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GOVERNMENT OF THE DISTRICT OF COLUMBIA
Zoning Commission

Public Hearing

Case No. 16-21 [Map Amendment from MU-4 to MU-5-A,
1326 North Capitol Street N.W. (Square 617, Lots 152-
156, 239 & 801-802) Ward 5.]

6:34 p.m. to 7:00 p.m.
Thursday, April 20, 2017

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

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 STEVEN MORDFIN

13 JOEL LAWSON

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

2 CHAIRPERSON HOOD: Good evening, ladies and
3 gentlemen. This is a public hearing of the Zoning
4 Commission for the District of Columbia. Today's
5 date is April the 20th, 2017. My name is Anthony
6 Hood. We're located in the Jerrily R. Kress Memorial
7 Hearing room. Joining me this evening are Vice
8 Chair --

9 MR. MILLER: [Speaking off microphone.]

10 CHAIRPERSON HOOD: Can you hear me now? All
11 right. Let's start all over.

12 Good evening, ladies and gentlemen. This is
13 the public hearing of the Zoning Commission for the
14 District of Columbia. Today's date is April the
15 20th, 2017. My name is Anthony Hood. We're located
16 in the Jerrily R. Kress Memorial Hearing room.
17 Joining me this evening are Vice Chair Miller,
18 Commissioner Shapiro, Commissioner May, and
19 Commissioner Turnbull.

20 We're also joined by the Office of Zoning
21 staff, Ms. Sharon Schellin, as well as the Office of
22 Planning staff, Mr. Lawson and Mr. Mordfin.

23 This proceeding is being recorded by a court
24 reporter and is also webcast live. Accordingly, we
25 must ask you to refrain from any disruptive noises or

1 actions in the hearing room. Notice of today's
2 hearing was published in the D.C. Register, and
3 copies of that announcement are available to my left
4 on the wall near the door.

5 The hearing will be conducted in accordance
6 with provisions of 11-DCMR, Chapter 4 as follows;
7 preliminary matters, applicant's case, report of the
8 Office of Planning, report of other government
9 agencies, report of the ANC, organizations and
10 persons in support, organizations and persons in
11 opposition, rebuttal and closing by the applicant.

12 The following time constraints will be
13 maintained in this meeting. The applicant has up to
14 60 minutes. I don't think we need that.
15 Organizations, five minutes. Individuals, three
16 minutes.

17 The staff will be available throughout the
18 hearing to discuss procedural questions. Please turn
19 off all electronic devices at this time.

20 Would all individuals wishing to testify
21 please rise to take the oath? Ms. Schellin, would
22 you please administer the oath?

23 MS. SCHELLIN: Yes, please raise your right
24 hand.

25 [Oath administered to the participants.]

1 CHAIRPERSON HOOD: Ms. Schellin, do we have
2 any preliminary matters?

3 MS. SCHELLIN: Just one, to accept Mr.
4 Dettman as an expert in land use in this case.
5 Obviously, he's been previously accepted.

6 CHAIRPERSON HOOD: Okay. Certainly, we have
7 no objection, I don't believe, to that. So, we will
8 accept him again as an expert. We don't usually
9 change our mind after we do it the first time.
10 Unless you're just that bad. If you're that bad then
11 we might change our mind. Okay. Anything else, Ms.
12 Schellin? Okay. All right.

13 Well, Mr. Freeman, you may begin.

14 MR. FREEMAN: Good evening, Chairman Hood.
15 For the record, Kyrus Freeman with the law firm of
16 Holland and Knight on behalf of the applicant. I'm
17 joined to my immediate right by Mr. Shane Dettman,
18 and to our far right by Mr. Paul Williams on behalf
19 of the applicant who is here to answer any questions.

20 We intend to be brief. As you know, the site
21 is zoned MU-4. We're seeking a comp -- I'm sorry, a
22 map amendment to rezone the site to MU-5-A. We
23 believe that map amendment is not inconsistent with
24 the Comprehensive Plan as read in conjunction with
25 the text to the Comprehensive Plan, the Mid-City

1 Small Area Plan, as well as the Future Land-Use Map.

2 We have the support of the Office of
3 Planning, the Department of Transportation, and the
4 ANC. That concludes my brief opening, and I'll turn
5 it over to Mr. Dettman to go through his
6 presentation.

