

GOVERNMENT
OF
THE DISTRICT OF COLUMBIA

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ZONING COMMISSION

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REGULAR MEETING

+ + + + +

MONDAY

JUNE 24, 2019

+ + + + +

The Regular Meeting of the District of Columbia Zoning Commission convened in the Jerrily R. Kress Memorial Hearing Room, Room 220 South, 441 4th Street, N.W., Washington, D.C., 20001, pursuant to notice at 6:30 p.m., Anthony J. Hood, Chairman, presiding.

ZONING COMMISSION MEMBERS PRESENT:

ANTHONY J. HOOD, Chairperson
ROBERT MILLER, Vice Chairperson
MICHAEL G. TURNBULL, FAIA, Commissioner (AOC)
PETER G. MAY, Commissioner (NPS)
PETER SHAPIRO, Commissioner

OFFICE OF ZONING STAFF PRESENT:

SHARON S. SCHELLIN, Secretary

OFFICE OF PLANNING STAFF PRESENT:

JENNIFER STEINGASSER, Deputy Director, Development
Review & Historic Preservation
JONATHAN KIRSCHENBAUM
JOEL LAWSON
ELISA VITALE

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D.C. OFFICE OF THE ATTORNEY GENERAL PRESENT:

ALEXANDRA CAIN, ESQ.
MAXIMILIAN TONDRO, ESQ.

The transcript constitutes the minutes from
the Regular meeting held on June 24, 2019.

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

6:33 p.m.

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CHAIRMAN HOOD: Okay, we're ready to get started. This meeting will please come to order.

Good evening, ladies and gentlemen. This is a public meeting of the Zoning Commission for the District of Columbia. My name is Anthony Hood and we're located in the Jerrily R. Kress Memorial Hearing Room. Joining me this evening are Vice Chair Miller, Commissioner Shapiro, Commissioner May and Commissioner Turnbull. We're also joined by the Office of Zoning Staff, Ms. Sharon Schellin, as well as Office of Attorney General, Mr. Tondro and Ms. Cain. Office of Planning we have Ms. Steingasser, Mr. Lawson, and Mr. Kirschenbaum -- did I get it right? Okay, and Ms. Vitale.

Copies of today's meeting agenda are available to you and are located in the bin near the door. We do not take any public testimony at our meetings, unless the Commission asks someone to please come forward.

Please turn off all electronic devices at this time so not to disrupt these proceedings.

Does the staff have any preliminary matters?

MS. SCHELLIN: No, sir.

CHAIRMAN HOOD: If not, let's move right along with our agenda as noted.

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1 Our first case is under "Time Extensions,"
2 Zoning Commission Case No. 08-07E, Four Points Development
3 LLC, two-year PUD time extension in Square 5783 and 5785.

4 Ms. Schellin?

5 MS. SCHELLIN: Yes, the applicant has requested
6 a two-year PUD time extension to file second-stage PUD
7 applications for Buildings 2 and 5. The applicant cites
8 the reason for the extension request is the pending appeal
9 over Building 4 by CARE, which has caused the applicant to
10 suspend subsequent PUD phases until the appeal is
11 resolved. The extension request would expire May 22nd,
12 2021. Exhibit 4 is an OP report in support, Exhibit 5 SMD
13 8A06 advising of his support. And usually we don't submit
14 anything or allow SMD letters in time extensions, it's
15 only the party responses, but we did allow this one only
16 because the SMD wrote in the letter that the ANC was
17 unable to schedule duly notice meeting prior to the
18 Commission's decision meeting. They did have over 30 days
19 to respond, but that was the only reason why the staff put
20 that letter in, so I just wanted to make note of that.
21 They did have the proper amount of time, but they were
22 just unable to do that.

23 CHAIRMAN HOOD: Okay, thank you. And when we
24 get letters like that, especially from the ANC, I would --
25 not encourage -- but I want to ask the staff to make sure

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1 that those letters are given to us, because again, ANC
2 Commissioners are not paid and they have other jobs. And
3 I did read that letter and I really appreciate being able
4 to know exactly what happened, so I think at some point in
5 time if I have to -- if it has to come to me for me to
6 make the decision whether or not to put it in a file, I
7 think I'll definitely do that. But if that's needed, I'll
8 do that regulation, but I always make sure that we hear
9 from our ANC's. And I understand this particular case and
10 I think it was warranted.

