

GOVERNMENT
OF
THE DISTRICT OF COLUMBIA

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ZONING COMMISSION

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REGULAR MEETING

+ + + + +

MONDAY
JUNE 8, 2020

+ + + + +

The Regular Meeting of the District of Columbia Zoning Commission convened via videoconference, pursuant to notice, at 4:00 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
PAUL YOUNG, Zoning Data Specialist

OFFICE OF PLANNING STAFF PRESENT:

JENNIFER STEINGASSER, Deputy Director, Development
Review & Historic Preservation
JOEL LAWSON
ELISA VITALE
CRYSTAL MYERS
ANNE FOTHERGILL

The transcript constitutes the minutes from the Regular Meeting held on June 8, 2020.

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

3:59 p.m.

1
2
3 CHAIRMAN HOOD: Okay, let's go ahead and begin.
4 Good evening, ladies and gentlemen. This is a public meeting
5 of the Zoning Commission of the District of Columbia.

6 My name is Anthony Hood. Joining me are the Vice
7 Chair Miller, Commissioner Shapiro, Commissioner May,
8 Commissioner Turnbull. We are also joined by the Office of
9 Zoning Staff, Ms. Sharon Schellin, as well as Mr. Paul Young,
10 who is going to be in the background taking care of all of
11 virtual endeavors and equipment.

12 I would ask that others who speak identify
13 themselves at the appropriate time.

14 Copies of today's meeting agenda are available in
15 the bin at the door -- no, I'm sorry, copies of today's
16 meeting agenda are available on the Office of Zoning's
17 website.

18 Please be advised this proceeding is being
19 recorded by a court reporter. It is also webcast live, and
20 also YouTube live, and I believe Facebook. The video will
21 be available on the Office of Zoning's website after the
22 meeting. Accordingly, all those listening on Webex or by
23 phone will be muted during this meeting.

24 We do not take any public testimony in our
25 meetings unless the Commission requests someone to come

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1 forward. If, and I want to say this twice, if you are
2 experiencing difficulty accessing Webex or with your phone
3 call-in, then please call the Office of Zoning hotline at
4 202-727-5471. Again, if you are experiencing any trouble,
5 please dial 202-727-5471 for Webex login or call-in
6 instructions. Again, 202-727-5471. We are very serious
7 about making sure all have access to be able to participate
8 if needed in this meeting or be able to hear the meeting.

9 Okay. Ms. Schellin, do we have any preliminary
10 matters?

11 MS. SCHELLIN: Yes, sir. If you don't mind, the
12 Office of Planning, I spoke with Jennifer Steingasser, and
13 she would like to speak, she and/or Joel Lawson, would like
14 to speak on, if you'll recall, the IZ Plus as it's known.
15 They'd like to speak on that very quickly.

16 Originally, that case was scheduled to be heard
17 in, I believe it was, May. And so they'd just like to take
18 a moment to talk about that now, while everybody is
19 listening, as opposed to at the end when we seem to lose
20 everybody, if the Commission would indulge them at this time.

21 CHAIRMAN HOOD: Okay. Before we go there, what
22 I would like for us to do is just take a moment of silence
23 for everything that's going on in our area, in the world, the
24 coronavirus, the other things that are going on with the
25 protesting. So I would like us to just to take a moment of

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1 silence.

2 (Whereupon, moment of silence was observed.)

3 CHAIRMAN HOOD: Thank you. Okay. So, Ms.
4 Steingasser is going to speak, so we are going to bring her
5 up, or Mr. Lawson, whomever is going to speak.

6 MS. STEINGASSER: I am. Chairman Hood,
7 Commissioners, I'd like to ask the Commission if it would be
8 acceptable for OP to host the IZ Plus Roundtable. It had
9 originally been scheduled for May 7th, I believe. Obviously,
10 it got deferred because of all the coronavirus emergencies.
11 We'd like to go ahead and host it.

12 We are running up against a bit of a time
13 constraint. We'd like to have the text completed as close
14 to the end of the year as possible. We've been working on
15 the draft text and the model, and we are almost ready to have
16 text to take forward. But we have made this -- you know, we
17 did advertise the roundtable, which we wanted to host before
18 we made our text recommendations to the Commission.

19 However, the Commission's hearings are scheduled
20 now all the way into September, so that would really push us
21 into 2021. So we were thinking that the Office of Planning
22 could host, virtually, the roundtable, with the same public
23 hearing notice, the same rules. We'd, obviously, have to
24 revise the hearing notice to reflect a virtual scenario.
25 We'd work with the Office of Zoning on that. But it would

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1 be the same scenario, the same set of questions and
2 solicitations.

3 And we would like to then also invite people to
4 provide us written comments as well on the concept, so that
5 we can continue to move forward on the draft text, get that
6 to the Commission in early September, so that we could get
7 a hearing in late fall/early winter of the year.

8 So, we'd been looking at June 24th. And as I
9 said, we'd send out a hearing notice to all the ANCs. We
10 know there are some other groups and we would certainly reach
11 out to them as well, and just get an early feedback and get
12 the roundtable going.

13 Since this is a rulemaking case, I believe the
14 Commission, while not hosting the roundtable, could listen
15 in, if you wanted, since it's a rulemaking and there's no
16 draft text yet. But I'd leave that to your attorneys to
17 advise on that.

