21 loud and clear. I was hoping for, as all of us were, hoping for
22 some agreement in context, but I would also say while I know LCOR,
23 when we first heard that case sometime back in -- and I'm going to
24 bring that in because we always knew that everybody was going to

1 have to work together and for me, I was under the assumption that
2 that would happen and obviously it failed.

3 So with all this back and forth, and going back and
4 forth and at some point hopefully they can get it resolved, but I
5 want all parties to know that we took good faith efforts and
6 people telling us that they would work together to make this work
7 and we get here and it seems to be having all these problems.

8 I'm very displeased. I don't like to exacerbate a
9 problem and keep it going. I was not actually ready to move
10 forward, but after reviewing and looking about this and it's not
11 necessarily one person's problem, I think they need to work
12 together as -- I think as a sounding voice. And the only way to
13 do that at this point with all this confusion is leave it to them.

14 So with that, I think this is flavored right. I will go
15 ahead and I will be voting with my colleagues, but I will not be
16 making any motion. So would any other comments -- additional
17 questions or comments from anybody?

18 (No response.)

19 CHAIRPERSON HOOD: Okay. Do we need to -- any
20 conversation about either one of the cases because we're going to
21 do them, I think, in block. So if you're making a motion, do them
22 both in block. It's just unfortunate. That alley access still
23 troubles me, but I don't know how much control we have other than
24 to take the good faith word of one of the other Applicants at the

1 very beginning, so that obviously failed.

2 So let's -- somebody like to make a motion on?

3 COMMISSIONER SHAPIRO: Mr. Chairman?

4 CHAIRPERSON HOOD: Yes?

5 COMMISSIONER SHAPIRO: I just wanted to mention that, I
6 mean, I think we received some further information from the
7 Applicant on the Campus Plan, Case 12-15C, that I think are, you
8 know, responsive or acceptable at least from my perspective. So I
9 don't, you know, see a need to recap it or discuss it greatly, but
10 it's ready for a decision.

11 CHAIRPERSON HOOD: Okay. And we did -- Ms. Schellin, we
12 did add Exhibits 55 and 56 into the record, right? Were those
13 exhibits? Yeah. Okay.

14 MS. SCHELLIN: They have been added to the record.

15 CHAIRPERSON HOOD: Okay. All right. And I agree with
16 Commissioner May. There was a lot of (indiscernible) responses
17 even though the main sticking point still seems to be out there.

18 Either way, someone like to make a motion? Commissioner
19 Shapiro?

20 COMMISSIONER SHAPIRO: Mr. Chair, I'll move that we --
21 I'll make two separate motions, correct?

22 CHAIRPERSON HOOD: Okay. Oka. You can -- I think you
23 can do them all together. Just call both of them together.

24 COMMISSIONER SHAPIRO: Okay. So I'll call them both

1 together. I move that we take final action on Zoning Commission
2 Case No. -- on both cases, Zoning Commission Case No. 15-24B as
3 read and captioned by the secretary and Zoning Commission Case No.
4 12-15C also as read and captioned by the secretary and look for a
5 second.

6 VICE CHAIR MILLER: Second.

7 CHAIRPERSON HOOD: Oh, I didn't think he was going to
8 get a second. Okay. That was moved and properly seconded. Any
9 further discussion?

10 (No response.)

11 CHAIRPERSON HOOD: Not hearing any, Ms. Schellin would
12 you do a roll call vote, please?

13 MS. SCHELLIN: Commissioner Shapiro?

14 COMMISSIONER SHAPIRO: Yes.

15 MS. SCHELLIN: Commissioner Miller?

16 VICE CHAIR MILLER: Yes.

17 MS. SCHELLIN: Commissioner Hood?

18 CHAIRPERSON HOOD: Yes.

19 MS. SCHELLIN: Commissioner May?

20 COMMISSIONER MAY: Yes.

21 MS. SCHELLIN: Commissioner Imamura?

22 COMMISSIONER IMAMURA: Yes.

23 MS. SCHELLIN: The vote is 5 to 0 to 0 to approve for
24 final action Zoning Commission Case Nos. 15-24B and 12-15C.

1 CHAIRPERSON HOOD: Okay. So Commissioner Gingersnap and
2 Commissioner Daisy did not vote on that case, so we're going to
3 keep moving. All right. Let's go to proposed action Zoning
4 Commission Case No. 19-29, UM 1348 4th Street, N.E., LLC -
5 Consolidated PUD and related map amendment at Squares 3587 and
6 3594. Ms. Schellin?