7 MR. DETTMAN: Good evening, Mr. Chairman and
8 members of the Commission. For the record, Shane
9 Dettman, Director of Planning Services with the law
10 firm, Holland and Knight. I'll very quickly take the
11 Commission through a series of slides which introduce
12 the site, and then go through the relevant evaluation
13 standard for a map amendment.

14 The subject property is located in the
15 eastern portion of Square 617. It's outlined in red
16 in this slide. It's on the north side of the
17 intersection of North Capitol Street in Hannover
18 Place Northwest.

19 In terms of land area, it's only about 9,400
20 square feet in total size, and it's bounded by North
21 Capitol Street on the east. On the west side,
22 there's a 12-foot existing public alley. On the
23 north, there's some existing development. On the
24 south, as I mentioned, is Hannover Place.

25 A couple other pictures looking at just the

1 existing conditions. It's currently vacant. It's
2 been vacant for quite some time. This is an aerial
3 photo showing the existing conditions.

4 In terms of the site's designation on the
5 Comprehensive Plan's general policy map it is
6 designated a Main Street mixed-use corridor, which
7 the Comp Plan guidance, with respect to development
8 in these types of areas, promote the conservation and
9 enhancement of these corridors. It's desired to
10 foster economic and housing opportunities and
11 development or redevelopment should support transit
12 use and enhancement to the public pedestrian
13 environment.

14 This is a picture showing the Future Land-Use
15 Map, which designates the site as mixed-use, low-
16 density commercial, moderate-density residential.

17 As Mr. Freeman mentioned, the subject
18 property is also located within the boundary of the
19 Mid-City East Small Area Plan, which makes specific
20 recommendations with respect to the land-use
21 designation of the site. It was prepared by OP
22 through an extensive public engagement process which
23 the applicant was directly involved in, and it was
24 formally adopted by the council in November of 2014.

25 Quickly comparing the existing MU-4 zoning,

1 which is the old C-2-A, with the requested MU-5-A
2 zoning, which is the old C-2-B, in terms of density
3 under the existing zoning you can get a maximum FAR
4 of 2.5 with a maximum 1.5 FAR nonresidential. With
5 the map amendment there would be an increase of only
6 1.0 FAR overall, with the maximum nonresidential
7 remaining at 1.5 FAR.

8 The height increase goes from 50 feet under
9 the existing zoning to 65 feet. You get a little
10 additional height for the mechanical penthouse, and a
11 little additional lot occupancy for residential uses
12 in the MU-5.

13 Turning our attention to the relevant
14 standard of evaluation for this case, as the
15 Commission is well aware under the Zoning Act, as
16 well as the Home Rule Charter, zoning regulations
17 shall not be inconsistent with the Comprehensive
18 Plan. So, that's the standard that we'll be looking
19 at today.

20 Because we have a situation where there is a
21 small area plan that includes specific
22 recommendations regarding the subject property, I
23 thought it might be worthwhile just to say a few
24 brief things about the relationship of small area
25 plans to the Comprehensive Plan, and the guidance

1 provided by the Comprehensive Plan regarding the role
2 that a small area plan plays with respect to
3 evaluating requests for rezoning.

4 I will say that the next few slides contain
5 information that is -- that the Commission is well
6 aware of, so I'll go very quickly through these
7 slides. But as you know, the Comprehensive Plan is
8 described as the centerpiece of a family of plans
9 that collectively guide public police in the
10 District. It provides a broad policy framework,
11 policy priorities and key actions that other plans,
12 including small area plans, address in greater
13 detail.

14 And so, instead of -- in terms of the three
15 tiers of planning that are described in the
16 Comprehensive Plan, it's the city-wide elements, it's
17 the area elements, and then it's also small area
18 plans.

19 Small area plans supplement the Comprehensive
20 Plan by providing detailed direction. For more
21 specific geographically defined areas that can range
22 in size, the Comprehensive Plan is also -- it's
23 adopted by the Council, as you, legislatively and
24 becomes part of the DCMR, whereas the small area
25 plans are prepared and reviewed by the counsel under

1 a different authority and adopted by resolution.

