

GOVERNMENT
OF
THE DISTRICT OF COLUMBIA

+ + + + +

ZONING COMMISSION

+ + + + +

PUBLIC HEARING

+ + + + +

IN THE MATTER OF:

Capitol Crossing IV, LLC
Modification of Significance
for First-Stage PUD

Case No.
08-34K

Thursday,
October 24, 2019

Hearing Room 220 South
441 4th Street, N.W.
Washington, D.C.

The Public Hearing of Case No. 08-34K by the District of Columbia Zoning Commission convened at 6:30 p.m. in the Jerrily R. Kress Memorial Hearing Room at 441 4th Street, N.W., Washington, D.C., 20001, 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
- PAUL YOUNG, Zoning Data Specialist

OFFICE OF PLANNING STAFF PRESENT:

JENNIFER STEINGASSER, Deputy Director,
Development Review & Historic Preservation
ANNE FOTHERGILL

D.C. OFFICE OF THE ATTORNEY GENERAL PRESENT:

ALEXANDRA CAIN, ESQ.
PAUL GOLDSTEIN, ESQ.
MAXIMILIAN TONDRO, ESQ.

The transcript constitutes the minutes from the
Public Hearing held on October 24, 2019.

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

Welcome and Opening Remarks
 Anthony Hood 4

Final Action
ZC Case No. 08-34K
 Capital Crossing IV, LLC - Modification of Significance
 for 1st-Stage PUD at Square 556, Lot 861

Preliminary Matter 6

Applicant's Presentation
 Christine Shiker 7

Office of Planning Report
 Anne Fothergill 7

Closing Statement by the Applicant
 Christine Shiker 10

Vote to Approve ZC Case No. 08-34K (5-0-0) 11

Adjournment 12

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

6:30 p.m.

1
2
3 CHAIRMAN HOOD: All right. I think it's 6:30.
4 We're going to go ahead and get started.

5 All right. Good evening, ladies and gentlemen.
6 This is a public hearing of the Zoning Commission for the
7 District of Columbia. My name is Anthony Hood. Joining me
8 this evening are Vice Chairman Miller, Commissioner Shapiro,
9 Commissioner May and Commissioner Turnbull. We're also
10 joined by the Office of Zoning staff Ms. Sharon Schellin and
11 Mr. Paul Young, who's doing video. Also Attorney General Mr.
12 Tondro, Ms. Cain and Mr. Goldstein, Office of Planning staff
13 Ms. Steingasser, Mr. Lawson and Ms. Fothergill.

14 Notice of this hearing was published in the D.C.
15 Register and copies of that announcement or relevance in the
16 bin near the door.

17 Because this hearing is being recorded by a court
18 reporter and it's also web cast live, we ask that you refrain
19 from any disruptive noise or actions in the hearing room
20 including display of any signs or objects.

21 The hearing will be conducted in accordance with
22 provisions of 11-Z DCMR Chapter 4 as follows: Preliminary
23 matters, Applicant's case; the Applicant has up to 60
24 minutes, report of the Office of Planning and Department of
25 Transportation. I can inform you that we don't necessarily

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 need 60 minutes. We don't really need but maybe 5 or 10
2 minutes, if you choose to give a presentation. Report of
3 government agencies. Report of the ANC. Testimony of
4 organizations and individuals, each having five minutes and
5 three minutes, respectively. And we'll hear in the order
6 from those in support, opposition and undeclared. Then we
7 will have rebuttal and closing by the Applicant. While the
8 Commission reserves the right to change the time limits for
9 presentations if necessary, it intends to adhere to the time
10 limits as strictly as possible and notes that no time shall
11 be ceded.

12 A couple of housekeeping items are as follows:
13 Please turn off electronic devices. Anyone who's going to
14 testify, please sign up at the witness kiosk to my left.

15 Also, we ask that you fill out two witness cards
16 before coming to the table, and if you'd give those to the
17 court reporter sitting to my right.

18 When you present your testimony, turn your
19 microphone on and speak into the microphone, first stating
20 your name and home address. When you are finished, please
21 turn your microphone off.