18 CHAIRMAN HOOD: So, let me just say I hear what
19 you are asking, Ms. Steingasser. I do have some pause,
20 because one of the things that's -- some of the things that
21 we were looking at we may have questions and we might want
22 to dissect a little more.

23 I just don't know. Have we cleared that with the
24 Office of Attorney General?

25 MS. STEINGASSER: About OP? Well, OP can host the

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1 roundtable, yes.

2 CHAIRMAN HOOD: So, the fundamental thing for me,
3 though, and I want to hear from my colleagues, is that we may
4 have questions we want to ask to be able to articulate if
5 there is specific point or issue to us. That, then, takes
6 us out of the scheme.

7 I'm not saying -- I'm just trying to figure out
8 how, if we have questions about how something is given to
9 you, how do we get it straight from whoever gave it to you?
10 I guess that's my issue.

11 MS. STEINGASSER: Right. You would not be hosting
12 the roundtable, so you would not have -- I mean, we could
13 certainly arrange for you to have conversations back and
14 forth. But I think then it becomes an issue of being a
15 quorum, you'd need a full quorum in action, and I don't know
16 then what rules you would fall under.

17 CHAIRMAN HOOD: So, my next question is, have we
18 talked to OAG about this?

19 MS. STEINGASSER: I have -- no. About how the
20 Zoning Commission would participate?

21 CHAIRMAN HOOD: Yeah, this whole -- this whole
22 scheme of things. At the end of the day it's going end in
23 our laps, so --

24 MS. STEINGASSER: Right. I mean, the text
25 amendment would, obviously, come forward in the traditional

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1 format. We would file it ten days prior to a meeting, and
2 then the Commission would set it down, and we'd have a public
3 hearing on the text. This is the preliminary work upfront
4 just on the concept of IZ Plus.

5 CHAIRMAN HOOD: So, let me back up my question.
6 So this is pretty much what you'd do anyway, except you
7 always -- bringing the text us, like when you did those
8 meetings in the community to help you come up with the
9 language and stuff on the ZRR. So, this is pretty much the
10 same scheme.

11 MS. STEINGASSER: Yes.

12 CHAIRMAN HOOD: Okay. Let me hear from others.

13 COMMISSIONER SHAPIRO: Mr. Chairman?

14 CHAIRMAN HOOD: Let me go to Commissioner May
15 first, to keep this thing -- Commissioner May, do you have
16 anything?

17 COMMISSIONER MAY: No. Just to clarify, if the
18 Office of Planning holds this roundtable or open house or
19 whatever it is, we would all still be able to watch that as
20 its happening, and hear what people have to say. We just
21 wouldn't be able to ask our own questions, right?

22 MS. STEINGASSER: That's my understanding, yes.

23 COMMISSIONER MAY: Yeah. So, I don't see any
24 problem with that. I mean, you know, we all have to adapt
25 a little bit in the current circumstance, so I think is a

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1 reasonable way to move forward. And if we wind up with, you
2 know, there's just a whole lot to say, then, you know, that
3 will dictate how things go in the course of the hearings for
4 us.

5 MS. STEINGASSER: When we do finally bring forward
6 the actual draft text, the Commission could also then ask us
7 to look at other issues. But we would probably provide a
8 summary of the issues that we heard at the roundtable and our
9 initial response. That's what we are thinking on how we
10 could respond to those comments.

11 COMMISSIONER MAY: Yeah, okay. That's it.

12 CHAIRMAN HOOD: Commissioner Shapiro?

13 COMMISSIONER SHAPIRO: Thank you, Mr. Chair.
14 Yeah, I appreciate the conversation around this, and I also
15 don't have any concern. But, from a procedural point of view,
16 why -- do you even need to ask our permission for this? You
17 could just do this.

18 MS. STEINGASSER: We could, but we don't want to
19 be -- you know, originally, the Commission scheduled the
20 roundtable. So we don't want to just take the roundtable and
21 check in; we'd rather have your concurrence that this is an
22 efficient way to do proceed.

23 COMMISSIONER SHAPIRO? Gotcha, okay. That's fine.
24 And I have no concerns, Mr. Chair.

25 CHAIRMAN HOOD: Okay. And let me just say, on

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1 that note, Commissioner Shapiro, I appreciate the fact that
2 the Office of Planning did come to us and ask us. I really
3 appreciate it. That's big for me.

4 Okay. Commissioner Turnbull?

5 COMMISSIONER TURNBULL: I have no issues with this
6 at all. I think that OP has been doing this is part of their
7 normal business, anyway. This is a process that they could
8 do, getting the information, having a roundtable and meeting.
9 So, I'm not concerned about it at all.

10 I think if we can listen in it gives us an
11 opportunity to take some notes. And then we can comment on
12 it. Rather than getting the text as it comes in to us, we'll
13 have a better feeling for what was said during the
14 roundtable. So, I have no issues. I'm fine with it.

15 CHAIRMAN HOOD: Okay. Vice Chair Miller?

16 VICE CHAIR MILLER: Thank you, Mr. Chairman. I
17 guess the only thing -- well, I think, in terms of timing,
18 it's important to let the case proceed as expeditiously as
19 possible, which I think each of us expressed when we first
20 heard about the concept and as reviewed IZ compliance cases
21 over the years. We see the need for this IZ Plus.