2 Thus, as stated in the Comprehensive Plan a
3 small area plan is not part of the legislatively
4 adopted Comp Plan, however, they are to be used in
5 deciding zoning cases.

6 Guidance on how small area plans are to be
7 used in zoning requests is provided in the Comp
8 Plan's implementation element, which contains
9 policies that address the manner in which land-use
10 planning policies are interpreted and applied on a
11 daily basis.

12 Specifically, the policy and the
13 implementation element I'll draw your attention to is
14 Policy IM-1.3.3, which states that decisions on
15 requests for rezoning shall be guided by the Future
16 Land-Use Map, in conjunction with the text of the
17 plan, Comprehensive Plan, as well as small area plans
18 pertaining to the area proposed for rezoning.

19 And we actually have a recent example as the
20 Commission will recall, where the Commission relied
21 upon this same small area plan, the Mid-City East
22 Small Area Plan, to approve a PUD related map
23 amendment for the Sursum Corda development.

24 Turning our attention to the consistency of
25 this request with the city-wide elements. I'm not

1 going to go through these in detail, but rather I'll
2 rely upon the detailed discussion that's included in
3 our pleadings, and note that OP also provided the
4 detailed analysis in its report with respect to the
5 consistency of this map amendment with the city-wide
6 elements as well as the area elements.

7 But the map amendment request is not
8 inconsistent with the land-use element and will
9 advance specific policies concerning in-fill
10 development, development at the edges of the central
11 employment area, revitalizing neighborhoods and using
12 mixed-use zones to provide transitional areas between
13 residential and commercial districts.

14 The map amendment will also advance economic
15 development policies relating to supporting core
16 industries, and leveraging core industries to create
17 economic linkages that translate to new employment
18 opportunities. It also has the potential to advance
19 Housing policies and encourage private sector support
20 to meet housing needs, new housing on vacant and
21 underutilized land, and mix-use development along
22 Main Street mixed-use corridors.

23 The map amendment is not inconsistent with
24 several urban design element policies, as well as
25 including policies that encourage development along

1 Washington's major avenues, corridors, and gateways,
2 and encouraging establishment of appropriate scale
3 and density transitions between downtown and adjacent
4 lower density neighborhoods.

5 With respect to the area elements, now
6 technically the site is located within the near
7 Northwest planning area, but if you look at the maps
8 of the planning areas, this map showing here, the
9 site is located at the far east end of this planning
10 area and when you look at the policies contained in
11 the near Northwest planning area, most of them have
12 to do with the property that's located on the western
13 portion of the planning area.

14 And so, what we did in our pleadings is we
15 provided an analysis of the policies in that specific
16 planning area, as well as the ones in the Mid-City
17 planning area, because there are specific policies
18 about what's encouraged along North Capitol Street.

19 In terms of the policies of the near
20 Northwest area, there's a policy about directing
21 growth and generally directing growth within the near
22 Northwest planning area to the eastern side of the
23 planning area. And in terms of the Mid-City
24 policies, those are also applicable. Two of them
25 which are listed on the slide relating to in-fill

1 development and encouraging development on vacant
2 lots, along important corridors such as North Capitol
3 Street, and making upgrades to North Capitol -- the
4 North Capitol and Florida Avenue Business District,
5 which the map amendment will facilitate.

6 The application is not inconsistent with the
7 Main Street mixed-use corridor designation of the
8 generalized policy map. It will strengthen the North
9 Capitol Street, Florida Avenue, and New York Avenue
10 Main Street corridor through the redevelopment of a
11 long-standing vacant property. New and existing
12 businesses along the corridor will benefit from new
13 development on the subject property, and the
14 redevelopment of the subject property will result in
15 improvements to the public realm adjacent to the
16 site, thus improving pedestrian circulation along the
17 North Capitol Street corridor.

18 The application is not inconsistent with the
19 Future Land-Use Map. Shown on this slide here,
20 looking at it in terms of height and density that can
21 be achieved on the site under existing zoning through
22 the PUD process, and what is permitted as a matter of
23 right under the requested MU-5-A, you can see that
24 under MU-4 in the PUD process with IZ, you can get up
25 to a 3.6 FAR with a 2.01 maximum nonresidential FAR.

