

GOVERNMENT  
OF  
THE DISTRICT OF COLUMBIA

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ZONING COMMISSION

+ + + + +

REGULAR MEETING

+ + + + +

MONDAY

JULY 27, 2020

+ + + + +

The Regular Meeting of the District of Columbia Zoning Commission convened via Teleconference, pursuant to notice 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  
MAXINE BROWN-ROBERTS  
STEPHEN COCHRAN  
ELISA VITALE

The transcript constitutes the minutes from the Regular Meeting held on July 27, 2020.

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

2 4:08 p.m.

3 CHAIRMAN HOOD: Good afternoon, ladies and  
4 gentlemen. This is the Zoning Commission Public Meeting.  
5 Today's date is July the 27, 2020. We are convened and  
6 broadcasting this public meeting by video conferencing.

7 My name is Anthony Hood. Joining me this evening,  
8 or this afternoon, are Vice Chair Miller, Commissioners  
9 Shapiro, May, and Turnbull. We are also joined by the Office  
10 of Zoning staff, Ms. Sharon Schellin, our Secretary, and Mr.  
11 Paul Young, who handles all of our virtual operations.

12 I ask all others to introduce themselves at the  
13 appropriate time. Copies of today's meeting agenda on  
14 available on the Office of Zoning's website. Please be  
15 advised, this proceeding is being recorded by a court  
16 reporter, and is also webcast live, WebEx, and YouTube Live.  
17 The video will be available on the Office of Zoning's website  
18 after the meeting, either after the meeting or the next day.

19 Accordingly, all those listening on WebEx or by  
20 phone will be muted during the meeting, unless the Commission  
21 suggests otherwise.

22 For hearing action items, the only document before  
23 us this evening are the application, the ANC set down, and  
24 the Office of Planning's report. All other documents in the  
25 record will be reviewed at the time of the hearing.

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1           Again, we do not take any public testimony at our  
2 meetings unless the Commission requests someone to come  
3 forward.

4           If you experience difficulty accessing the WebEx  
5 or with your phone call-in, then please call our OZ Hotline  
6 number so you can participate in this meeting, or listen, at  
7 202-727-5471, for the WebEx login or call-in instructions.  
8 Again, the number is 202-727-5471.

9           With that, does the staff have any preliminary  
10 matters?

11           MS. SCHELLIN: No, sir, I do not.

12           CHAIRMAN HOOD: Okay. Let me go to the agenda,  
13 and we'll follow it in the order as printed. Our first case  
14 is a Modification of Consequence. We have the termination  
15 of scheduling, Zoning Commission Case No. 04-08F/02-45,  
16 WMATA--PUD Modification of Consequence, at Square 5868S.

17           Ms. Schellin.

18           MS. SCHELLIN: Yes, sir. The Applicant is  
19 requesting a Modification of Consequence to install a three-  
20 legged lattice tower, with Omni whip antennas, and an overall  
21 height of 256 feet, 6 inches, on St. Elizabeths Hospital  
22 campus, near the Congress Heights Metro Station. This tower  
23 would replace the tower within the PUD area.

24           The Applicant is also requesting a special  
25 exception to allow the 250-foot tower in the MU-4 Zone.

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1           At Exhibit 6 is an OP report that states it agrees  
2 this can be considered a Modification of Consequence, and  
3 therefore, recommends approval of the request, along with  
4 approval of the Special Exception request, that the  
5 Commission to first determine whether it is, in fact, a  
6 Modification of Consequence, and if so, to set a schedule for  
7 the ANC to respond and for any additional documents the  
8 Commission may request.

9           CHAIRMAN HOOD: Okay, thank you, Ms. Schellin.

10           Commissioners, we have a request, it's a  
11 Modification of Consequence. First, does anyone believe that  
12 this should be taken off as a Modification of Consequence?