22 Ms. Steingasser, when were you looking to schedule
23 the roundtable? I just don't understand why we can't -- I
24 think OP can do this, and I appreciate they are coming to us
25 and asking us about it. But are there other days of the week

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1 we could schedule that would be in the same timeframe that
2 OP wants to move this along? I mean, I thought we were going
3 to try to do more days than just Mondays and Thursday anyway,
4 once we --

5 MS. STEINGASSER: You are. The Office of Zoning
6 has scheduled hearings Monday, Tuesday and Thursdays. They
7 can't do Wednesdays, because those are BZA days.

8 VICE CHAIR MILLER: Right.

9 MS. STEINGASSER: So they have really scheduled
10 you guys for a busy summer. We wanted to do it in June so
11 we could draft whatever text we need to draft and get it
12 filed either in July or the first meeting in September.

13 VICE CHAIR MILLER: So you are looking to do your
14 roundtable later this month.

15 MS. STEINGASSER: We were hoping for the 24th.

16 VICE CHAIR MILLER: Well, I will be there in
17 attendance, if not asking questions.

18 MS. STEINGASSER: Thank you.

19 CHAIRMAN HOOD: Okay, let's go back to
20 Commissioner Shapiro.

21 COMMISSIONER SHAPIRO: Thank you, Mr. Chair. I
22 just want to, procedurally, I want to make sure that that
23 this is copacetic, given where this is in the process, for
24 us to actually participate and to listen and to take stock
25 of the information. It's a little bit of a new process to

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1 me. It's something that you all have done in the past. So,
2 I just want to make sure we are not -- we are able to do
3 that.

4 MS. STEINGASSER: Well --

5 COMMISSIONER SHAPIRO: This isn't in the record
6 yet, but there's no draft yet, right?

7 MS. STEINGASSER: There's no draft. The
8 roundtable was advertised as being a meeting of concepts, and
9 there were some general things advertised. We'd use that
10 same advertisement, and then we would also take notes. In the
11 advertisement it was advertised as a rulemaking.

12 COMMISSIONER SHAPIRO: This isn't material that
13 goes into the record.

14 MS. STEINGASSER: If it comes -- if it comes to
15 OP, it would not. We would summarize it.

16 COMMISSIONER SHAPIRO: Right. That's all. I just
17 want to make sure that that's clear, so thank you for that.

18 CHAIRMAN HOOD: Ms. Steingasser, in the updated
19 notice, is the Office of Planning going to let the public
20 know that you are coming in front of them as opposed to us?
21 Because a lot of people, as you know, like to meet with us.

22 MS. STEINGASSER: Yes.

23 CHAIRMAN HOOD: Okay.

24 MS. STEINGASSER: We will make it very clear that
25 this is an OP-hosted roundtable.

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1 CHAIRMAN HOOD: Great.

2 MS. STEINGASSER: Preceding a more formal case
3 initiation with the Zoning Commission.

4 CHAIRMAN HOOD: Okay. I think it's going to work
5 well.

6 Vice Chair Miller?

7 VICE CHAIR MILLER: So you are looking Wednesday,
8 June 24th as the date.

9 MS. STEINGASSER: Yes.

10 VICE CHAIR MILLER: Do you have a time for that?
11 Is it in the evening?

12 MS. STEINGASSER: We are planning to do it at the
13 same time as the Zoning Commission, 4 o'clock. That seems
14 to work really well for people.

15 COMMISSIONER TURNBULL: Will you be sending us
16 a notification on it so that we can log in? Or how is that
17 going to happen?

18 MS. STEINGASSER: Right. It will be a Webex
19 meeting, just like this.

20 COMMISSIONER TURNBULL: Okay. Thank you.

21 CHAIRMAN HOOD: Okay. Any other questions?

22 Ms. Steingasser, Mr. Lawson, do you all have any
23 other cases you'd like to work on?

24 MS. STEINGASSER: No, Mr. Chairman.

25 CHAIRMAN HOOD: That was a joke. Okay.

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1 So, do we need to do a motion -- I don't think we need a
2 motion. I think we can just give a general consensus to move
3 in the direction that Ms. Steingasser and the Office of
4 Planning just presented to us.

5 Any objections?

6 (No response.)

7 CHAIRMAN HOOD: Okay, so we'll just do that by
8 general consensus. Okay, Ms. Steingasser.

9 MS. STEINGASSER: Thank you very much.

10 CHAIRMAN HOOD: All right. Okay. Anything else,
11 Ms. Schellin? Are we ready to go?

12 MS. SCHELLIN: Ready to go.

13 CHAIRMAN HOOD: Okay. On the consent calendar,
14 item: modification of consequence, we are looking at
15 determination of scheduling. Zoning Commission Case No. 06-
16 10E, the Morrison and Gwendolyn Cafritz Foundation, PUD
17 Modification of Consequence at Square 3765 and 3767.

18 Ms. Schellin.

19 MS. SCHELLIN: Yes. The applicant is seeking to
20 modify some architectural elements of the residential and
21 family entertainment zone components of the building into
22 open space along Kennedy Street. The request also includes
23 an increase in the square footage in Block B, and combining
24 all of the affordable artist units into the North Tower.