1 It's fairly comparable with the overall FAR that's
2 permitted as a matter of right under the MU-5-A, 3.5.

3 For height, it's the same. For an MU-4 PUD,
4 it's 65. For the requested MU-5-A zoning
5 designation, it's 65. And the penthouses are pretty
6 consistent as well.

7 There are three examples shown on this slide
8 here. Just to demonstrate that the Commission has,
9 in the past, recently, previously determined that an
10 MU-5-A zoning category is consistent with the same
11 land-use designation as the subject property, with a
12 similar surrounding context. And in question and
13 answer, we're happy to answer any questions about
14 those cases.

15 Finally, the requested map amendment is not
16 inconsistent with the Mid-City East Small Area Plan
17 recommendations that are specific to the subject
18 property. The small area plan specifically
19 identifies this site as a key redevelopment
20 opportunity and a land-use change area, land-use
21 designation change area as it's shown on the slide.

22 Specifically, the small area plan contains a
23 recommendation to change the land-use designation for
24 the subject property to moderate density commercial
25 and medium density residential. So, when looking at

1 this application using the guidance provided by the
2 implementation element policy that talks about
3 requests for rezoning shall be guided by the Future
4 Land-Use Map in conjunction with the text of the Comp
5 Plan, as well as small area plans, I think this
6 supports a finding that the application satisfies the
7 relevant standard of not being inconsistent with the
8 Comprehensive Plan.

9 Mr. Chairman, that concludes my presentation.

10 CHAIRPERSON HOOD: Okay. Mr. Freeman, you
11 all are finished?

12 MR. FREEMAN: Yes.

13 CHAIRPERSON HOOD: Okay. All right. Thank
14 you for being straight to the point and succinct.
15 Commissioners, any questions or comments? Vice Chair
16 Miller?

17 MR. MILLER: Thank you, Mr. Chairman. Thank
18 you for your presentation and thank you for all the
19 effort that you've put into articulating the Comp
20 Plan policies and the consistency with them, and I
21 appreciate Office of Planning did the same thing
22 because I was among those who expressed concern
23 despite the small area plans call for the land-use
24 map, the Future Land-Use Map to be changed from low
25 density commercial, moderate density residential, to

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1 moderate to one up, moderate density commercial,
2 medium density residential. That Future Land-Use Map
3 still has not yet been changed. It's still the Comp
4 Plan map, is existing law and the small area plan is
5 supplemental guidance as you've all pointed out along
6 with all the other policies that are in the law, in
7 the Comp Plan law, but it's not -- the small area
8 plan is not in law, so I think you did a good job of
9 explaining how all those other policies do balance
10 out.

11 In an idea world, though, we would have
12 amended, obviously, the Land-Use Map prior to doing
13 the zoning change, although there's not that much
14 incremental increase in density or height that's
15 permitted between these two zones. But ideally that
16 would have happened.

17 We're in the Comp Plan amendment cycle, it's
18 the open call period. Have you all requested Comp
19 Plan Map amendment change for this site or, since
20 you're going to get it, since you're going to get
21 your map, looks like you might get your map
22 amendment, zoning map amendment, you don't think you
23 need it. You don't want to jeopardize that.

24 MR. FREEMAN: We have not.

25 MR. MILLER: You have not. Well, ask Office

1 of Planning about that as well since the small area
2 plan does call for that change in the Future Land-Use
3 Map.

4 The MU-5-A, the old C-2-B, you said, so
5 what's adjacent on that side of the street? I
6 realize there are 130 -- there are much higher
7 buildings across the North Capitol, but --

8 MR. FREEMAN: Is it DR? D-4?

9 MR. DETTMAN: On the east side of North
10 Capitol Street is D-5, which there's not a direct
11 translation to D-5, but if you look at the areas that
12 were zoned D-5 in the carryover, they were high
13 density C-3-C, some C-3-B, so that was D-5.