7 MS. SCHELLIN: Yes sir. At Exhibit 43, we have ANC 5D.
8 They submitted a letter reaffirming their support from their
9 November 2020 vote. At Exhibit 44 through 44B, you have the
10 Applicant's post-hearing submissions and this is ready for the
11 Commission to consider proposed action this evening.

12 CHAIRPERSON HOOD: Okay. Let's open up any questions or
13 comments.

14 COMMISSIONER MAY: Mr. Chairman?

15 CHAIRPERSON HOOD: Commissioner May?

16 COMMISSIONER MAY: Yeah. So they submitted a couple
17 things that were responsive to the concerns that I had,
18 specifically they provided some renderings of the sort of little
19 courtyards or cutouts, street level views. They weren't the best
20 renderings, but I think they were good enough to sort of give us a
21 picture of what was going on there. There's something odd, and
22 some sort of effect that was applied to it or wrote over that just
23 made it a little odd. But anyway, it was good enough.

24 And I think the concern about the rooftop structure was

1 adequately addressed, and I especially like the idea that they
2 would put up the larger trees there and I think that's -- so I
3 think that's very good and then the retractable awning that gives
4 them, you know, 4 feet of solid sun protection. I mean, I think
5 that's -- you know, that's fine because it's only retractable.
6 And so yeah, I'm pleased with the result and I really appreciate
7 the Applicant taking that concern very seriously.

8 CHAIRPERSON HOOD: Okay. Thank you. Any other
9 questions or comments?

10 (No response.)

11 CHAIRPERSON HOOD: I'm just reading the notes here.
12 Okay. I do know -- I don't know if you mentioned this,
13 Commissioner May. We want to remind the Applicant of the proffer
14 process. Ms. Schellin, is that what we call it now? It used to
15 be the BAPO, but now they call it -- what is it?

16 MS. SCHELLIN: That was my reminder if you guys actually
17 proceed with proposed action this evening. I was going to remind
18 them.

19 CHAIRPERSON HOOD: Oh. Okay. All right. I was just
20 looking at all the notes making sure we got everything.
21 Commissioners, any other comments, or questions, or responses? I
22 think I'm pretty straight forward. And I think Commissioner May
23 or maybe Ms. Schellin, one of them, mentioned ANC 5D reiterated
24 this overwhelming support, so we get it. So I won't ask them for

1 another letter on that one. Any other questions or comments?

2 (No response.)

3 CHAIRPERSON HOOD: Somebody like to make a motion --

4 COMMISSIONER MAY: Mr. Chairman?

5 CHAIRPERSON HOOD: Yes?

6 COMMISSIONER MAY: Just a (indiscernible). I think this
7 is the one where you had pressed them on the idea of including one
8 IZ unit that was affordable at 0 to 30 percent MFI and they
9 provided a response. They basically explained why they could not
10 do that. I think it just -- I wanted to make sure that you --

11 CHAIRPERSON HOOD: Yeah.

12 COMMISSIONER MAY: -- noted that.

13 CHAIRPERSON HOOD: Thank you.

14 COMMISSIONER MAY: I'm sure that's --

15 CHAIRPERSON HOOD: Thank you.

16 COMMISSIONER MAY: -- (indiscernible) point, but I'm --
17 it doesn't affect my interest in (indiscernible) with this
18 (indiscernible).

19 CHAIRPERSON HOOD: Yeah, I did see that note. Thank you
20 for bringing that up and I appreciate that response. I don't know
21 if I fully disagree with it, but I -- at least they attempted and
22 I'm going to continue to try to push it. We'll go from there. So
23 thank you. I do appreciate it. Thank you, Commissioner May, for
24 reminding me.

1 All right. I'm just looking. I think everything else
2 is in order. Okay. Someone like to make a motion? And this is
3 under proposed action.

4 COMMISSIONER MAY: Mr. Chairman, I would make a motion
5 that we take proposed action to approve Zoning Commission Case No.
6 19-29, UM 1348 4th Street, N.E., LLC - Consolidated PUD and
7 related map amendment at Squares 3587 and 3594.

8 CHAIRPERSON HOOD: Okay. And I will second that. It's
9 been moved and properly seconded. Any further discussion?

10 (No response.)