25 At Exhibit 4 you have an ANC 5A resolution in

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1 support. Exhibit 5 is an OP report in support. Exhibit 6
2 you have the Lamond-Riggs email letting the Commission know
3 that they plan on providing no response. And Exhibit 7 is
4 an email exchange with ANC 4B. It's from the vice chairman,
5 advising there would be little response from ANC 4B. They
6 had not participated in the case, I think from the beginning.

7 So, I'd ask the Commission, since that does
8 include all of the parties, if they would consider -- if they
9 choose to, if they could take action this evening, which I
10 think the applicant would appreciate.

11 Thank you.

12 CHAIRMAN HOOD: I think all the responses, and
13 with all the earlier information we had until now, I think
14 this is ready for us to move forward.

15 Let me hear from others. Anybody object to us
16 moving forward?

17 (No response.)

18 CHAIRMAN HOOD: Okay. So, let me just say this.
19 When we're turning papers and stuff, if you could your sound
20 on mute, that would help us out, because I'm hearing a lot
21 of papers rustling. Okay. And if I do the same, please let
22 me know.

23 All right. So, we have the request before us.
24 There are a number of things that have been (audio
25 interference). Okay. We have the modification of the facade

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1 and fenestration, raising the proposed pedestrian bridge, the
2 grouping of the 30 artist affordable units, creation of the
3 separate loading areas, the increase of height of the drum
4 and the fence by 18 inches, reduction in the massing of the
5 structures (audio interference) grocery store, which is along
6 the South Dakota Avenue side. And then we have internal
7 modification of the zoning, slightly modifies the square
8 footage for the various uses, and a 1.9 percent increase in
9 the second stage of square footage, primarily by the addition
10 of 10,593. And then we have the redesign of the Kennedy
11 Street plaza, as Ms. Schellin had mentioned. And then the
12 relocation of the dog park.

13 So, those are some of the things, Commissioners.
14 We do have a lot of support here, but let me hear from others
15 to see whether or not we are ready to move forward. Any
16 questions on what's being modified?

17 Commissioner May?

18 COMMISSIONER MAY: I don't have any major
19 concerns. I mean, this is a really big project, and a
20 complicated project. And it always felt to me like it was --
21 things were a little bit unsettled. So I guess it's not
22 surprising that they are having to do a number of
23 modifications.

24 But the individual modifications, the things that they're
25 proposing, there isn't anything that gives me great

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1 heartburn.

2 As I understand it now, we can handle this as a
3 modification of consequence and we can actually vote today,
4 because we've heard from all the parties, is that right?

5 CHAIRMAN HOOD: Yes, that's correct. Everybody
6 has submitted. 4B has they said are not going to respond.
7 But we did get Lamond-Riggs, they sent a letter from Mr.
8 Foxworth.

9 COMMISSIONER MAY: Yeah.

10 CHAIRMAN HOOD: And we have letter from the ANC.

11 COMMISSIONER MAY: Yeah, I saw that ANC letter.
12 The only thing I hadn't seen was the 4B decision, the 4B
13 letter that's most recent in the record. Anyway, I don't
14 have any other thoughts on it.

15 CHAIRMAN HOOD: Okay. Commissioner Shapiro?

16 COMMISSIONER SHAPIRO: Sorry about that technical
17 -- no, I have no concerns, I'm ready to move forward, Mr.
18 Chair.

19 CHAIRMAN HOOD: Okay. Commissioner Turnbull?

20 COMMISSIONER TURNBULL: I'm ready also, Mr. Chair.
21 I have no issues.

22 CHAIRMAN HOOD: Okay. And Vice Chair Miller?

23 VICE CHAIR MILLER: Same.

24 CHAIRMAN HOOD: Okay. So, would somebody care to
25 make a motion?

1 COMMISSIONER TURNBULL: Mr. Chair, I would move
2 that we approve the modification of consequence to Zoning
3 Case. No. 06-10E, the Morris and Gwendolyn Cafritz
4 Foundation, PUD Modification of Consequence at Squares 3765
5 and 3767, and ask for a second.

6 CHAIRMAN HOOD: I'll second it.

7 It's been moved and properly seconded. Any
8 further discussion?

9 Commissioner Shapiro.

10 COMMISSIONER SHAPIRO: Thank you, Mr. Chair.
11 Maybe this is moot, but do we need to actually formally
12 determine that this is a modification of consequence?

13 CHAIRMAN HOOD: Putting my legal hat on, I think
14 that that's the request. I think that's understood. I don't
15 know if we necessarily need to say it, because that's what
16 the request is. Right?

17 MS. SCHELLIN: Yes, you do need to determine that
18 it is.

19 CHAIRMAN HOOD: Okay. This is a modification of --
20 does anybody believe this is not a modification of
21 consequence?

22 COMMISSIONER TURNBULL: No.

23 CHAIRMAN HOOD: I just looked at it a little
24 different, but that's already -- okay, so it's been moved and
25 properly seconded. Any further discussion?

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1 (No response.)