14 To the north and south of the subject
15 property is MU-4. There is some --

16 MR. MILLER: So, those rowhouses adjacent are
17 in the MU-4?

18 MR. DETTMAN: To the west, that's RF-1.

19 MR. MILLER: I see. Okay.

20 MR. DETTMAN: Yeah. Are you referring to the
21 row -- the rowhouses along North Capitol Street to
22 the north are MU-4. And then there's commercial
23 uses --

24 MR. MILLER: Yeah, the one that was pictured
25 on your --

1 MR. DETTMAN: Correct. Yeah.

2 MR. MILLER: Okay. And I guess the only
3 other question is, this doesn't really go to the map
4 amendment, but just it's referred to in your
5 prehearing statement and so I just want to know
6 what's being planned there. It's a hotel with 165
7 rooms, is that where -- or did I read something
8 wrong?

9 MR. WILLIAMS: Oh, the intent is a hotel but
10 not 165 rooms. We're closer in the 80s somewhere.

11 MR. MILLER: Okay.

12 MR. WILLIAMS: It's -- yeah.

13 MR. MILLER: And it's shown, there was some
14 chart that showed you could do 117 under --

15 MR. FREEMAN: It's in the DDOT report, but
16 that number wasn't generated by us.

17 MR. MILLER: So, you're planning, you're
18 currently planning an 85-room hotel.

19 MR. WILLIAMS: It's not set in stone yet, but
20 in the 80s is where we are right now on the current
21 concept.

22 MR. MILLER: And your plan would be to be
23 under matter of right under the MU-5-A zoning?

24 MR. WILLIAMS: Correct.

25 MR. MILLER: Okay. Thank you. Thank you for

1 your presentation.

2 CHAIRPERSON HOOD: Okay. Any other comments
3 up here? Commissioner May?

4 MR. MAY: I just had one question. We have
5 the submission from the ANC and they're supportive
6 but it's conditions on this agreement that they
7 negotiated. So, obviously having -- this is a map
8 amendment. We're not going to take that into
9 consideration. But did you all explain that to the
10 ANC, that --

11 MR. FREEMAN: Yeah.

12 MR. MAY: That map amendments are not
13 conditional like that?

14 MR. FREEMAN: What we had said is, obviously,
15 it's a signed agreement. We will abide by the
16 agreement.

17 MR. MAY: Right.

18 MR. FREEMAN: And in the past, what the
19 Zoning Commission has said is, you would note it in
20 the findings but it would not be a condition.

21 MR. MAY: Right.

22 MR. FREEMAN: So, let's say we note that the
23 ANC had a resolution attached as exhibit.

24 MR. MAY: Right.

25 MR. FREEMAN: So that it was clear that it

1 wouldn't be a condition of the order, but it would
2 be --

3 MR. MAY: Right. Right.

4 MR. FREEMAN: -- referenced in (simultaneous
5 speech).

6 MR. MAY: Somehow that didn't sink in what
7 they reported to us, as I recall.

8 MR. FREEMAN: Yeah.

9 MR. MAY: Right?

10 MR. FREEMAN: I think, again, we think it
11 would be referenced in a finding but not as a
12 condition.

13 MR. MAY: All right.

14 MR. FREEMAN: But, just to be 100 percent
15 clear, it's signed and we will abide by the terms of
16 it.

17 MR. MAY: Right. Yeah, I assumed that would
18 be the case. I just want to make sure that you're
19 sharing with them -- I mean, you're not sort of --

20 MR. FREEMAN: We are.

21 MR. MAY: No one is leading them down a
22 garden path saying, oh yeah, yeah, this is all good
23 and it can be in the order, when in fact it wouldn't
24 be.

25 MR. FREEMAN: We have not done that.

1 MR. MAY: Yeah. Okay. Thank you.

2 CHAIRPERSON HOOD: Any other comments or
3 questions up here?

4 MR. TURNBULL: Yeah.

5 CHAIRPERSON HOOD: Commissioner Turnbull.

6 MR. TURNBULL: Thank you, Mr. Chair. I just
7 had -- it's a small site. It's really not that --
8 and there's all the row houses going to the west.

9 One of the issues in Chapter 3, the land-use,
10 is that the appropriate building setbacks as you meet
11 the residential neighborhoods. Now, are you going to
12 be able to do -- to be able to --

13 MR. FREEMAN: So, there is a 15-foot, 12-foot
14 alley, and a 15-foot rear yard requirement. So, once
15 you have the alley, plus the rear yard, we are
16 designing it hopefully to meet the rear yard
17 requirement so that there will be that setback. And
18 the setback rear yard is a -- it changes, right? So,
19 for the first 20 feet it's from the centerline of the
20 alley, and then for the next 20 feet it's from the
21 property line.

