

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
Zoning Commission

Public Hearing

Case No. 16-25 [DC Boathouse, LLC - Zoning Map  
Amendment at Square 6, Lots 42 and 810.]

6:32 p.m. to 6:48 p.m.

Thursday, March 30, 2017

Jerrily R. Kress Memorial Hearing Room  
441 4th Street, N.W., Suite 220 South  
Washington, D.C. 20001

OLENDER REPORTING, INC.  
1100 Connecticut Avenue NW, #810, Washington, DC 20036  
Washington: 202-898-1108 • Baltimore: 410-752-3376  
Toll Free: 888-445-3376

1 Board Members:

2 ANTHONY HOOD, Chairman

3 ROBERT MILLER, Vice Chair

4 PETER MAY, Commissioner

5 MICHAEL TURNBULL, Commissioner

6 PETER SHAPIRO, Commissioner

7

8 Office of Zoning:

9 SHARON SCHELLIN, Secretary

10

11 Office of Planning:

12 JENNIFER STEINGASSER

13 ANNE FOTHERGILL

14

15

16

17

18

19

20

21

22

23

24

25

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

2 CHAIRPERSON HOOD: Good evening, ladies and  
3 gentlemen. This is the public hearing of the Zoning  
4 Commission for the District of Columbia. Today's  
5 date is March 30th, 2017.

6 My name is Anthony Hood. We're located in  
7 the Jerrily R. Kress Memorial Hearing Room. Joining  
8 me this evening are Vice Chair Miller, Commissioner  
9 Shapiro, Commissioner May, and Commissioner Turnbull.  
10 We're also joined by the Office of Zoning staff, Ms.  
11 Sharon Schellin, as well as the Office of Planning  
12 staff, Ms. Steingasser and Ms. Fothergill.

13 This proceeding is being recorded by a court  
14 reporter and is also webcast live. Notice of today's  
15 hearing was published in the D.C. Register and copies  
16 of that announcement are available to my left on the  
17 wall near the door.

18 The hearing will be conducted in accordance  
19 with provisions of 11Z DCMR, Chapter 4 as follows:  
20 preliminary matters, applicant's case, report of the  
21 Office of Planning, report of other government  
22 agencies, report of the ANC, organizations and  
23 persons in support, organizations and persons in  
24 opposition, rebuttal and closing by the applicant.

25 The following time constraints will be

1 maintained in this meeting. The applicant has asked  
2 for 15 minutes. I'm not sure if we need all that.  
3 Organizations, five minutes. Individuals, three  
4 minutes.

5 The staff will be available throughout the  
6 hearing to discuss procedural questions. Please turn  
7 off all electronic devices at this time so not to  
8 disrupt these proceedings. Would all individuals  
9 wishing to testify please rise to the take the oath?  
10 Ms. Schellin, would you please administer the oath?

11 MS. SCHELLIN: Yes. Please raise your right  
12 hand.

13 [Oath administered to the participants.]

14 CHAIRPERSON HOOD: Okay. At this time, the  
15 Commission will consider any preliminary -- do we  
16 have anyone here who is in opposition of this?

17 Okay. Ms. Schellin, do you have any  
18 preliminary matters?

19 MS. SCHELLIN: Yes. We have one request for  
20 party status in support from the West End Citizen's  
21 Association. And the only other preliminary matter  
22 would be one proffered expert witness in architecture  
23 for the applicant. Those are the only two  
24 preliminary matters that I have.

25 CHAIRPERSON HOOD: Okay. We do have a

1 request from the West End Citizen's Association. And  
2 I think Ms. Kahlow is going to be representing them  
3 in her expert status. So, any objections?

4 [No audible response.]

5 CHAIRPERSON HOOD: Okay. So, we will have  
6 the Honorable Barbara Kahlow to -- in that position.  
7 Anything else, Ms. Schellin?

8 MS. SCHELLIN: Just the one, one expert. We  
9 did not see that he had been accepted by the  
10 Commission before as an expert. Is that correct? I  
11 think their mics are off.

12 CHAIRPERSON HOOD: Oh. Oh, that's from the  
13 other night. Okay. They're back on now. I'm sorry.

14 MS. HOTTEL-COX: That's correct, but his  
15 resume was submitted in the record at Exhibit 13A.

16 MS. SCHELLIN: Yes.

17 MR. MAY: I'm just curious, why do we need an  
18 expert in architecture on this project? Are you  
19 going to show us some plans that we haven't seen yet,  
20 possibly?