2 CHAIRMAN HOOD: Okay. Ms. Schellin, would you do
3 a roll call vote?

4 MS. SCHELLIN: Yes. Commissioner Turnbull?

5 COMMISSIONER TURNBULL: Yes.

6 MS. SCHELLIN: Commissioner Hood?

7 CHAIRMAN HOOD: Yes.

8 MS. SCHELLIN: Commissioner May?

9 COMMISSIONER MAY: Yes.

10 MS. SCHELLIN: Commissioner Miller?

11 VICE CHAIR MILLER: Yes.

12 MS. SCHELLIN: Commissioner Shapiro?

13 COMMISSIONER SHAPIRO: Yes.

14 MS. SCHELLIN: The vote was 5-0-0 to approve.

15 CHAIRMAN HOOD: Okay. Let's go to Zoning
16 Commission Case No. 05-28Y, Parkside Residential, LLC, PUD
17 Modification of Consequence at Square 5056.

18 Ms. Schellin.

19 MS. SCHELLIN: Yes. The applicant seeks to make
20 revisions to the two multi-family buildings that include
21 revisions to the site plan and garage plans, including new
22 relief regarding the clustering of compact car spaces,
23 changes to the overall facade, and the height and dimensions
24 of the penthouses, and additions to the community benefits
25 in collaboration with ANC 7B.

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1 The applicant also intends to add retail to the
2 ground floor of both buildings. And the applicant is asking
3 for a waiver of the rules so that they can allow a
4 modification of consequence when new relief is added.

5 At Exhibit 4, you have an OP report in support of
6 the application. They ask the Commission to consider, first,
7 if this is a modification of consequence and to set a
8 schedule for responses.

9 CHAIRMAN HOOD: Okay. So, we've heard the
10 request. Thank you, Ms. Schellin. We've heard the request.
11 Does anyone believe that this is not a modification of
12 consequence and would like to move forward?

13 Okay. I'm looking for heads. Okay.

14 COMMISSIONER MAY: Mr. Chairman?

15 CHAIRMAN HOOD: Commissioner May.

16 COMMISSIONER MAY: Yeah. I think we can consider
17 it as a modification of consequence, but only because it
18 really doesn't need the relief that they're requesting. I
19 think the advice that we got from the Office of Attorney
20 General is that, under ZR16, the compact car requirement that
21 they are not meeting would not apply. And so, therefore,
22 relief is not needed for that change.

23 So, if there was relief needed I would have more
24 concern about waiving the requirement, or waiving the rules
25 to consider it as a modification of consequence.

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1 CHAIRMAN HOOD: Okay, anyone else?

2 Not seeing , okay, Ms. Schellin, could you do a
3 schedule?

4 MS. SCHELLIN: Yes, sir. So, if we -- our next
5 meeting is not going to be until -- well, actually, it's the
6 29th of June. So, we could give the parties until June 22nd
7 to put their response in, and we can put this on for June
8 29th.

9 CHAIRMAN HOOD: Okay, thank you. So, we'll
10 schedule that for June 29th.

11 MS. SCHELLIN: Yes, sir.

12 CHAIRMAN HOOD: Let's move right on with our
13 agenda. Let's go to, under Further Deliberations, let's go
14 to Zoning Commission Case No. 20-07. This is the Office of
15 Zoning Text Amendment to Subtitles Y and Z to extend the
16 validity of approvals.

17 And, one, the request was -- we have a request for
18 a second emergency action and request for a immediate
19 publication of second proposed action.

20 Ms. Schellin.

21 MS. SCHELLIN: Yes, sir. After talking with OAG,
22 it was decided that some revised text was needed to clarify
23 some questions that was received since the Commission
24 initially took emergency and proposed action in this case.
25 And so we were asking the Commission to consider taking that

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1 second emergency action this evening and authorizing the
2 immediate publication of the second proposed rulemaking.

3 And this, as you know, the hearing is scheduled
4 for the 18th, I believe, yes, the 18th of June, and this
5 would allow the Commission to still consider final action
6 prior to the August recess.

7 And so if the Commission would, as requested,
8 consider taking emergency action again this evening in
9 authorizing the immediate publication of the second proposed
10 rulemaking it would be greatly appreciated.

11 CHAIRMAN HOOD: Thank you, Ms. Schellin.
12 Commissioners, any questions? Follow-up? Do you have any
13 questions for us? Any questions, I'm looking at the heads.

14 (No response.)

15 CHAIRMAN HOOD: All right. So, not seeing any,
16 I would move that we approve the request stated, which would
17 be the emergency action and request for immediate publication
18 of the second proposed action, in that order. I think
19 everything is -- in Zoning Commission Case No. 20-07. Can
20 I get a second?

21 VICE CHAIR MILLER: Second.

22 CHAIRMAN HOOD: Anything further -- it's been
23 moved and properly seconded. Any further discussion?

24 (No response.)

25 CHAIRMAN HOOD: Okay, with that, Ms. Schellin,

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1 will you do a roll call vote.

2 MS. SCHELLIN: Yes, sir. Commissioner Hood?

3 CHAIRMAN HOOD: Yes.

4 MS. SCHELLIN: Commissioner Miller?

5 VICE CHAIR MILLER: Yes.

6 MS. SCHELLIN: Commissioner May?

7 COMMISSIONER MAY: Yes.

8 MS. SCHELLIN: Commissioner Shapiro?

9 COMMISSIONER SHAPIRO: Yes.

10 MS. SCHELLIN: Commissioner Turnbull?

11 COMMISSIONER TURNBULL: Yes.

12 MS. SCHELLIN: The vote carries 5-0-0 to approve
13 the second emergency action and immediate publication of the
14 second proposed rulemaking, Notice of Proposed Rulemaking in
15 Zoning Commission Case No. 20-07.