13           COMMISSIONER MAY: Mr. Chairman?

14           CHAIRMAN HOOD: Commissioner May.

15           COMMISSIONER MAY: Yes. You know, I think this  
16 is not a very difficult case in the long run, but I do think  
17 that it's the sort of thing that we are better off  
18 considering as a modification of significance than a  
19 modification of consequence.

20           I just feel, you know, it's a permanent  
21 installation, a permanent fix for that tower. It's in a  
22 slightly different location. You know, there are others, you  
23 know, very small differences from what's already there. But,  
24 it's the sort of thing where, you know, there may be concerns  
25 from the neighborhood, and I just feel like we are better off

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1 giving the public an opportunity to speak up about it.

2           It's entirely likely that we won't have anybody  
3 show up for the hearing for it, but I'd rather err on the  
4 side of greater public input than just pass it on more  
5 immediately without their input.

6           CHAIRMAN HOOD: Thank you, Commissioner May.

7           Commissioner Shapiro?

8           Anybody have anything else? Vice Chair,  
9 Commissioner Turnbull?

10           COMMISSIONER TURNBULL: I would just -- I would  
11 concur with Commissioner May.

12           CHAIRMAN HOOD: Okay. I think there's some  
13 changes being made, and I would agree it's better to have  
14 public input.

15           So, we will take this off as a modification of  
16 consequence, and we'll make it a modification of  
17 significance. And, Ms. Schellin, can you walk us through  
18 what all needs to be done?

19           MS. SCHELLIN: You guys do nothing else. The  
20 Applicant will be directed to go back and file a modification  
21 of significance application. So, they will need to go back  
22 in to follow the regulations for doing that.

23           CHAIRMAN HOOD: Okay. So, do we have anything  
24 else on this one?

25           MS. SCHELLIN: No, you do not.

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1 CHAIRMAN HOOD: Okay. Vice Chair Miller?

2 VICE CHAIR MILLER: Mr. Chairman, I just wanted  
3 to know what I think you advised, the Applicant would not be  
4 -- which is I think WMATA or the District government, would  
5 not be significantly prejudiced by this delay in holding a  
6 public hearing, because they can continue to operate the  
7 current temporary antenna that's there until May of 2022,  
8 which has improved operations, cell phone operations for all  
9 the users of that facility.

10 CHAIRMAN HOOD: Okay, thank you.

11 All right, Ms. Schellin, so anything else on this  
12 one?

13 MS. SCHELLIN: No, sir.

14 CHAIRMAN HOOD: Okay. Let's go to Final Action,  
15 Zoning Commission Case No. 17-05B, 2100 2nd Street SW, LLC --  
16 Capital Gateway Design Review Modification of Significance  
17 at Square 613.

18 Ms. Schellin.

19 MS. SCHELLIN: Yes, sir. Exhibit 39 -- excuse me,  
20 29 and 31 through 31A have the Applicant's post-hearing  
21 submissions. And then, at Exhibit 30 you have ANC 6D's  
22 report. They continue to be in opposition of this request  
23 from the Applicant, and so would ask the Commission to  
24 consider final action this evening on this case.

25 CHAIRMAN HOOD: All right. Let me open it up for

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1 questions or comments on this design review modification of  
2 significance, at Square 613.

3 I will start off -- well, no, let me open it up  
4 first, because I'm sure somebody may hit the benefits, but  
5 I will talk about that as I've done in the past.

6 Commissioner May, do you have any questions or  
7 comments?

8 COMMISSIONER MAY: Yes, Mr. Chairman.

9 I am certainly sympathetic to the concerns of the  
10 ANC, and I do think that there is some reason and concern  
11 that this strategy for making use of the vacant space in the  
12 building as a short-term measure could, in effect, drive up  
13 rental rates. It's basically a way of holding onto the space  
14 and making some money off of it, while you try to lease up  
15 at the maximum possible rent.