22 The Commission's decision must be based
23 exclusively on the public record.

24 The staff will be available throughout the hearing
25 to discuss procedural questions.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 Would all individuals wishing to testify please
2 rise to take the oath?

3 Ms. Schellin, would you please administer the
4 oath?

5 MS. SCHELLIN: Yes. Please raise your right
6 hands.

7 (Whereupon, the witnesses were sworn.)

8 MS. SCHELLIN: Thank you.

9 CHAIRMAN HOOD: All right. At this time the
10 Commission will consider any preliminary matters. Does the
11 staff have any preliminary matters?

12 MS. SCHELLIN: Just one, and that is the proffered
13 expert witness Chris Kabatt from Wells & Associates. He's
14 previously been accepted by the Commission. Just ask that
15 the Commission would accept him as an expert in this case.

16 CHAIRMAN HOOD: Okay. Anyone want to undo what
17 we've done previously?

18 (No audible response.)

19 CHAIRMAN HOOD: Not seeing any support for that,
20 we will continue the expert status.

21 Anything else, Ms. Schellin?

22 MS. SCHELLIN: That is it.

23 CHAIRMAN HOOD: Okay. Ms. Shiker, I think the
24 record is complete, but I know that you all go through great
25 extremes to practice a presentation. If you wish to, you

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 have about 5 or 10 minutes.

2 MS. SHIKER: Good evening, Chairman, members of
3 the Commission. This is a very straightforward application
4 to allow additional non-residential uses in a non-residential
5 building for a 1st-Stage PUD. We also agree that the record
6 is complete. We have support from OP, DDOT and from both
7 ANCs that have jurisdiction over the site, and therefore we
8 are ready to stand on the record and go directly to
9 questions.

10 CHAIRMAN HOOD: Okay. That sounds good. Thank
11 you.

12 Let's see if we have any questions or comments up
13 here.

14 (No audible response.)

15 CHAIRMAN HOOD: Okay. Not seeing anyone moving
16 for their mic, let me go back to ANC -- do we have anyone
17 from ANC 2C or 6C?

18 (No audible response.)

19 CHAIRMAN HOOD: Okay. So let's go to the Office
20 of Planning's report.

21 Ms. Fothergill?

22 MS. FOTHERGILL: Good evening, Chairman Hood and
23 members of the Commission. For the record, I'm Anne
24 Fothergill with the Office of Planning. We also rest on the
25 record in support of the application and I'm happy to take

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 any questions.

2 CHAIRMAN HOOD: Okay. Any questions or comments
3 of Office of Planning?

4 (No audible response.)

5 CHAIRMAN HOOD: And DDOT has a letter I believe
6 in support. I'm not sure what the exhibit is.

7 MS. SCHELLIN: Twenty-two.

8 CHAIRMAN HOOD: Okay. Exhibit 22.

9 Okay. Any questions on either the Office of
10 Planning or DDOT report?

11 (No audible response.)

12 CHAIRMAN HOOD: Okay. Let's go to -- hold on one
13 second. Do we have any other reports, any other government
14 agencies?

15 (No audible response.)

16 CHAIRMAN HOOD: All right. Not seeing any, the
17 report of the ANC. Which exhibit? Did we get something from
18 both ANCs?

19 (No audible response.)

20 CHAIRMAN HOOD: So I'm going to ask Mr. Shapiro
21 if he can acknowledge what -- one of the ANCs. And I think
22 that's 6C. And if you can just acknowledge that? And, Vice
23 Chair, if you can acknowledge 2C, I think it is.

24 MS. SCHELLIN: 2C.

25 CHAIRMAN HOOD: 2C. Okay.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 MS. SCHELLIN: At Exhibit 4.

2 COMMISSIONER SHAPIRO: Mr. Chair, on July 10th,
3 2019 -- according to a communication from ANC 6C on July
4 10th, 2019 with a quorum of six out of six commissioners
5 present the commissioners voted unanimously six-zero to
6 support the application. And let's see if there's anything
7 that we would give weight to. Short of it is they supported
8 it unanimously.