16 Thank you.

17 CHAIRMAN HOOD: Okay, thank you. Moving on to
18 Hearing Actions, I just want the public to know that we had
19 -- we always have the Office of Attorney General in the
20 background. A lot of times they would come up when we need
21 it, but I just want to let everyone know that they are in the
22 background. We'll hear from the Office of Planning as we
23 move through this next series of cases.

24 Under Hearing Actions, Zoning Commission Case No.
25 20-09, Wagner, LLC, Consolidated PUD & Map Amendment at

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1 Square 5740.

2 Ms. Myers.

3 MS. MYERS: Good afternoon, Commissioners. The
4 Office of Planning recommends Zoning Commission set down this
5 application, which is Wagner, LLC, for Consolidated Planned
6 Unit Development. Letting it load up here.

7 Okay. So, it's a Consolidated Planned Unit
8 Development with a related map amendment to rezone 2419 25th
9 Street, Southeast, from R-3 to RA-2. The proposal would
10 construct a 67-unit all-affordable senior housing building
11 on a vacant lot. The site is on the southwest corner of
12 Wagner Street, Southeast, and 25th Street, Southeast. It is
13 0.2 miles from the Skyland Planned Unit Development, which
14 is currently under construction. The site is also 0.9 miles
15 from the Naylor Road Metro Station.

16 The building would be 55 feet, and 2.59 FAR, and
17 its 67 units for seniors would be affordable at the 60
18 percent MFI.

19 The project includes requests for flexibility and
20 for variance relief. Variance relief is needed because the
21 site is 19,601 square feet, which is less than the 21,780
22 square feet minimum needed to be granted more flexibility
23 from the land area requirement. Flexibility is also needed
24 from the loading berth and driveway width requirements.

25 In the Comprehensive Plan, the general policy map

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1 designates the property for a neighborhood conservation area.
2 The future land use map designates it for local public
3 facilities and institutional uses. The plan encourages
4 affordable housing and the surrounding area is designated for
5 moderate residential development. So, on balance, the
6 project would not be inconsistent with the Comprehensive
7 Plan.

8 Thank you.

9 CHAIRMAN HOOD: Okay, thank you, Ms. Myers. Let's
10 see if we have any questions.

11 Commissioner May?

12 COMMISSIONER MAY: I don't have any questions.

13 CHAIRMAN HOOD: Okay. Commissioner Shapiro?

14 COMMISSIONER SHAPIRO: No questions, Mr. Chairman.

15 CHAIRMAN HOOD: Okay. Commissioner Turnbull?

16 Mr. Turnbull, I think you are muted. I was trying
17 to read your lips, it looked like you didn't have any
18 questions.

19 COMMISSIONER TURNBULL: Oh, I'm sorry. No, I
20 really don't have any questions. I think that this is an
21 exceptional case where it's below the standard PUD size, but
22 because of the offering in the project, what it entails, I
23 think it's worth setting down.

24 CHAIRMAN HOOD: Okay, thank you.

25 Vice Chair Miller?

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1 VICE CHAIR MILLER: Thank you. Yes, I would agree
2 that it's a very commendable project, and I thank Ms. Myers
3 for her report. And I agree with OP's recommendations that
4 it's not inconsistent with the existing Comp Plan.

5 I'm just curious: are there any proposed
6 amendments, land use map amendments, for this site in the
7 pending land use -- well, we can find that out maybe at the
8 hearing, if there are any changes proposed in the pending
9 Comp Plan that's before the Council, I believe. Thank you.

10 CHAIRMAN HOOD: Okay. And I will say, so far, I
11 really like the design. I think I agree with all the
12 comments that Ms. Myers mentioned in her report, and the job
13 is very well done. So, thank you.

14 So, do we have any other follow-up questions?

15 (No response.)

16 CHAIRMAN HOOD: Okay. So, we have a request
17 before us. Would someone like to make a motion?

18 VICE CHAIR MILLER: Yes, I would like to move, Mr.
19 Chairman, that the Zoning Commission set down Case No. 20-09,
20 Consolidated PUD and Map Amendment at Square 5740, and ask
21 for a second.

22 COMMISSIONER TURNBULL: Second.

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

25 (No response.)

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1 CHAIRMAN HOOD: Ms. Schellin, would you do a roll
2 call vote, please?

3 MS. SCHELLIN: Yes, sir.

4 Commissioner Miller:

5 VICE CHAIR MILLER: Yes.

6 MS. SCHELLIN: Commissioner Turnbull?

7 COMMISSIONER TURNBULL: Yes.

8 MS. SCHELLIN: Commissioner Hood?

9 CHAIRMAN HOOD: Yes.

10 MS. SCHELLIN: Commissioner May?

11 COMMISSIONER MAY: Yes.

12 MS. SCHELLIN: Commissioner Shapiro?

13 COMMISSIONER SHAPIRO: Yes.

14 MS. SCHELLIN: The vote is 5-0-0 to set down
15 Zoning Commission Case No. 20-09 as a contested case.

16 CHAIRMAN HOOD: Okay. Let's move right along.
17 Zoning Commission Case No. 06-12S, George Washington
18 University, First Stage PUD Modification of Significance and
19 Second Stage PUD at Square 57.