16 I have some sympathy with that argument.  
17 Unfortunately, I don't think that that's really part of our  
18 criteria for determining this special exception, especially,  
19 since it just has to do with, you know, whether a hotel use  
20 is appropriate in this zone. And, you know, we've changed  
21 to make it a special exception. There are not impacts that  
22 I feel that it need substantial mitigation and, certainly,  
23 there's nothing in the ANC's report, specifically, that goes  
24 to issues that I think need mitigation.

25 So, I am inclined to agree with the Office of

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1 Planning, that this is something that we should approve, and  
2 that we should put a two-year cap on it, on how long this  
3 could be done, which, according to the Applicant is more than  
4 enough time.

5 So again, I am sympathetic to the ANC's argument,  
6 but, unfortunately, I don't think it truly applies in the  
7 decision we have to make.

8 CHAIRMAN HOOD: Okay. Commissioner Shapiro, do  
9 you have any questions or comments?

10 COMMISSIONER SHAPIRO: No, Mr. Chair, I agree with  
11 Commissioner May. I have nothing further to add.

12 CHAIRMAN HOOD: Okay. Commissioner Turnbull, do  
13 you have any questions or comments?

14 COMMISSIONER TURNBULL: Just to add that I can  
15 approve this with the two-year limit in the order.

16 CHAIRMAN HOOD: Okay. Thank you.

17 Vice Chair Miller?

18 VICE CHAIR MILLER: I concur with my colleagues.

19 CHAIRMAN HOOD: Okay. Since it's already been  
20 stated, I think we already know this type of case. While we  
21 appreciate the Applicant trying the community benefits, we  
22 cannot make that a condition of our order.

23 This is something that we've dealt with  
24 previously, but this is not something we can do in a  
25 situation like this, especially, with the design review.

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1 But, you know, that's between the Applicant and the  
2 community, and the ANC, how they want to do that. We cannot  
3 put that in our order. We may be able to point to it, but  
4 not put that in the order.

5 Vice Chair Miller?

6 VICE CHAIR MILLER: Yes, Mr. Chairman.

7 I just wanted to add that we did have testimony  
8 I think from the Applicant, maybe from OP as well, that it  
9 will not affect the amount of Inclusionary Zoning Units that  
10 must be provided, pursuant to our regulation.

11 CHAIRMAN HOOD: Okay. So, with that, would  
12 somebody like to make a motion? It sounds like we are all  
13 in favor, if somebody would just put a motion on the table  
14 I'd appreciate it.

15 COMMISSIONER SHAPIRO: Mr. Chair, I'll move that  
16 we take final action on Zoning Commission Case No. 17-05B,  
17 2100 2nd Street, SW, LLC, design review, modification of  
18 significance at Square 613, and look for a second.

19 COMMISSIONER TURNBULL: Second.

20 CHAIRMAN HOOD: Okay. Thank you, Mr. Turnbull,  
21 for the second. It's moved and properly seconded. Any  
22 further discussion?

23 (No response.)

24 Okay, Ms. Schellin, can we do a roll call vote,  
25 please?

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1 MS. SCHELLIN: Commissioner Shapiro?

2 COMMISSIONER SHAPIRO: Vote yes.

3 MS. SCHELLIN: Commissioner Turnbull?

4 COMMISSIONER TURNBULL: Yes.

5 MS. SCHELLIN: Commissioner Hood?

6 CHAIRMAN HOOD: Yes.

7 MS. SCHELLIN: Commissioner May?

8 COMMISSIONER MAY: Yes.

9 MS. SCHELLIN: Commissioner Miller?

10 VICE CHAIR MILLER: Yes.

11 MS. SCHELLIN: The vote is 5-0-0 to approve final  
12 action in Zoning Commission Case No. 17-05B as discussed.

13 CHAIRMAN HOOD: Okay. Next, moving right along.  
14 Okay, let's go to the next case, which is Zoning Commission  
15 Case No. 17-25A, 950 South Capitol Owner, LLC, modification  
16 of significance to design review at Square 697N.