11 All right, you've heard it teed up by Ms.
12 Schellin. Let me ask Commissioners, and again it goes to
13 this part of the whole PUD process -- I mean, it's going
14 through litigation, so for me that is a reason to extend.
15 But let me open up for comments or questions.

16 No comments? Okay, so it sounds like we're all
17 good. Any discussion on this?

18 All right, so I would move that we grant the
19 PUD time extension as requested under Zoning Commission
20 Case No. 08-07E for the squares at 5783 and 5785 and ask
21 for a second?

22 VICE CHAIR MILLER: Second.

23 CHAIRMAN HOOD: It has been moved and properly
24 seconded twice. All in favor.

25 (Chorus of aye.)

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1 CHAIRMAN HOOD: Any opposition?

2 Not hearing, Ms. Schellin, would you please
3 record the vote?

4 MS. SCHELLIN: The staff records 5-0-0 to grant
5 final action Zoning Commission Case No. 08-07E,
6 Commissioner Hood moving, Commissioner Miller seconding,
7 Commissioner's May, Shapiro and Turnbull in support.

8 CHAIRMAN HOOD: Okay, next Zoning Commission
9 Case 14-12D, EAJ, 1309 5th Street LLC, PUD time extension
10 of Square 3591.

11 Ms. Schellin?

12 MS. SCHELLIN: The applicant is requesting a
13 one-year time extension because it has been unable to
14 finance and construct the south building because of market
15 and economic conditions. This would extend the time to
16 obtain a building permit for the South Building until May
17 8th, 2020. Exhibit 4 is an OP Report in support, and I
18 ask the Commission to consider final action on this case.

19 CHAIRMAN HOOD: Okay, Commissioners, I think as
20 well similar to the last one, this is a little different;
21 they mention market conditions and they've been having
22 some, I guess, partnership problems and some other things.
23 They've asked for a one-year extension. Let me open up
24 for any questions or comments on this.

25 Any objections to grant this extension?

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1 Okay, would somebody like to make a motion?

2 COMMISSIONER TURNBULL: Mr. Chair, I would move
3 that we grant the, to Zoning Case No. 14-12D, EAJ, 1309
4 5th Street LLC a one-year PUD time extension at Square
5 3591.

6 And look for a second?

7 VICE CHAIR MILLER: Second.

8 CHAIRMAN HOOD: Okay, it's been moved and
9 properly seconded for the request asked for. Any further
10 discussion?

11 All in favor?

12 (Chorus of aye.)

13 CHAIRMAN HOOD: Any opposition?

14 Not hearing any, Ms. Schellin, would you please
15 record the vote?

16 MS. SCHELLIN: Staff records the vote 5-0-0 to
17 grant final action on Zoning Commission Case No. 14-12D,
18 Commissioner Turnbull moving, Commissioner Miller
19 seconding, Commissioner's Hood, May and Shapiro in
20 support.

21 CHAIRMAN HOOD: Okay, next under "Proposed
22 Action" Zoning Commission Case No. 1906 Office of Planning
23 Text Amendment FAR Aggregation. Ms. Schellin?

24 MS. SCHELLIN: Yes, at the conclusion of the
25 May 30th public hearing the Commission asked OP to provide

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1 additional information relating to the proposed text at
2 Exhibit 27. OP has provided a supplemental report with
3 that requested information and asks the Commission to
4 consider taking proposed action.

5 CHAIRMAN HOOD: Okay, all right Commissioners,
6 we have the FAR aggregation request upon us. Anybody like
7 to start us off?

8 COMMISSIONER TURNBULL: Yeah, Mr. Chair, before
9 we start I just want to point out that I wasn't here for
10 the May 30th hearing, but I have reviewed the record and I
11 watched a very spirited and well-run hearing and a lot of
12 great comments by everyone on the dais and members of the
13 audience, so I'm ready to join in tonight.

14 CHAIRMAN HOOD: Okay, thank you. Thank you for
15 the well-run -- was that the night that we had the
16 incident? That wasn't the same night? Oh, that was a
17 different night. I want you to watch that hearing. Oh,
18 you were here for that one.

19 COMMISSIONER TURNBULL: I was here.

20 CHAIRMAN HOOD: That wasn't well-run. Well,
21 the hearing was well-run, it just didn't end well.

22 Okay, let me open it up. I got to have some
23 fun sometimes, normally I'm being chastised. But I can
24 handle it, I got broad shoulders.

25 All right, Commissioner May, would you like to

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1 start us off?