11 CHAIRPERSON HOOD: Not hearing any, Ms. Schellin, could
12 you do a roll call vote, please?

13 MS. SCHELLIN: Commissioner May?

14 COMMISSIONER MAY: Yes.

15 MS. SCHELLIN: Commissioner Hood?

16 CHAIRPERSON HOOD: Yes.

17 MS. SCHELLIN: Commissioner Miller?

18 VICE CHAIR MILLER: Yes.

19 MS. SCHELLIN: Commissioner Shapiro?

20 COMMISSIONER SHAPIRO: Yes.

21 MS. SCHELLIN: Commissioner Imamura?

22 COMMISSIONER IMAMURA: Yes.

23 MS. SCHELLIN: The vote is 5 to 0 to 0 to approve
24 proposed action in Zoning Commission Case No. 19-29 and this is

1 | where I want to remind the Applicant that the first submission
2 | going through the proffer process is due seven days from today.
3 | Just remind them to check the regulations for that process because
4 | recently we had someone forget that. I just want to remind them
5 | it is in the regs and the first submission is due in seven days.

6 | CHAIRPERSON HOOD: Okay. Thank you. We don't call it
7 | the BAFO or BUFO process no more? Okay. I'm wondering where that
8 | --

9 | MS. SCHELLIN: BAPO process. No, Benefits and Proffers.
10 | No, we don't.

11 | CHAIRPERSON HOOD: Okay. I'm sure it's a reason we got
12 | rid of that word. Anyway, I don't even really -- okay. Next
13 | hearing action, Zoning Commission Case No. 06-11W/06-12W, George
14 | Washington University - Modification of Significance of second
15 | stage PUD at Square 77. Ms. Fothergill and we also have Ms.
16 | Steingasser, but we'll turn -- I think Mr. Fothergill is going to
17 | lead it. Ms. Fothergill?

18 | MS. FOTHERGILL: Good evening or good afternoon,
19 | Chairman Hood and members of the Commission. For the record, I'm
20 | Anne Fothergill for the Office of Planning for Case 06-11W/06-12W.
21 | In this application, George Washington University has requested a
22 | Modification of Significance to the approved second stage PUD and
23 | further processing of the GW Campus Plan for the District House
24 | building located at 2121 H Street, N.W.

1 The proposed modification will limit access to District
2 House food services to the University only and would eliminate the
3 public serving retail use that was a condition of the second stage
4 PUD order, 06-11J. The Zoning Commission found the first stage
5 and second stage PUDs were not inconsistent with the Comprehensive
6 Plan Maps (indiscernible) elements and the overall analysis
7 remains applicable to the post-modification in this application.

8 In conclusion, the proposed modification would not be
9 inconsistent with the Comprehensive Plan and OP recommends that
10 the Commission sit-down this application and I'm available to take
11 any questions.

12 CHAIRPERSON HOOD: Thank you, Ms. Fothergill and I'm
13 sure that the Applicant is going to reach out to our community
14 groups who have been involved with George Washington at least
15 since I've been here, so the ANC West End, Foggy Bottom, and all
16 of those groups as they continue the process. Hopefully that will
17 happen because they are definitely engaged.

18 Any questions of Ms. Fothergill, Commissioner May?

19 COMMISSIONER MAY: No.

20 CHAIRPERSON HOOD: Okay. Commissioner Shapiro?

21 (No response.)

22 CHAIRPERSON HOOD: Commissioner Imamura?

23 COMMISSIONER IMAMURA: No comments, Mr. Chair.

24 CHAIRPERSON HOOD: And Vice Chair Miller?

1 VICE CHAIR MILLER: No questions. Thank you for your
2 report.

3 CHAIRPERSON HOOD: Okay. So we don't have any
4 questions. So I would move that we sit-down Zoning Commission
5 Case No. 06-11W/06-12W, George Washington University -
6 Modification of Significance of second stage PUD at Square 77 and
7 ask for a second.

8 VICE CHAIR MILLER: Second.

9 CHAIRPERSON HOOD: It's been moved and properly
10 seconded. Any further discussion?

11 (No response.)

12 CHAIRPERSON HOOD: Not hearing any, Ms. Schellin, would
13 you do a roll call vote, please?

14 MS. SCHELLIN: Commissioner Hood?

15 CHAIRPERSON HOOD: Yes.

16 MS. SCHELLIN: Commissioner Miller?

17 VICE CHAIR MILLER: Yes.

18 MS. SCHELLIN: Commissioner Shapiro?

19 COMMISSIONER SHAPIRO: (No audible response.)

20 MS. SCHELLIN: Commissioner May?

21 COMMISSIONER MAY: Yes.

22 MS. SCHELLIN: Commissioner Imamura?

23 COMMISSIONER IMAMURA: Yes.

24 MS. SCHELLIN: Commissioner Shapiro?

1 COMMISSIONER MAY: He's muted and we can't see him.

2 CHAIRPERSON HOOD: Yeah. Can't hear him now.

3 MS. SCHELLIN: Yeah, he's --

4 CHAIRPERSON HOOD: Okay. So we'll just -- if he comes
5 back up, we'll revote, but for now we'll just leave it at that and
6 make it --

7 MS. SCHELLIN: We'll just count the vote 4 to 0 to 1 to
8 approve sit-down for Zoning Commission Case No. 06-11W/06-12W and
9 we're sitting this down as a rulemaking case.