21 MS. HOTTEL-COX: No, we wanted to have an  
22 expert to testify to any questions about the  
23 Comprehensive Plan Future Land Use Map and the zoned  
24 district's compliance with that.

25 MR. MAY: Okay.

1 CHAIRPERSON HOOD: Your proffer is what?  
2 What are you, architect?

3 MS. HOTTEL-COX: Yes, as an expert in  
4 architecture and design.

5 CHAIRPERSON HOOD: Any objections?

6 MR. MAY: I'm still puzzled because it's, you  
7 know, you're talking about him as an expert in  
8 essentially urban planning and he's -- I mean, he's  
9 clearly a highly-qualified architect, but I'm just a  
10 little puzzled by it. I don't have any objection to  
11 it. I mean, maybe he was just trying to get his name  
12 in the bank for the next time around. I don't know.  
13 I don't have any problem with it. I just, it's  
14 weird. He went to a good school, though.

15 CHAIRPERSON HOOD: Okay.

16 MR. MAY: There are other Maryland graduates  
17 out there too.

18 CHAIRPERSON HOOD: Okay. Any objections?  
19 Okay, no objections. I think the resume stands on  
20 its own.

21 Okay, Ms. Schellin, anything else?

22 MS. SCHELLIN: No, sir.

23 CHAIRPERSON HOOD: Okay. You may begin.

24 MS. HOTTEL-COX: Good evening, Commissioners.  
25 My name is Megan Hottel-Cox, and I, along with my

1 colleague, John Epting are attorneys with Goulston  
2 and Storrs and we represent the applicant. Tonight,  
3 with us, we have Brook Katzen, who works for the UIP  
4 companies to testify on behalf of the applicant, as  
5 well as Bob Keane, our architect. We believe the  
6 record is complete and we are happy to rest on the  
7 record and are ready to answer any questions that the  
8 Commissioners might have.

9 CHAIRPERSON HOOD: Thank you, Ms. Hottle-Cox.  
10 Let's see if there are any questions up here. Okay.  
11 I think it's pretty straight forward. Thank you.  
12 Let's go to the Office of Planning, Ms. Fothergill.

13 MS. FOTHERGILL: Good evening, Chairman Hood,  
14 and Members of the Commission. I'm Anne Fothergill  
15 with the Office of Planning and we rest on the record  
16 in support of the application and are happy to take  
17 any questions. Thanks.

18 CHAIRPERSON HOOD: Thank you, Ms. Fothergill.  
19 Any questions for Ms. Fothergill?

20 MR. MILLER: I have some questions.

21 CHAIRPERSON HOOD: Vice Chair Miller.

22 MR. MILLER: Yeah, I just had a couple  
23 questions, just out of curiosity. The map amendment  
24 is to the MU-2 Zone and I'm fine with that. But I  
25 just, I was just curious, since it's mentioned in the

1 record that they're going for a special exception for  
2 the eating and drinking establishment on the ground  
3 floor that they're -- what zone would have allowed a  
4 matter of -- do you know what zone would have allowed  
5 -- what mixed-use zone would have allowed a matter-  
6 of-right eating and drinking establishment? If you  
7 don't know the answer that's -- off the top of your  
8 head, that's fine. I just was curious. I didn't --

9 MS. STEINGASSER: The applicant might know  
10 the answer. I know that they chose this zone because  
11 in coordination with the community for the special  
12 exception --

13 MR. MILLER: Right, they got the agreement  
14 from West End Citizens. And, do you know -- does the  
15 applicant know what zone would have --

16 MS. STEINGASSER: 2-B --

17 MR. MILLER: What the next or the closest  
18 zone would have allowed that?

19 MS. HOTTEL-COX: The closest zone in terms of  
20 to be able to allow the same height and density, and  
21 also have the use as a matter-of-right, would have  
22 been MU-10.

23 MR. MILLER: MU-10. And the gas station use  
24 will remain a nonconforming use.

25 MS. HOTTEL-COX: Correct.

1 MR. MILLER: Do you know which next zone  
2 would have allowed that to be a matter-of-right use?  
3 I'm just curious.

4 MR. EPTING: Starting in the MU-4.

5 MR. MILLER: MU-4.

6 MR. EPTING: They all say 2A.

7 MR. MILLER: Okay.

8 MR. EPTING: So, but it would have been  
9 matter-of-right in MU-10, which is the old CR.

10 MR. MILLER: And I saw on the record that the  
11 gas station use is what's -- and I realize this is a  
12 map amendment that we don't really get into future  
13 uses. But I was curious, is there a future -- what  
14 is the future intended use of the gas station that  
15 they're going to expand the building there or, no?