2 COMMISSIONER MAY: Sure, I'll start. So I also
3 agree, it was a spirited discussion and well-run hearing,
4 lots of useful information came out of it. I appreciate
5 the Office of Planning's further report which I think
6 offered some useful clarification regarding -- well, a
7 refinement of the regulation and also some clarification
8 of the intent.

9 My sense of this, and I think this is probably
10 clear from the discussion at the hearing, I think this is
11 -- it is a good idea to have the tool of FAR aggregation
12 under voluntary design review. First of all, increasing
13 density is not allowed and it is distinct from FAR
14 aggregation. TDR's and combined lot development are not
15 the same thing as FAR aggregation, it's a different tool
16 entirely. It is useful and sort of one step short of
17 doing a PUD with, a full PUD with a Map amendment and all
18 of those complications that go with it. And I think that
19 having multiple owners in particular is not an issue
20 because development often include multiple owners, and in
21 the future there will be other cases where there are
22 multiple owners.

23 So I really do think that this is a good tool
24 that we should have at our disposal. You know, the fact
25 that we would have this in the toolkit does not mean that

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1 we would use it carelessly, or that having it at this
2 moment necessarily telegraphs any future decision making
3 regarding cases that we may be considering. But I do
4 think it's something that we should have and I think it
5 makes sense, I think it is something that has to be used
6 judiciously, but the same is true for PUD's, we have to
7 weight all the circumstances there quite carefully.

8 So I'm in favor of having this tool. I think
9 it is consistent with the direction, I wouldn't
10 necessarily say the intent because it's hard to remember
11 what our intent was when we passed the zoning regs last
12 time around. But I think it is consistent with the
13 direction we're heading, find some way of doing something
14 that's a bit less complicated than a full-blown PUD, but
15 still can bring some of the advantages to the community
16 that you get out of a PUD. So, I think it can yield
17 superior projects, and so I think that's a good reason to
18 be able to do it.

19 So, that's it.

20 CHAIRMAN HOOD: Okay, anybody else like to
21 comment?

22 Okay, Commissioner Shapiro?

23 COMMISSIONER SHAPIRO: I would associate myself
24 with Commissioner May's remarks, I agree. A few points, I
25 believe OP's also recommending that this -- that one way

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1 in which this is restricted is that not to allow for the
2 aggregation of FAR across zone, so it would have to be
3 within one zone, which makes sense to me. I feel like
4 that's a useful approach.

5 There was also an issue of some language that I
6 think was inadvertent, 603 -- what was 603.3 and now 603.4
7 -- and the language was -- I want to make sure I get this
8 right -- I'm not going to get this right -- I mean, if I
9 may, Mr. Chair --

10 CHAIRMAN HOOD: Just take your time. It's
11 603.4 off the top of my head, but anyway let's look and
12 find it.

13 COMMISSIONER SHAPIRO: Okay.

14 CHAIRMAN HOOD: Just take your time.

15 (Pause.)

16 COMMISSIONER SHAPIRO: Mr. Chair, if I may, let
17 me turn to the Office of Attorney General for some clarity
18 around this. I just want to make sure I'm reading the
19 notes here but I want to make sure we get this right.

20 MR. TONDRO: Yes, I think the point is that
21 current language of -- the current 603.3 should be left as
22 is, that the proposed change ends up being superfluous and
23 was inadvertently added.

24 COMMISSIONER MAY: When you say current you
25 mean the way it is in the regulations right now?

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1 MR. TONDRO: Exactly. In other words, the
2 proposed change --

3 COMMISSIONER MAY: The proposed change is what
4 came to us in the most recent OP report?

5 MR. TONDRO: Yes, so it says on Page 4 of their
6 June 17th supplemental report which is shown as the
7 current 603.3 struck out to propose new 603.4, that the
8 addition of floor relief not excluded by Subtitle X 603.1,
9 that that just be struck so that the provision remains
10 exactly as it currently is.

11 COMMISSIONER MAY: So that means 603.4 would
12 actually be the language, the original language from
13 603.3?

14 MR. TONDRO: Yes.

15 COMMISSIONER MAY: Okay, thank you.

16 And it's actually not germane to the
17 aggregation FAR case, but it was a change that could
18 affect -- could take away our flexibility in other cases,
19 even though it's not related to this, so I just wanted to
20 make sure that we lose that in this process.