10 CHAIRPERSON HOOD: Okay. And again, I want to thank Ms.
11 Fothergill. I don't think I did that. Commissioner Shapiro --

12 MS. SCHELLIN: Oh, there we go.

13 CHAIRPERSON HOOD: Yeah.

14 MS. SCHELLIN: 5 to 0 to 0 --

15 CHAIRPERSON HOOD: Right.

16 MS. SCHELLIN: -- Commissioner Shapiro.

17 CHAIRPERSON HOOD: Okay. And Ms. Fothergill, thank you
18 for your report. Okay. Ms. Steingasser? Can we bring Ms.
19 Steingasser back? So I think we've finished our agenda for
20 tonight unless I omitted something. I just wanted to ask Ms.
21 Steingasser a quick question.

22 MS. STEINGASSER: Yes, sir.

23 CHAIRPERSON HOOD: Good afternoon, Ms. Steingasser.

24 MS. STEINGASSER: Good afternoon.

1 CHAIRPERSON HOOD: So first thing, you heard my comments
2 on racial equity at the beginning. I guess what I want to ask, I
3 was planning to -- I want to make sure that we all agree. Did you
4 agree that that's the action that we're still looking at? We've
5 got a lot of things. I know we've asked you all to do some things
6 in line with that as well. So would you just, for the public, let
7 them know that that's the direction we're going in?

8 MS. STEINGASSER: Yes, sir.

9 CHAIRPERSON HOOD: Okay.

10 MS. STEINGASSER: Yes, sir.

11 CHAIRPERSON HOOD: Okay. The other thing is, do we have
12 an update on Mr. Gambrel's (phonetic), his inquiry about how a lot
13 of occupancy is being calculated and what's not being calculated?

14 MS. STEINGASSER: Yeah. Oh --

15 CHAIRPERSON HOOD: And I really wanted that to get back
16 in front of the Commission, but do we have an update?

17 MS. STEINGASSER: Yes, sir. I'm sorry. That's my
18 mistake. I meant to file that. We have had a meeting with all
19 the relevant agencies and it's been -- everyone confirmed that
20 that -- the way it's been interpreted is consistent with the way
21 it has always been interpreted. So there is no proposal to change
22 the way that interpretation has been --

23 CHAIRPERSON HOOD: Okay. Do we have something in
24 writing, Ms. Steingasser that you can share with the office and

1 then we can share it? I just want to make sure because Mr.
2 Gambrel brought us some issues that we weren't calculating things
3 right and not including certain lot occupancy towards the count
4 and leaving something out, so I wanted to make sure that
5 interpretation was correct. And if we can share that also -- if
6 it's something we could also share with him to give him a comfort
7 level that the BZA is proceeding and we're doing it correctly?

8 MS. STEINGASSER: Yes, sir. I will do that.
9 Absolutely.

10 CHAIRPERSON HOOD: Okay. Thank you. Thank you for us
11 closing the loop on that. That shows that we do good customer
12 service.

13 MS. STEINGASSER: Yes, we do.

14 CHAIRPERSON HOOD: Okay. So thank you.

15 MS. STEINGASSER: Yes, sir.

16 CHAIRPERSON HOOD: Thank you very much, Ms. Steingasser.
17 Any other comments or anything else from OP right now, Ms.
18 Steingasser?

19 MS. STEINGASSER: No, sir.

20 CHAIRPERSON HOOD: Okay.

21 MS. STEINGASSER: No.

22 CHAIRPERSON HOOD: Okay. All right. Thank you, very
23 much. All right. Unless my colleagues have anything else, we
24 want to wish Commissioner Shapiro a birthday, a happy birthday.

1 He's going to be -- he's going to be 26 years old plus.

2 COMMISSIONER SHAPIRO: Twenty-five.

3 CHAIRPERSON HOOD: Oh, 25. Okay. Twenty-five plus.

4 Don't forget the plus sign. All right. So we want to wish him a
5 happy birthday. Enjoy your day and if nobody has anything else, I
6 want to thank everyone for their participation and this meeting is
7 adjourned. Good night.

8 COMMISSIONER MAY: Thank you. Good night.

9 COMMISSIONER IMAMURA: Good night. Happy birthday.

10 (Whereupon, the above-entitled matter went off the record at
11 4:48 p.m.)

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In the matter of: Public Meeting

Before: DCZC

Date: 01/27/22

Place: Teleconference

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