16 MR. EPTING: There's no anticipated change.  
17 We just felt that we should include the whole square  
18 since it was all mapped the same.

19 MR. MILLER: And I saw on the record that the  
20 owner does not object --

21 MR. EPTING: No.

22 MR. MILLER: -- and so I just wanted to put  
23 that on the record again. Okay. Thank you.

24 CHAIRPERSON HOOD: Okay. Any other questions  
25 up here?

1 MR. MILLER: I wanted one more question. I'm  
2 sorry.

3 So, the Inclusionary Zoning will apply in  
4 this MU zone, which is great. I didn't realize that  
5 the RA-5 Zone did -- I think the Office of Planning's  
6 report said that IZ does not apply. Can you just  
7 briefly explain why it doesn't apply in the RA --

8 MS. STEINGASSER: The RA-5 is the old R-5-E,  
9 and there was no ability to give any bonus height.  
10 So, at the time, if we could not provide bonus, we  
11 didn't extract the IZ.

12 MR. MILLER: So, Inclusionary Zoning will  
13 apply in the new -- and what will be the -- is it  
14 50/50 for the eight percent set aside? Fifty at 50 -  
15 - 50?

16 MS. STEINGASSER: Well, it will be the new  
17 regs that become effective, so it would depend on  
18 whether it becomes rental --

19 MR. MILLER: So it would be all 60 percent  
20 AMI if it's rental and 80 percent AMI if it's at the  
21 80 percent set aside.

22 MS. STEINGASSER: That's correct.

23 MR. MILLER: Okay. And how many units  
24 approximately, do you think that's going to be or --  
25 I know it's a square footage.

1 MR. KATZEN: There will be 250 units in the  
2 building and between 20 and 23 IZ units.

3 MR. MILLER: Great. And you think it's going  
4 to be rental, all rental building?

5 MR. KATZEN: Yes.

6 MR. MILLER: Okay, great. Thank you.

7 CHAIRPERSON HOOD: Okay. Any other  
8 questions, Office of Planning from up here? Does the  
9 applicant have any cross?

10 MS. HOTTEL-COX: No.

11 CHAIRPERSON HOOD: Okay. Ms. Kahlow? Okay,  
12 thank you.

13 Let's go to other government reports. Did we  
14 have any other government reports? My computer is  
15 down. I can't remember.

16 [Discussion off the record.]

17 CHAIRPERSON HOOD: Okay. There are no issues  
18 from DDOT, as well as let's go to the ANC. I think  
19 the ANC voted support, so, so noted from the ANC. Do  
20 we have any organizations or -- oh, let me go to the  
21 party, party in support.

22 MS. KAHLOW: Hi. I'm Barbara Kahlow. I  
23 think you all know me. I live at 800 25th Street. I  
24 am testifying on behalf of the West End Citizen's  
25 Association, the oldest citizen's association in the

1 Foggy Bottom/West End area, and one of the oldest in  
2 the city. We started in 1910.

3 The WCA is primarily interested in  
4 maintaining the quality of life for the existing  
5 residential community in Foggy Bottom/West End. I am  
6 also a 200-footer in this case, so, this is a little  
7 different.

8 On September 11th, the WCA and I, as a 200-  
9 footer, co-signed a memorandum of agreement. So, it  
10 wasn't just the WCA, it was also me, with the  
11 applicant. It's in one of the exhibits in the case.  
12 We reached agreement that up zoning to the same zone  
13 as the Watergate, MU-2, which is formerly SP-2 across  
14 Virginia Avenue, is the most appropriate zone, since  
15 it would best retain the largely residential  
16 neighborhood with only a limited and appropriate  
17 level of commercial use on the ground floor and  
18 rooftop penthouse.

19 On February 11th, we requested party status  
20 for this case. On March 3rd, we requested party  
21 status for the BZA special exceptions case. The  
22 applicant, WCA MOA was submitted in both cases by the  
23 applicant.