22 So, our goal is to meet that. If not, we'll
23 be back at the BZA for relief.

24 MR. TURNBULL: Are you looking to do this,
25 then, as a matter of right?

1 MR. FREEMAN: That's the goal.

2 MR. TURNBULL: So, you won't be coming back
3 for a PUD.

4 MR. FREEMAN: No.

5 MR. TURNBULL: Because that would also
6 increase the height then. Or give you flexibility.

7 MR. FREEMAN: Well, we're designing it to be
8 consistent with the matter of right requirements.

9 MR. TURNBULL: Okay.

10 MR. FREEMAN: Not for a PUD. So, it wouldn't
11 be a MU-5-A PUD.

12 MR. TURNBULL: Okay. Okay.

13 MR. FREEMAN: MU-5 PUD.

14 MR. DETTMAN: Commissioner Turnbull, just to
15 add to that quickly is that the intention also is to
16 provide a five-foot easement in order to widen the
17 alley. And so, the building in and of itself, in
18 addition to providing the rear yard, measured from
19 the centerline of the alley for the first 25 feet and
20 then above, the building, the entire building itself
21 will be set back five feet in order to provide some
22 additional alley width.

23 MR. TURNBULL: Okay. All right. Thank you.

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

1 All right. Let's go to the Office of
2 Planning. Mr. Mordfin.

3 MR. MORDFIN: Good evening, Commissioners.
4 I'm Steven Mordfin with the Office of Planning and
5 this application was set down by the Commission in
6 January for the map amendment. And since then the
7 applicant did comply with the Commission's request to
8 supplement the application with additional
9 Comprehensive Plan citations as to the Office of
10 Zoning.

11 And just to note, Chapter 1 directs the
12 reader of the Comp Plan that small area plans provide
13 supplemental guidance to the Comprehensive Plan by
14 providing detailed direction for areas ranging in
15 size from a few city blocks to entire neighborhoods
16 or corridors, where action is necessary to promote
17 revitalization.

18 In this case, the small area plan
19 specifically directs the user to the subject
20 property, a long vacant site in need of
21 revitalization. And the requested MU-5-A Zone is
22 consistent with the recommendations of the small area
23 plan.

24 Additional comprehensive recommendations
25 include the provision of desired scale transitions at

1 downtown edges to residential areas as shown in Comp
2 Plan Figure 9.9 on page 8 of the OP report.

3 The MU-5 would allow for additional building
4 height, nonresidential FAR, and residential lot
5 occupancy along a major arterial highway, consistent
6 with the Comprehensive Plan and the small area plan.

7 Therefore, OP finds that the requested map
8 amendment to not be inconsistent with the
9 Comprehensive Plan and recommends the Commission
10 approve the application. Thank you.

11 CHAIRPERSON HOOD: Thank you, Mr. Mordfin.
12 Any questions of Office of Planning? Vice Chair
13 Miller?

14 MR. MILLER: Thank you, Mr. Chairman. As I
15 did with the applicant, I just wanted to thank the
16 Office of Planning for articulating the Comprehensive
17 Plan and small area plan policies that help make this
18 map amendment not inconsistent with the Comp Plan.

19 And as I said earlier, ideally the map
20 amendment, the land-use map designation would have
21 been changed prior to this zoning map amendment,
22 which is what the small area plan recommended.

23 Are you planning to, in your plan amendment
24 cycle, to recommend that change? Is that among the
25 changes that you're considering, or is it too early

1 to say?

2 MR. LAWSON: It's a little too early to say.
3 We've not finalized the list of amendments we're
4 planning on taking forward. Certainly, the small
5 area plan specifically calls out this individual
6 property for that change. It doesn't get much more
7 direct in the small area plan. But we feel that
8 given the language of the existing Comprehensive
9 Plan, as well as the policy map, read in conjunction
10 with the Future Land-Use Map, this requested map
11 amendment is consistent with the existing
12 Comprehensive Plan. Of course, there was no
13 opportunity to update the Comprehensive Plan because
14 the small area plan was only approved in 2014, and
15 the Comprehensive Plan hasn't been updated since
16 2011.