17 Ms. Schellin.

18 MS. SCHELLIN: Yes. There was only one new  
19 document in this case, that was Exhibit 14, which was Draft  
20 Findings, Facts, Conclusions of Law, submitted by the  
21 Applicant. They ask the Commission to consider final action  
22 on this case.

23 CHAIRMAN HOOD: Okay. Commissioners, as stated,  
24 special exception under Subtitle C 1503(c) to allow a night  
25 club, cocktail lounge, or restaurant use in the penthouse.

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1 Let me open it up for discussion.

2 Commissioner May?

3 COMMISSIONER MAY: Sure. So, it's been noted that  
4 the draft order on this does not include the condition of  
5 limitation of use by residents and their guests. I didn't  
6 see it. I'm not sure exactly what happened there. But,  
7 certainly, everything we heard in the hearing, and what was  
8 in the ANC report, and what the Applicant has told us, is  
9 that it would -- that would be the circumstance, and,  
10 certainly, that condition should be written in.

11 So, as long as that condition is written into the  
12 order, I have no problem approving this.

13 CHAIRMAN HOOD: Commissioner Shapiro?

14 COMMISSIONER SHAPIRO: Nothing further to add, Mr.  
15 Chair.

16 CHAIRMAN HOOD: Commissioner Turnbull?

17 COMMISSIONER TURNBULL: No, other than the fact  
18 that the Applicant made it very clear that it would not be  
19 open to the public. So, I'll agree with adding the language.

20 CHAIRMAN HOOD: And, Vice Chair Miller?

21 VICE CHAIR MILLER: Yeah, I agree with my  
22 colleagues, that I'm okay with limiting the use to building  
23 residents and their guests, without getting into all the  
24 specifics which will be in the cooperative agreement between  
25 the ANC and the Applicant, and will go before ABRA, and

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1 they'll impose a lot of very specific conditions that they  
2 enforce, which we don't enforce.

3 CHAIRMAN HOOD: Right, I would agree with  
4 everything I heard. I think we asked, but I think it should  
5 be between, even though, as the Vice Chair and Commissioner  
6 May has already answered, they've got so many other avenues  
7 that it has to go down, I'm sure that will be covered.

8 But, as was already stated by Commissioner May,  
9 that was, basically, I think, three quarters of our whole  
10 hearing, hearing about that.

11 So anyway, with that, the comments as discussed,  
12 I think this merits approval as noted, with the comments from  
13 Commissioner May and my colleagues. So, with that I would  
14 move that we approve Zoning Commission Case No. 17-25A and  
15 I ask for a second.

16 VICE CHAIR MILLER: Second.

17 CHAIRMAN HOOD: Moved and properly seconded. Any  
18 further discussion?

19 Okay, Ms. Schellin, would you do a roll call vote,  
20 please?

21 MS. SCHELLIN: Commissioner Hood?

22 CHAIRMAN HOOD: Approve, yes.

23 MS. SCHELLIN: Commissioner Miller?

24 VICE CHAIR MILLER: Yes.

25 MS. SCHELLIN: Commissioner May?

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1 COMMISSIONER MAY: Yes.

2 MS. SCHELLIN: Commissioner Shapiro?

3 COMMISSIONER SHAPIRO: Yes.

4 MS. SCHELLIN: Commissioner Turnbull?

5 COMMISSIONER TURNBULL: Yes.

6 MS. SCHELLIN: The vote is 5-0-0 to approve final  
7 action in Zoning Commission Case No. 17-25A.

8 CHAIRMAN HOOD: Okay. Let's move on to Zoning  
9 Commission Case No. 15-27B. This is Carr Properties OC, LLC  
10 -- 1st Stage and Consolidated PUD Modification and a second-  
11 stage PUD at Square 3587, Lots 833 through 834.

