

GOVERNMENT  
OF  
THE DISTRICT OF COLUMBIA

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ZONING COMMISSION

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PUBLIC HEARING

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-----:  
 IN THE MATTER OF: :  
 :  
 Text Amendment to Subtitle K, : Case No.  
 Chapter 8, to the Use : 20-05  
 Requirements of the Arts Zones:  
 -----:

Monday,  
May 4, 2020

Video Teleconference

The Public Hearing of Case No. 20-05 by the District of Columbia Zoning Commission convened at 4:00 p.m. EDT, 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  
JOEL LAWSON  
KAREN THOMAS

## D.C. OFFICE OF THE ATTORNEY GENERAL PRESENT:

MAXIMILIAN TONDRO, ESQ.

## DISTRICT DEPARTMENT OF TRANSPORTATION STAFF PRESENT:

The transcript constitutes the minutes from  
the Public Hearing held on May 4, 2020.

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

Case Number: 20-05

Case Name: Office of Planning: Text Amendment  
to Subtitle K, Chapter 8, to the  
Use Requirements of the Arts Zones  
(1st Case)

Result: The hearing for this case  
concluded with the Commission  
taking proposed action to approve  
it by a vote of 5-0-0  
(Miller/Shapiro)

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

3:59 p.m.

1  
2  
3 CHAIRPERSON HOOD: Good afternoon ladies and  
4 gentlemen. This is a public hearing of the Zoning Commission  
5 for the District of Columbia. My name is Anthony Hood. I'm  
6 joined by Vice Chair Miller, Commissioner Shapiro,  
7 Commissioner May, Commissioner Turnbull.

8 We are also joined by the Office of Zoning Staff  
9 Ms. Sharon Schellin as well as Mr. Paul Young who is handling  
10 all our virtual beyond-the-scenes activity. I would ask that  
11 those who speak identify yourself at that time, and also  
12 identify the office in which you work.

13 Notice of this hearing was published in the DC  
14 Register. Because the hearing is virtual, I would ask the  
15 public to be patient. The hearing will be conducted in  
16 accordance with 11 DCMR Chapter 5 as follows; preliminary  
17 matters, presentation.

18 I think both of these cases -- we have two cases  
19 tonight, Zoning Commission Case 20-05 and 20-04. The Office  
20 of Planning will be involved in both cases.

21 Reports of other government agencies, report of  
22 the ANC. If we do have testimony, organizations have five  
23 minutes, individuals will have three minutes. I believe you  
24 have asked people to testify but I'll leave that up to Ms.  
25 Schellin and Mr. Young on how to work that out. I think the

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1 rest of this is for when we meet in person for the most part.

2 Ms. Schellin, do we have any preliminary matters?

3 COMMISSIONER SHAPIRO: Mr. Chairman, I'm sorry.  
4 I'm experiencing you a bit muffled. I'm having a little bit  
5 of trouble hearing you. I don't know if I'm the only one or  
6 not.

7 CHAIRPERSON HOOD: Is everybody having a problem  
8 hearing me?

9 COMMISSIONER SHAPIRO: Now I can hear you quite  
10 well.

11 CHAIRPERSON HOOD: I turned my head trying to look  
12 at what I'm supposed to say.

13 COMMISSIONER SHAPIRO: I'm sorry, Mr. Chair.

14 CHAIRPERSON HOOD: Thank you. If you can't hear  
15 any of us, please let us know.

16 All right, Ms. Schellin.

17 MS. SCHELLIN: Yes. I was just going to say when  
18 this first hearing is over, we will end this session and then  
19 start a new session for the second case. We will not go  
20 straight into the second case.

21 It will be a separate recording just because of  
22 the platform we're using. It will be a whole new case that  
23 we'll start so you will have to log out of this and we'll  
24 start a new case for the second case.

25 CHAIRPERSON HOOD: Okay. All right. That's fine.

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1 Anything else, Ms. Schellin?

2 MS. SCHELLIN: No, sir.

3 CHAIRPERSON HOOD: Okay. Let me turn it over to,  
4 I believe, Ms. Thomas.

5 MS. THOMAS: Good afternoon, Mr. Chair, members  
6 of the Commission. Karen Thomas for the Office of Planning.  
7 The Office of Planning petitioned the Commission on February  
8 24 by Application 20-05, but a proposed technical correction  
9 to existing text in Subtitle K, Chapter 8 to clarify the  
10 application of eating and drinking establishment use  
11 requirement for properties in the Arts Zones.