21 And that's all I have, Mr. Chair.

22 CHAIRMAN HOOD: All right, any other
23 questions/comments?

24 Mr. Turnbull?

25 COMMISSIONER TURNBULL: After -- look, I'm

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1 willing to go forward on this as long with the
2 understanding that this a work in progress and that as we
3 get into this, we find that there are things that we might
4 have misunderstood that really don't fit into the context
5 of where the voluntary design review is being granted,
6 that we get a chance to come back and take another bite of
7 the apple to make refinements as needed, if we find that
8 we may have missed something.

9 My whole concern is I think it's a great tool,
10 I worry about context of the neighborhood and words being
11 used, and that we have the ability to go back and revisit
12 some of these things. But right now I'm willing to go
13 ahead with this, I just have some hesitation that we may
14 or may not have caught -- or opened the door to something
15 else.

16 CHAIRMAN HOOD: Okay, Vice Chair Miller?

17 VICE CHAIR MILLER: Thank you, Mr. Chairman. I
18 would associate myself, the comments of each of my
19 colleagues. I think that we've only had, I think only two
20 voluntary design review cases and they're both pending, I
21 believe. And one didn't really serve as a -- the first
22 one didn't really serve the purpose of expediting the
23 whole development in that case, but we may be getting to a
24 point where that comes to a conclusion of one sort or the
25 other. And then we have another one.

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1 I mean, I have some concerns I share with,
2 Commissioner Turnbull's concerns about the process because
3 of that case. But I see it as a useful tool that can --
4 and we're being up-front about it now -- maybe it always
5 was clear but it wasn't really always clear to me that one
6 of the main purposes is to unlock stranded or unused
7 density that otherwise would be permitted if you define
8 the project boundary area to include that particular
9 stranded density area within the project boundary area.

10 I see some concern about that amongst the
11 community that, you know, you cross a street, you cross a
12 square -- we did take care of the zone issue, cross zones,
13 so that issue is taken care of, it has to be the same
14 zone. And there still is all the adverse impact criteria
15 upon the community and that brings in the comp plan and
16 the small area plans that are set forth for that general
17 area. So I'm willing to see how this voluntary design
18 review process plays out as we get more cases. You know,
19 everything that's been in the regulations since 1958 we
20 continuously amend, refine, repeal when necessary, so we
21 have that ability to do that to make the process work in
22 the best interest of the city and the community is where
23 this might be employed.

24 So I'm comfortable with going forward at this
25 point with the understanding that we -- we'll see how it

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1 goes with the cases and maybe make refinements and have
2 further standards in the future. I appreciate OP's
3 supplemental report, I think it did provide useful,
4 clarifying information, and so I appreciate the work that
5 was put into that and all the comments that the community
6 gave at our public hearing.

7 CHAIRMAN HOOD: Okay, I've been troubled with
8 this whole process the way we have taken it, and I'm even
9 troubled what I'm hearing this evening. I'm one vote, so
10 I would just put my issues on the table as well. The VDR
11 that we just did recently was a textbook case of how I
12 believe that this voluntary design review is supposed to
13 work. And what we have found ourselves doing is we are
14 taking up regulations to make them meet a project, instead
15 of taking the project to meet our regulations.

16 Now, yes, it's a tool in the toolbox, but we
17 are taking these toolbox uses that we have, these tools
18 that we have and we're rearranging them for specific
19 projects. And I think we're going down the wrong line --
20 and even more than that, if we look at the textbook case,
21 which I like to call it because we've had two -- one that
22 we just did recently -- not the first one but the second
23 one -- that worked. But even though that worked, the
24 community still was giving us their amenities, what they
25 worked out.

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1 So, for me, I think we have something in the
2 toolbox that deals with that and deals with these same
3 issues, and that is a PUD process. For me, the VDR takes
4 away -- we have to keep it simple like it was the other
5 night or the way it's intended to be. For me, it takes
6 away the amenities and community benefits that folks in
7 this neighborhood, once we pushed the envelope, that
8 people are looking at to offset some of the impacts.

9 We are now taking out some of the things that
10 some of these neighborhoods really need, and I'm not
11 talking about a specific neighborhood in the first case,
12 but I'm talking about some of these neighborhoods really
13 need some of these things. Yes, I know there's an
14 affordable housing component in one of these cases, but
15 for me I think the PUD serves it well, I think to expedite
16 it, we need to keep the VDR just like it was the other
17 night. I thought that was a textbook case.