20 Ms. Fothergill from the Office of Planning.

21 MS. FOTHERGILL: Good afternoon, Chairman and
22 members of the Commission. I am Anne Fothergill from the
23 Office of Planning for Case No. 06-12S, George Washington
24 University.

25 The applicant is proposing a modification to the

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1 first stage PUD to allow the Smith Center on campus at 600
2 22nd Street, Northwest, to be a development site, and a
3 second stage PUD for the proposed approximately 1,500 square
4 foot expansion of the Smith Center.

5 This proposal is not inconsistent with both first
6 stage PUD and the Comprehensive Plan, and OP is recommending
7 that the Zoning Commission set this case down for a public
8 hearing. If it is set down, this case would be heard
9 concurrently with Case No. 06-11S, the proposed modification
10 of the GW Campus Plan, which does not need to be set down.

11 I'm happy to take questions.

12 CHAIRMAN HOOD: Thank you very much, Ms.
13 Fothergill.

14 Commissioner May, do you have any questions,
15 comments?

16 COMMISSIONER MAY: I do not have any questions
17 right now. Thank you.

18 CHAIRMAN HOOD: Okay. Commissioner Shapiro?

19 COMMISSIONER SHAPIRO: Just one, Mr. Chair. The
20 applicant listed a number of related projects. I wonder, Ms.
21 Fothergill, if you had a conversation with them about the
22 potential for adding solar onto the expansion. There's
23 already solar on the Smith Center, but did solar on the
24 expansion come up?

25 MS. FOTHERGILL: The expansion is small, but we

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1 can certainly talk about it.

2 COMMISSIONER SHAPIRO: Is it too small for a solar
3 array?

4 MS. FOTHERGILL: I think it's 9 feet deep, so we
5 can discuss it with them.

6 COMMISSIONER SHAPIRO: Thank you. That's all I
7 have, Mr. Chair.

8 CHAIRMAN HOOD: Okay, thank you.
9 Commissioner Turnbull?

10 COMMISSIONER TURNBULL: No questions, Mr. Chair.
11 Thank you.

12 CHAIRMAN HOOD: Okay. Vice Chair Miller?

13 VICE CHAIR MILLER: No questions, Mr. Chairman.
14 Thank you for your report, Ms. Fothergill.

15 CHAIRMAN HOOD: Okay. Thank you again. I don't
16 think we have any questions for you, other than what was
17 already said.

18 Okay. Commissioners, we have a request before us.
19 Would someone like to make a motion to set this down?

20 COMMISSIONER SHAPIRO: Mr. Chair, I move that we
21 set down Zoning Commission Case No. 606-12S, George
22 Washington University, First Stage PUD Modification of
23 Significance and Second Stage PUD at Square 57, and look for
24 a second.

25 VICE CHAIR MILLER: Second.

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

3 (No response.)

4 CHAIRMAN HOOD: Okay, Ms. Schellin, would you
5 please do a roll call vote?

6 MS. SCHELLIN: Commissioner Shapiro?

7 COMMISSIONER SHAPIRO: Yes.

8 MS. SCHELLIN: Commissioner May?

9 COMMISSIONER MAY: Yes.

10 MS. SCHELLIN: Commissioner Hood?

11 CHAIRMAN HOOD: Yes.

12 MS. SCHELLIN: Commissioner Miller?

13 VICE CHAIR MILLER: Yes.

14 MS. SCHELLIN: Commissioner Turnbull?

15 COMMISSIONER TURNBULL: Yes.

16 MS. SCHELLIN: The vote is 5-0-0 to set down
17 Zoning Commission Case No. 06-12S and its (audio
18 interference).

19 CHAIRMAN HOOD: Okay. Next case, Zoning
20 Commission Case No. 19-18, Belmont Crossing Partners, LLC,
21 Map Amendment at Square 6208.

22 Ms. Vitale.

23 MS. VITALE: Good afternoon, Mr. Chair and members
24 of the Commission. Elisa Vitale, for the record.

25 This is Zoning Commission Case 19-18. The Office

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1 of Planning recommends that the Commission set down for
2 public hearing the requested map amendment to rezone
3 approximately 6.4 acres from the RA-1 zone to the RA-2 zone
4 in Square 6208.

5 The Comprehensive Plan future land use map
6 designates the property for moderate density residential, and
7 the generalized policy map designation is for a neighborhood
8 conservation area. The proposed map amendment to RA-2 would
9 be consistent with the future land use and generalized policy
10 map.

11 The current RA-1 zone requires that new multi-
12 family residential development be reviewed by the Board of
13 Zoning Adjustment as a special exception, whereas the RA-2
14 zone would allow for matter-of-right residential and would
15 facilitate the redevelopment of the property at a greater
16 height and density than permitted today.

17 There is an existing residential development on
18 the property that is partially occupied. The applicant has
19 been working closely with, and does have the support, of the
20 Belmont Crossing Tenants Association.

21 The requested map amendment is not inconsistent
22 with Comprehensive Plan, and the Office of Planning
23 recommends that the Belmont Crossing Partners, LLC
24 application be set down for a public hearing.