12 We propose this text in collaboration with the  
13 Office of the Attorney General and DCRA. At this time there  
14 are no additional changes to the advertised text. To date  
15 also there are no comments in the record expressing concerns  
16 with the technical corrections to the language or the amended  
17 linear measurements as indicated in our report.

18 We are recommending approval of this application  
19 and, with that, I'll rest on the record of our report and I'm  
20 happy to take any questions. Thank you.

21 CHAIRPERSON HOOD: Thank you very much, Ms.  
22 Thomas. Let me see if we have any questions.

23 Commissioner May, do you have any questions?

24 COMMISSIONER MAY: I do not have any questions.

25 Thank you.

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1 CHAIRPERSON HOOD: Okay. Commissioner Shapiro,  
2 do you have any questions?

3 COMMISSIONER SHAPIRO: No, sir.

4 CHAIRPERSON HOOD: Okay. Commissioner Turnbull,  
5 do you have any questions?

6 COMMISSIONER TURNBULL: Yeah, I guess I have a  
7 couple things I want to sort of look at. The terms blockface  
8 and street frontage. Just for the sake of clarity are there  
9 any terms that are explained what exactly they are defined  
10 as anywhere in the regs?

11 MS. THOMAS: We predominantly use the term street  
12 frontage so I should correct that. I'll correct that in the  
13 record. We should say street frontage.

14 COMMISSIONER TURNBULL: I'm just wondering if  
15 maybe as a point of clarity for people looking at our regs  
16 if we actually defined blockface. That might -- one question  
17 if we talk about a blockface.

18 If the property is at the end of a block and it  
19 turns and there's a restaurant and it turns another 10 or 15  
20 feet on the other street, are you counting the frontage on  
21 the other street or is it just the street frontage of the  
22 street you're talking about?

23 MS. THOMAS: Just the street frontage along that  
24 street we're talking about, so 14th and U Street frontages.

25 COMMISSIONER TURNBULL: Okay. I'm just curious.

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1 Is that something we ever want to think about? If a property  
2 returns 20, 40 feet how do you -- if it's a big corner lot,  
3 how does that affect our interpretation of the 50 percent of  
4 the blockface, I guess?

5 MS. THOMAS: That's something we didn't look at.  
6 I can have Joel jump in.

7 MR. LAWSON: Hi, good afternoon. This is Joel  
8 Lawson of the Office of Planning. That is something we  
9 looked at a little bit when we first established block  
10 frontages. The decision was that we wanted to activate the  
11 two main streets.

12 The intent is to activate and regulate the uses  
13 along U Street and along 14th Street. Any use that carries  
14 around the corner is simply a portion of that use that fronts  
15 the street in question. It's not something that we've  
16 contemplated. Like I said, it's something to be looked at  
17 when we did the first round at this and made the decision not  
18 to extend it on to the side streets.

19 COMMISSIONER TURNBULL: Okay. I'm fine with that  
20 for the most part. I'm just wondering if maybe we might want  
21 to define exactly what blockface really means somewhere that  
22 someone looking at it for the first time. To me it's fairly  
23 understandable what it is but I'm just looking at somebody  
24 out there looking at this that might want to see that  
25 defined. Other than that I'm fine with everything.

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1 CHAIRPERSON HOOD: Okay.

2 Vice Chair Miller.

3 VICE CHAIR MILLER: Thank you, Mr. Chairman and  
4 thank you, Ms. Thomas, for that report. I may have asked  
5 this question at sitdown but I didn't go back and look at  
6 that hearing and you may have answered it.

7 Do we have any idea of what percentages of ground  
8 floor linear frontage are currently eating and drinking  
9 establishments in the 14th and U frontages which this is  
10 effecting? Are they almost near the 50 percent limit? We  
11 increased it from 25 to 50 when they blew past the 25  
12 percent.

13 MS. THOMAS: I can't really answer that right now.  
14 The Zoning Administrator keeps the record of how much space  
15 or linear frontage is available. This case arose out of an  
16 issue in a past BZA case where they just needed a little bit  
17 more square footage and there seemed to be an error in the  
18 measurement of that linear frontage so we got to this place  
19 but they keep that information. I'm sorry, I don't have  
20 that.

21 VICE CHAIR MILLER: That's okay. With the  
22 catastrophe that we're in there's probably going to be a lot  
23 more vacant space so we'll be able to fill up that void in  
24 the future based on estimates of how many of these eating and  
25 drinking establishments will never be able to come back,

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1 which is sad but that's where we are.

2 CHAIRPERSON HOOD: Okay. Only thing I would say  
3 I really appreciate the direction that was already stated by  
4 the Vice Chair. I'm sure there will be some other changes  
5 we'll have to deal with.