18 So, yeah, I think it's a great tool, but again
19 we are now getting to the point that we are taking cases;
20 somebody brings us a case and we'll write the regulations
21 for their case; no, they need to come in and fit the
22 regulations that we have already set. So I'm sure I
23 probably didn't persuade anybody but I think what we're
24 getting ready to do is muddy the waters even more.

25 So, anyway, that's my two cents and if somebody

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1 wants to make a motion, I'll accept it.

2 If nobody wants to make a motion, I'll make a
3 motion. I'll make a motion that we deny the aggregation
4 of FAR in the voluntary design review cases and ask for a
5 second.

6 Okay, so the dais lack a second.

7 COMMISSIONER SHAPIRO: Mr. Chair, I move that
8 we take proposed action on Zoning Commission Case No. 19-
9 06 Office of Planning Text Amendment FAR aggregation and
10 look for a second.

11 COMMISSIONER MAY: I'll second that motion.
12 Just to clarify, that's with the tweaking of the language
13 that we do with 603.3 vs. 603.4?

14 CHAIRMAN HOOD: That's correct.

15 COMMISSIONER MAY: So it goes back to the
16 original motion? Yeah, okay.

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

19 All in favor?

20 (Chorus of aye.)

21 CHAIRMAN HOOD: Any opposition?

22 Opposed.

23 Ms. Schellin, would you please record the vote?

24 MS. SCHELLIN: Staff records the vote 4-1-0 to
25 approve proposed action for Zoning Commission Case No. 19-

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1 06, Commissioner Shapiro moving, Commissioner May
2 seconding, Commissioners Miller and Turnbull in support,
3 Commissioner Hood opposed.

4 CHAIRMAN HOOD: Okay, next we have hearing
5 action Zoning Commission Case No. 19-11 Office of Planning
6 Text Amendment to Subtitle's B through K and U, public
7 school zoning regulations. Mr. -- hold on a second. And,
8 you know, I did so well at the very beginning. Don't say
9 anything, but Kirschenbaum -- Mr. Kirschenbaum.

10 MR. KIRSCHENBAUM: That's correct. Good
11 evening, Chair Hood and members of the Commission. The
12 Office of Planning recommends set down this zoning text
13 amendment to regulations pertaining to public schools
14 through the entirety of the zoning regulations.

15 The Office of Planning, in close coordination
16 with the District of Columbia Public Schools, proposes to
17 amend the following regulations for public schools: permit
18 flexibility for bicycle parking by allowing long-term
19 bicycle parking to be located outside and eliminating the
20 shower room requirement for elementary schools; permit
21 more flexibility for screening around parking lots;
22 increase floor area ratio in the R-1-A, R-1-B and R-2
23 zones to be consistent with other low density zones;
24 permit parking reductions for schools in close proximity
25 to public transit and lower density zones; increase the

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1 mechanical penthouse height across all zones to 18 feet 6
2 inches, which was the permitted height under the 1958
3 zoning regulations and which is a similar height already
4 permitted for other institutional buildings under the 2016
5 zoning regulations; and, finally, revise references to the
6 public school definition to make sure they are consistent
7 throughout the entirety of the zoning code.

8 The Office of Planning also proposes to delete
9 Chapter 16 entitled "Public Education, Recreation, or
10 Library Buildings or Structures" in Subtitle C and
11 incorporate these development standards into the zone
12 specific development standards of the R, RF and RA zones.

13 Please let me know if you have any questions
14 regarding this application.

15 CHAIRMAN HOOD: Thank you, Mr. Kirschenbaum.
16 Let's see if we have any questions or comments.
17 Commissioner May.

18 COMMISSIONER MAY: So having sat on some BZA
19 cases where at least one of these issues had to be dealt
20 with, I think this is a useful change, I think useful
21 generally speaking overall. I hope it also means that DGS
22 who brings cases before the Zoning Commission will be a
23 bit more attentive to zoning issues and will bring things
24 forward more quickly when necessary, because too often
25 they come late in the process. But this will eliminate

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1 some of the reasons for those changes, so I appreciate
2 that. Thank you.

3 CHAIRMAN HOOD: Okay, thank you. Any other
4 comments, Mr. Turnbull?

5 COMMISSIONER TURNBULL: Thank you, Mr. Chair.
6 Will this ever come to embrace religious or parochial
7 schools other than public schools?

8 MR. KIRSCHENBAUM: So this text amendment is
9 just for the zoning definition of public schools which are
10 related to DCPS and charter schools.