17 So, we think that the Comprehensive Plan
18 supports the map amendment in and of itself. The
19 small area plan certainly and directly supports that
20 map amendment change, and so that's why we're
21 recommending approval of the map amendment change.

22 MR. MILLER: And I think you and the
23 applicant have made a good argument for why all those
24 policies call for this consistency for the zoning map
25 amendment. I just thought it was important to go

1 through this exercise, especially since the Comp Plan
2 has been called out by other bodies, that we need to
3 be balancing all the policies and paying attention to
4 all of them when one seems to be out of line. So, I
5 appreciate you going through that exercise.

6 CHAIRPERSON HOOD: Any other follow up
7 comments, questions?

8 [No audible response.]

9 CHAIRPERSON HOOD: Okay. Again, I noted that
10 I don't see anyone from the ANC, but I will read the
11 DDOT letter. And DDOT particularly asks you to --
12 and you know, page 3 of their report, "In particular
13 issue the applicant development a site as a hotel.
14 Application will need to coordinate with DDOT on
15 hotel pick-up and drop-off." So, DDOT still has some
16 outstanding issues that they'd like to work with you
17 on, or need you to work with them on as you progress
18 forward to exactly what you're going to do.

19 "DDOT staff will be available and -- " So,
20 anyway, they support this with the caveat of
21 depending upon what you decide to do, whether you
22 come back and do further work with them. So, they're
23 asking you to continue to work with them closely.
24 But they do support this.

25 The next report is the ANC. And it's already

1 noted by Commission May, the ANC supported it and as
2 Mr. Freeman mentioned, we usually just point to those
3 agreements and say that there is an agreement, even
4 though we cannot attach it to the map amendment. So,
5 I think that's pretty straight forward.

6 Do we have any organizations and persons who
7 are here in support? Any organizations or persons
8 who are here in opposition? And we certainly don't
9 have any rebuttal tonight.

10 So, Mr. Freeman, if you have any closing.

11 MR. FREEMAN: Thank you for your time. We
12 would request proposed action as quickly as possible.
13 Thank you.

14 CHAIRPERSON HOOD: All right. Colleagues,
15 you've heard the request. What is your pleasure?

16 MR. TURNBULL: If you want, I'll make a
17 motion.

18 Mr. Chair, I would move that we take proposed
19 action on North Capitol -- to Zoning Case No. 16-21,
20 North Capitol Hospitality, LLC map amendment at
21 Square 617.

22 MR. MILLER: Second.

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

25 [No audible response.]

1 [Vote taken.]

2 CHAIRPERSON HOOD: Ms. Schellin, would you
3 record the vote?

4 MS. SCHELLIN: Yes. Staff records the vote
5 five, to zero, to zero to take proposed action on
6 Zoning Commission Case No. 16-21, Commissioner
7 Turnbull moving, Commissioner -- or Vice Chairman
8 Miller seconding, Commissioners Hood, May, and
9 Shapiro voting in favor.

10 CHAIRPERSON HOOD: Okay. Ms. Schellin, do we
11 have anything else before us tonight?

12 MS. SCHELLIN: We need to get draft order,
13 summary order, I'm assuming. Commissioner --
14 Chairman Hood? Summary order?

15 CHAIRPERSON HOOD: Yeah, we can do a summary
16 on this.

17 MS. SCHELLIN: Okay. So, if we could do
18 that, that would be great. Sooner rather than later.
19 Two weeks. Thank you.

20 CHAIRPERSON HOOD: Okay. Do we have anything
21 else?

22 MS. SCHELLIN: No. And we'll put this on for
23 final action. Today is the 20th, so if I stay late
24 tonight, May 22nd.

25 CHAIRPERSON HOOD: All right. Anything else,

1 Ms. Schellin?

2 MS. SCHELLIN: That's it.

3 CHAIRPERSON HOOD: All right. So, with that
4 I want to thank everyone for their participation
5 tonight and this hearing is adjourned.

6 [Whereupon, the hearing adjourned at 7:00
7 p.m.]

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