25 This concludes my report, and I'm happy to answer

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1 any questions. Thank you.

2 CHAIRMAN HOOD: Okay. Let me just say this, Ms.
3 Vitale. I've tried to announce your name today when I was
4 sitting at the house, and realized that I have been
5 pronouncing your name incorrectly for a long time. So, could
6 you pronounce it again for me, so I could try to get it
7 right?

8 MS. VITALE: Sure. Elisa Vitale.

9 CHAIRMAN HOOD: Vitale.

10 MS. VITALE: Yes.

11 CHAIRMAN HOOD: So, have I been pronouncing your
12 name incorrectly?

13 MS. VITALE: I don't even notice. I think if I
14 answer you got it right.

15 CHAIRMAN HOOD: Okay. Okay. Thank you. All
16 right.

17 So, any questions for the Office of Planning?
18 Let's start with Commissioner May.

19 COMMISSIONER MAY: I do not have any questions.

20 CHAIRMAN HOOD: Commissioner Shapiro?

21 COMMISSIONER SHAPIRO: No questions, Mr. Chair.

22 CHAIRMAN HOOD: Commissioner Turnbull?

23 COMMISSIONER TURNBULL: I have no questions, Mr.
24 Chair. And she was extremely nice, polite, and very good to
25 you.

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1 CHAIRMAN HOOD: Yes, she was. She was.

2 COMMISSIONER SHAPIRO: Let's give her a hand.

3 CHAIRMAN HOOD: I can mess up some names.

4 (Laughter.)

5 CHAIRMAN HOOD: Okay. Vice Chair Miller?

6 VICE CHAIR MILLER: No questions. Thank you, Ms.

7 Vitale, for your report. I have no questions. It seems like

8 a good project, and I'm glad the tenant group, they've been

9 working with the tenant group and they have their support.

10 Do we have anything yet from the ANC out there?

11 MS. VITALE: There's not anything from the ANC in

12 the record as of yet. I would, obviously, anticipate when

13 we get to public hearing we would do that.

14 VICE CHAIR MILLER: Okay, great. Thank you.

15 CHAIRMAN HOOD: Okay. Thank you, Ms. Vitale. I'm

16 going to work on that.

17 I don't have any questions as well, so I would

18 like my colleagues, if one of you all would like to make a

19 motion? Unless we have some further discussion.

20 VICE CHAIR MILLER: I would move, Mr. Chairman,

21 that the Zoning Commission set down for public hearing Case

22 No. 19-18, petition to rezone Belmont Crossing, 59 to 63, 65

23 and 69, 809 to 811, 817, and 827 to 829 in Square 6208 from

24 RA-1 to RA-2, and ask for a second.

25 CHAIRMAN HOOD: I'll second that. It's been moved

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1 and properly seconded.

2 Any further discussion?

3 COMMISSIONER MAY: Yeah, I have a question. Are
4 we setting this down as a contested case?

5 CHAIRMAN HOOD: Yeah.

6 MS. SCHELLIN: That's how they filed it, yes.

7 COMMISSIONER MAY: Okay. All right, yes.

8 CHAIRMAN HOOD: Okay. Anything else?

9 COMMISSIONER MAY: No.

10 CHAIRMAN HOOD: It's been moved and properly
11 seconded. No further discussion.

12 Ms. Schellin, would you please do a roll call
13 vote?

14 MS. SCHELLIN: Commissioner Miller?

15 VICE CHAIR MILLER: Yes.

16 MS. SCHELLIN: Commissioner Hood?

17 CHAIRMAN HOOD: Yes.

18 MS. SCHELLIN: Commissioner May?

19 COMMISSIONER MAY: Yes.

20 MS. SCHELLIN: Commissioner Shapiro?

21 COMMISSIONER SHAPIRO: Yes.

22 MS. SCHELLIN: Commissioner Turnbull?

23 COMMISSIONER TURNBULL: Yes.

24 MS. SCHELLIN: The vote is 5-0-0 to set down
25 Zoning Commission Case No. 19-18 as a contested case.

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1 CHAIRMAN HOOD: All right.

2 MS. SCHELLIN: That's all that's on the agenda,
3 unless you have something else.

4 CHAIRMAN HOOD: Okay. Does OP have anything? Ms.
5 Steingasser, Mr. Lawson, do you have anything you want to
6 convey to us?

7 MS. STEINGASSER: No, sir.

8 CHAIRMAN HOOD: Okay. Vice Chair Miller?

9 VICE CHAIR MILLER: Just a question for the
10 benefit of the public and myself. When is our next -- Ms.
11 Schellin, when is our next virtual public meeting or hearing?

12 MS. SCHELLIN: It is next Thursday -- I'm sorry,
13 yeah, next Thursday, the 18th, at 4:00 p.m.

14 VICE CHAIR MILLER: Okay, thank you.

15 CHAIRMAN HOOD: So, next Thursday, the 18th at 4
16 o'clock. Okay.

17 Any other questions?

18 CHAIRMAN HOOD: All right. So, with that, this
19 meeting is adjourned. Everyone stay safe.

20 (Whereupon, the above-entitled matter was went off
21 the record at 4:44 p.m.)

22

23

24

25

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Before: DCZC

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