11 COMMISSIONER TURNBULL: Okay.

12 MR. KIRSCHENBAUM: That's it for now.

13 COMMISSIONER TURNBULL: So not into private
14 schools or anything else?

15 MR. KIRSCHENBAUM: No other sort of educational
16 uses.

17 COMMISSIONER TURNBULL: Okay.

18 MR. KIRSCHENBAUM: No private schools.

19 CHAIRMAN HOOD: Did we say charter schools in
20 here?

21 Okay, for some reason I guess when I heard
22 public schools I didn't see the word "charter."

23 MR. KIRSCHENBAUM: The zoning definition of
24 public school incorporates DCPS schools and charter
25 schools together.

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1 CHAIRMAN HOOD: Okay.

2 VICE CHAIR MILLER: Yeah, it says operated or
3 chartered by, and it mentions the Public Charter School
4 Board as I recall.

5 CHAIRMAN HOOD: Okay. Yes, I know when they
6 first started there was a distinct difference -- okay, as
7 long we make sure it's in there correctly. I just don't
8 recall seeing it, but anyway.

9 VICE CHAIR MILLER: Mr. Chair?

10 CHAIRMAN HOOD: Yes?

11 VICE CHAIR MILLER: I just wanted to also
12 support the usefulness of support setting down this case
13 for a public hearing. I think I'm sitting on a case for a
14 public elementary school in my neighborhood Wednesday at
15 the BZA which probably wouldn't be needed if -- and in
16 many cases it just isn't needed and there isn't an adverse
17 impact from accommodating these types of changes. The
18 schools are in the residential zones but they do have
19 different uses, they need a higher mechanical penthouse,
20 for example, or just a little bit more FAR given that many
21 are at capacity. So I support setting this down, Mr.
22 Chair.

23 CHAIRMAN HOOD: So, Mr. Kirschenbaum, and I
24 heard Vice Chair Miller, how come we didn't do this as an
25 emergency? That would save them about 15 minutes at the

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1 BZA. So I'm just curious, how come we didn't do this as
2 an emergency?

3 Ms. Steingasser?

4 MS. STEINGASSER: We'd be happy to take it as
5 an emergency if the Commission is so willing.

6 CHAIRMAN HOOD: Does anyone disagree with me on
7 that one?

8 COMMISSIONER MAY: Well, why didn't we hear it
9 two weeks ago? That would save me 15 minutes.

10 (Laughter.)

11 COMMISSIONER MAY: And the lecture.

12 CHAIRMAN HOOD: I should have been worried
13 about myself saving 15 minutes, but I really -- can we do
14 that off the -- unless I get some objection -- can we do
15 that now or do we have to advertise that?

16 MR. TONDRO: No, you have the authority to take
17 emergency action. The only question I would have in this
18 particular case, the language is not specific as to what
19 sections would be changed.

20 MS. STEINGASSER: We wrote it that way because
21 we're going to be bringing forward in short order the new
22 restructuring, but we would be happy and we do have draft
23 of the current structure that we could use to run
24 emergency rulemaking. And we'd be happy to get that to
25 OAG in the next day or two.

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1 CHAIRMAN HOOD: She was trying to do that
2 tonight, but obviously --

3 MS. STEINGASSER: Well, I believe the
4 Commission could take emergency action tonight and then we
5 would get the public notice to OAG.

6 CHAIRMAN HOOD: Okay, does anybody have a
7 problem with that route? You've heard it was being
8 proposed. I don't know if it's going to save you
9 Wednesday. Okay. All right, so why don't we do that; why
10 don't we set this down and also set it down as an
11 emergency? Can we do that? I just want to make sure I'm
12 right.

13 MR. TONDRO: Yes, I think if you stated as
14 you're taking emergency action to reflect the text in the
15 hearing report, as will be landed in the current zone
16 designations, yes.

17 CHAIRMAN HOOD: Okay, so exactly what Mr.
18 Tondro said, I would move that and ask for a second.

19 VICE CHAIR MILLER: Second.

20 CHAIRMAN HOOD: It's been moved and properly
21 seconded. And I would just take the exact words of Mr.
22 Tondro -- I just don't want to mess them up -- so it's
23 been moved and properly seconded and we will do that also
24 as an emergency, also the exact text as was stated.

25 Any further discussion?

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1 All in favor?

2 (Chorus of aye.)