24 In the WCA's party request letter, we stated  
25 that we opposed up zoning to MU-10, which was

1 Commissioner Miller's questions, since the zone does  
2 not exist anywhere -- CR Zone does not exist anywhere  
3 in Foggy Bottom west of 23rd, and the WCA believes  
4 that up zoning to a higher zone than MU-2 would set a  
5 bad precedent for residential part of Foggy Bottom.  
6 We wanted to keep SP. We have SP up and down, as you  
7 know, down Virginia Avenue, further down, plus there.  
8 CR is nowhere until you get into the West End.

9           The applicant, WCA MOA also includes  
10 agreement by the applicant to have no outdoor  
11 entertainment or any amplified music, both on the  
12 ground floor retail and on the rooftop penthouse.  
13 This agreement will protect the quality of life for  
14 the existing residential community, better known as a  
15 good deal.

16           The Office of Planning's set down report in  
17 December 30th, and their final report March 20th  
18 state, the MU-Zone is intended to permit medium  
19 density mixed-use with an emphasis on residential  
20 uses, but permits non-residential uses. And, so they  
21 agree with us that apparently, they originally were  
22 on the MU-10 wagon and we convinced everybody to MU-  
23 2.

24           Thank you for your consideration. We fully  
25 support the map amendment to -- from RA-5, which was

1 RE-5, to MU-2, which is old SP-2.

2 CHAIRPERSON HOOD: Okay. Thank you. Any  
3 questions up here?

4 [No audible response.]

5 CHAIRPERSON HOOD: Okay. Does the applicant  
6 have any questions?

7 MS. HOTTEL-COX: No.

8 CHAIRPERSON HOOD: Okay. Thank you very  
9 much, Ms. Kahlow.

10 MS. KAHLOW: You're welcome.

11 CHAIRPERSON HOOD: Okay. Let's go to  
12 organizations and persons in support. Organizations  
13 and persons in opposition.

14 And we do have, let me go to the list in  
15 support, Dale Barnhard. Dale Barnhard?

16 Okay, not seeing him. He must have been here  
17 at some point in time because he put his name in.

18 MS. SCHELLIN: He preregistered.

19 CHAIRPERSON HOOD: Oh, he preregistered.  
20 Okay. So, he's not here. All right. All right.  
21 Anybody else like to testify either in support or  
22 opposition?

23 Not seeing anyone, Ms. Hottel-Cox, you have  
24 any rebuttal?

25 MS. HOTTEL-COX: No.

1           CHAIRPERSON HOOD: Okay. So, we will close  
2 this case, Commissioners. I guess it looks like this  
3 is pretty straight forward. No sense in putting this  
4 off. Anybody like to make a motion or a discussion?  
5 Or is the record complete?

6           MR. MILLER: I'd be happy to make a motion.

7           CHAIRPERSON HOOD: Sure.

8           MR. MILLER: Mr. Chairman, if it's  
9 appropriate. I would move that the Zoning Commission  
10 approve the map amendment, the Case No. 16-25, the  
11 Zoning Map Amendment in Square 6, Lots 42 and 810,  
12 and ask for a second.

13          MR. MAY: Second.

14          CHAIRPERSON HOOD: Okay. It's been moved and  
15 properly seconded. Any further discussion?

16          [Vote taken.]

17          CHAIRPERSON HOOD: Ms. Schellin, would you  
18 record the vote?

19          MS. SCHELLIN: Yes. Staff records the vote  
20 five to zero to zero to approve proposed action in  
21 Zoning Commission Case No. 16-25, Commissioner Miller  
22 moving, Commissioner Shapiro seconding, Commissioners  
23 Hood, May, and Turnbull in support.

24          CHAIRPERSON HOOD: Okay. Ms. Schellin, we  
25 have anything before us? Anything else?

1 MS. SCHELLIN: Yes. We need to ask the  
2 applicant to provide us with a draft order. And, are  
3 you guys looking for just a summary order maybe?

4 CHAIRPERSON HOOD: Summary. I think the  
5 record is complete in this.

6 MS. SCHELLIN: If we could get that in week  
7 maybe? Okay. So, that would be great, and then  
8 we'll put this on for final action. Let's see, today  
9 is the 30th. At our May 8th public meeting.

10 CHAIRPERSON HOOD: Okay. Anything else?

11 MS. SCHELLIN: No, sir.

12 CHAIRPERSON HOOD: All right. I want to  
13 thank everyone for their participation in this  
14 hearing tonight, and this hearing is adjourned.

15 [Whereupon, the hearing adjourned at 6:48  
16 p.m.]

17

18

19

20

21

22

23

24

25