9 CHAIRMAN HOOD: Okay.

10 VICE-CHAIR MILLER: And we have a letter, as Ms.
11 Schellin has noted, at Exhibit 4 from ANC 2C, a letter dated
12 June 28th saying that on June 11th at a duly-published, duly-
13 noticed public meeting ANC 2C with a quorum of three of three
14 commissioners present -- they voted unanimously in support
15 of the proposed modification.

16 CHAIRMAN HOOD: Okay. Thank you.

17 Any questions on that from any of my colleagues?

18 (No audible response.)

19 CHAIRMAN HOOD: Okay. So let's go right into
20 organizations and persons who are either here in support,
21 opposition or undeclared. I'm going to take all of them at
22 the same time.

23 (No audible response.)

24 CHAIRMAN HOOD: Not seeing any. Last call.

25 (No audible response.)

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 CHAIRMAN HOOD: Okay. Ms. Shiker, you have any
2 rebuttal? Well, you don't really have no rebuttal, so do you
3 have a closing?

4 MS. SHIKER: We would just ask the Commission to
5 take this up at its earliest convenience so that we can move
6 forward with the project. Thank you.

7 CHAIRMAN HOOD: Ms. Shiker, did you really mean
8 its earliest convenience or you was asking for bench
9 decision? I'm just curious.

10 MS. SHIKER: We would love a bench decision
11 tonight if it was the Commission's --

12 CHAIRMAN HOOD: That's what you mean?

13 MS. SHIKER: -- desire to do that. Yes. Thank
14 you.

15 CHAIRMAN HOOD: I got to make this hearing -- I
16 got to give them something for the transcript, but that's
17 what you really want --

18 (Simultaneous speaking.)

19 MS. SHIKER: Yes, we would like a bench decision
20 if the Commission is ready to move forward. Thank you.

21 CHAIRMAN HOOD: All right. Let me see what my
22 colleagues -- I think it's pretty straightforward. Any time
23 we don't ask any questions -- somebody like to make a motion?

24 VICE-CHAIR MILLER: Yes, I think this is very
25 straightforward, Mr. Chairman, and I think the proposed

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 modification to allow flexibility for one of the commercial
2 buildings to have college, educational, institutional or
3 lodging use as an alternative is actually even a better use
4 because it would be more 24/7 activating this neighborhood,
5 which is near downtown. And so -- and we'll see it at second
6 stage exactly what the use will be. So that's all.

7 So with that I'm ready to make a motion if you're
8 okay with that, Mr. Chairman.

9 CHAIRMAN HOOD: Yes.

10 VICE-CHAIR MILLER: That the Zoning Commission
11 approve Zoning Commission Case No. 08-34K, Capitol Crossing
12 IV, LLC, modification of significance to 1st-Stage PUD at
13 Square 566, Lot 861 and ask for a second.

14 COMMISSIONER TURNBULL: Second.

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

17 (No audible response.)

18 CHAIRMAN HOOD: All in favor?

19 (Chorus of aye.)

20 CHAIRMAN HOOD: Any opposition?

21 (No audible response.)

22 CHAIRMAN HOOD: Not hearing any, Ms. Schellin,
23 would you please record the vote?

24 MS. SCHELLIN: Yes, staff records the vote five
25 to zero to zero to approve final action in Zoning Commission

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 Case No. 08-34K, Commissioner Miller moving; Commissioner
2 Turnbull seconding; Commissioners Hood, Shapiro and May in
3 support.

4 And if we could have the Applicant provide a draft
5 order. The sooner you provide your draft, the sooner you'll
6 get it. Thank you.

7 MS. SHIKER: We will do that. Thank you very
8 much.

9 CHAIRMAN HOOD: Okay. Ms. Schellin, do we have
10 anything before us?

11 MS. SCHELLIN: No.

12 CHAIRMAN HOOD: I have to say this: John and Sam,
13 don't think that it's this easy down here. Okay?

14 (Laughter.)

15 CHAIRMAN HOOD: I don't want you all to leave with
16 that impression.

17 So with that, this hearing is adjourned.

18 (Whereupon, the above-entitled matter went off the
19 record at 6:39 p.m.)

20

21

22

23

24

25

C E R T I F I C A T E

This is to certify that the foregoing transcript

In the matter of: Public Hearing

Before: DCZC

Date: 10-24-19

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.



Court Reporter

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701