3 CHAIRMAN HOOD: Any opposition?

4 Not hearing any, Ms. Schellin, would you please
5 record the vote?

6 MS. SCHELLIN: I just want to confirm you're
7 also authorizing immediate publication of a proposed
8 rulemaking?

9 CHAIRMAN HOOD: Yes.

10 MS. SCHELLIN: Okay. So staff records the vote
11 5-0-0 to take emergency action in Zoning Commission Case
12 19-11 and also to authorize the immediate publication for
13 proposed rulemaking and to set down the case as a
14 rulemaking case, Commissioner Hood moving, Mr. Miller
15 seconding, Commissioners May, Shapiro and Turnbull in
16 support.

17 CHAIRMAN HOOD: Okay, thank you. Next let's go
18 to Zoning Commission Case No. 19-12, Office of Planning
19 Text Amendment to Subtitle D, Section 805, front yard
20 setback.

21 Ms. Steingasser?

22 MS. STEINGASSER: Yes, sir. I believe the
23 Commission needs to waive the rules and accept our report
24 with less than 10 days' notice.

25 CHAIRMAN HOOD: Okay, are there any objections

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1 to waive?

2 No objections, okay.

3 Ms. Steingasser?

4 MS. STEINGASSER: So this has to do with the
5 Wesley Heights front yard setback which is unique only to
6 the Wesley Heights area to define set of squares. There's
7 some confusion that's come up about corner lots and how
8 they relate to their setbacks. We've worked with the SMD
9 for this area on this text and we recommend it be set
10 down.

11 CHAIRMAN HOOD: Commissioners, any questions or
12 follow-up questions or comments?

13 Okay. Thank you, Ms. Steingasser. We'll
14 accept the report, and I would move that we set down as
15 noted Zoning Commission Case No. 19-12, Office of Planning
16 Text Amendment to Subtitle D, Section 805, front yard
17 setbacks, and ask for a second.

18 COMMISSIONER TURNBULL: Second.

19 CHAIRMAN HOOD: Okay, it's been moved and
20 properly seconded. Any further discussion?

21 I know there's hesitation. Any further
22 discussion? Commissioner Shapiro?

23 COMMISSIONER SHAPIRO: I think there was a
24 question, the discussion about the definition of -- I'm
25 just trying to read my notes again here -- clarify with OP

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1 if the proposed new language refers to both corner and
2 triangular lots.

3 CHAIRMAN HOOD: Okay, let's ask that question.
4 I heard you say corner, but is it both?

5 MS. STEINGASSER: It would be lots with
6 multiple street fronts, so yes we could clarify that
7 language further.

8 CHAIRMAN HOOD: Okay, anything else?

9 COMMISSIONER SHAPIRO: No, sir.

10 CHAIRMAN HOOD: Okay, any further comments?
11 Thank you. It's been moved and properly
12 seconded.

13 All in favor?

14 (Chorus of aye.)

15 CHAIRMAN HOOD: Any opposition?

16 Not hearing any, Ms. Schellin, would you please
17 record the vote?

18 MS. SCHELLIN: Staff records the vote 5-0-0 to
19 set down Zoning Commission Case No. 19-12 as a rulemaking
20 case, Commissioner Hood moving, Commissioner Turnbull
21 seconding, Commissioners May, Miller and Shapiro in
22 support.

23 CHAIRMAN HOOD: Okay, do we have anything else?

24 MS. STEINGASSER: No, sir.

25 CHAIRMAN HOOD: Ms. Steingasser, do you have

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1 any updates on the short-term rental?

2 MS. STEINGASSER: No, sir. We do not.

3 CHAIRMAN HOOD: Okay, so I'll just put this on
4 record. Council has something in the budget, I'm not sure
5 how that works, but I have instructed the Director not to
6 proceed. We're going to wait for the Office of Planning's
7 report and I think we will be fine with that. If we
8 decide to do something once we get that report, then we
9 will move in that fashion. So I just want to make sure I
10 put that on the record. And I've also let the Council
11 know as well.

12 All right, any further discussion?

13 Anything else?

14 All right, so, with that, I want to thank
15 everyone for their participation tonight and this meeting
16 is adjourned.

17 (Whereupon, the above-entitled matter went off
18 the record at 7:06 p.m.)

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C E R T I F I C A T E

This is to certify that the foregoing transcript

In the matter of: Regular Meeting

Before: DC Zoning Commission

Date: 06-24-19

Place: Washington, DC

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



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