6 All right. Anything else anybody? Okay. Let's  
7 go to the reports of any other government agencies. When I  
8 reviewed the record, I didn't see anything else. I didn't  
9 see a report of any other agencies in this case. I know we  
10 have one coming up.

11 So what I'll do now, Ms. Schellin, Mr. Young, I  
12 will turn it over to you all to see if we have anybody in the  
13 queue to testify, or anybody who signed up previously, or  
14 anybody who wants to testify who just joined us.

15 Are you on mute? You're on mute.

16 MS. SCHELLIN: Hi. I'm sorry. No one is raising  
17 their hand to testify.

18 CHAIRPERSON HOOD: And no one is trying to join  
19 us.

20 MS. SCHELLIN: And no one signed up. Right. No  
21 one signed up.

22 CHAIRPERSON HOOD: All right. I appreciate the  
23 correction and trying to straighten this out. Thank you, Ms.  
24 Thomas, and all.

25 Commissioners, I think this is pretty

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1 straightforward. I think we've done due diligence,  
2 especially opening it up to the public to be able to opine  
3 and comment on this case. What I would like to do, if the  
4 Commission is ready, I think we are ready to move forward.

5 Mr. Turnbull, let me come back to you. What  
6 you've asked for, is that a show stopper or is that something  
7 --

8 COMMISSIONER TURNBULL: Oh, no. That is not a  
9 show stopper. Actually, I've just been informed by OAG that  
10 there is a definition of blockface in the regs so I'm fine  
11 with everything.

12 CHAIRPERSON HOOD: Okay. All right. So with  
13 that, let me see, colleagues, what is your pleasure?

14 Vice Chair Miller.

15 VICE CHAIR MILLER: Sorry, I was just signaling  
16 that I'm ready to go forward.

17 CHAIRPERSON HOOD: I thought you were ready to  
18 make the motion.

19 VICE CHAIR MILLER: Remind me what case number  
20 this is. I don't have that in front of me.

21 CHAIRPERSON HOOD: 20-05.

22 VICE CHAIR MILLER: Okay. Then I would move that  
23 the Zoning Commission -- are we on proposed action?

24 MS. SCHELLIN: Yes.

25 VICE CHAIR MILLER: Take proposed action on the

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1 correction to the zoning text of Subtitle K, Chapter 8,  
2 eating and drinking establishments in the Arts Overlay  
3 District and ask for a second.

4 COMMISSIONER SHAPIRO: Second.

5 CHAIRPERSON HOOD: Okay. It's been moved and  
6 properly seconded. Let's do a roll call vote. Ms. Schellin.  
7 No, any further discussion first. Okay. Ms. Schellin, can  
8 we do a roll call?

9 MS. SCHELLIN: Commissioner Miller.

10 VICE CHAIR MILLER: Yes.

11 MS. SCHELLIN: Commissioner Shapiro.

12 COMMISSIONER SHAPIRO: Yes.

13 MS. SCHELLIN: Commissioner Miller -- I'm sorry,  
14 Commissioner Hood.

15 CHAIRPERSON HOOD: Yes.

16 MS. SCHELLIN: Commissioner May.

17 COMMISSIONER MAY: Yes.

18 MS. SCHELLIN: Commissioner Turnbull.

19 CHAIRPERSON HOOD: Mr. Turnbull, you're muted.  
20 Say yes again. You were muted.

21 MS. SCHELLIN: Commissioner Turnbull.

22 COMMISSIONER TURNBULL: Oh, I'm sorry. Yes.

23 MS. SCHELLIN: The vote is 5-0-0 to approve Zoning  
24 Commission Case No. 20-05, proposed action.

25 CHAIRPERSON HOOD: Okay. We're going to take five

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1 minutes.

2 MS. SCHELLIN: As soon as we end this one I will  
3 start the next case.

4 VICE CHAIR MILLER: Do we need to rejoin the web  
5 thing?

6 MS. SCHELLIN: Yes, the next case.

7 CHAIRPERSON HOOD: We want to cut off and come  
8 back on.

9 VICE CHAIR MILLER: Okay.

10 CHAIRPERSON HOOD: With that I want to thank  
11 everyone in this case. We will adjourn this case, Zoning  
12 Commission Case No. 20-05. Thank you.

13 (Whereupon, the above-entitled matter went off the  
14 record at 4:13 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: Case No 20-05

Before: DCZC

Date: 05-04-20

Place: teleconference

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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Court Reporter

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