12 Ms. Schellin.

13 MS. SCHELLIN: Yes. On this case, you have  
14 Exhibits 32 through 32E, and that is the Applicant's post-  
15 hearing submission. And so, we'd ask the Commission to  
16 consider final action on this case.

17 CHAIRMAN HOOD: Okay. Let me open it up, any  
18 questions or comments, Commissioner May?

19 COMMISSIONER MAY: I don't. I mean, I'm sure  
20 others have comments on it. I'm happy to defer to others if  
21 they want to take the lead in discussing any of the issues  
22 in this case.

23 CHAIRMAN HOOD: Okay. Commissioner Shapiro?

24 COMMISSIONER SHAPIRO: Pass on me for now, Mr.  
25 Chair.

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1 CHAIRMAN HOOD: Okay. Commissioner Turnbull?

2 COMMISSIONER TURNBULL: Thank you, Mr. Chair.

3 I think because of the nature of the way this was  
4 presented, I think we need to separate it into two distinct  
5 votes for Building C1, which was a Modification of  
6 Significance for consolidated PUD, and then Building C2,  
7 which was a modification to the approved first stage PUD and  
8 approval of the second stage PUD. So, I think we need to  
9 separate that out.

10 And, I think the only question on Building C2 is  
11 to maybe a rebalancing test of what was proffered, the  
12 contributions. I think we need some more -- something -- the  
13 Applicant needs to go back and rebalance that.

14 CHAIRMAN HOOD: Okay. So, it sounds like, and I  
15 would agree, maybe I should have teed this up a little  
16 differently. Since Mr. Turnbull already put it out there,  
17 we should probably talk about the special exception, we  
18 should do Building C1 first. So, maybe we should talk about  
19 that first, and then come back and talk about Building C2.

20 Would that make it easier? Would that make it  
21 easier on our discussions?

22 COMMISSIONER TURNBULL: Yes, Mr. Chair.

23 CHAIRMAN HOOD: Okay. So, Mr. Turnbull, you are  
24 asking again for, what are you asking again for? I'm sorry.

25 COMMISSIONER TURNBULL: Well, I think we need to

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1 split the vote, because it's basically two aspects. We are  
2 not -- we can't vote for all at one. I think OAG is  
3 recommending in order for us to do this adequately we need  
4 to separate the vote. We have to deal with the special  
5 exception, which is not relief for the PUD, but for just what  
6 they are asking for on that, and do that separately.

7 CHAIRMAN HOOD: Okay. So, why don't we start the  
8 discussions over. If anybody has anything to add, we'll do  
9 Building C1, which again, is the modification of significance  
10 to the consolidated PUD, which talks about the permitting of  
11 the bar, and the restaurant, and night club use in the  
12 penthouse in building C1.

13 So, yeah, we'll do that first, and we'll see where  
14 we go with that, and then we'll come back and do the  
15 modification with approved first-stage PUD and approval of  
16 the second-stage PUD, which is at advice from our Counsel.

17 Let me go back, anybody -- let me just see if I  
18 could have a show of hands, do you have something, Mr.  
19 Turnbull, to say on this?

20 COMMISSIONER TURNBULL: I have no comments on the  
21 bar and the restaurant in C1.

22 CHAIRMAN HOOD: Okay. Okay.

23 Commissioner Shapiro?

24 COMMISSIONER SHAPIRO: No, I have something  
25 similar, they provided a reasonable justification for how the

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1 proposed penthouse use complies with the special exception.  
2 They have not requested flexibility from the special  
3 exception standards. You know, I think they've met the  
4 standard.

5 CHAIRMAN HOOD: Okay. Vice Chair Miller, did you  
6 have anything?

7 VICE CHAIR MILLER: Only that the -- we are on C1  
8 right now?

9 CHAIRMAN HOOD: We are on C1.

10 VICE CHAIR MILLER: Only that I think for both C1  
11 and C2, the ANC is in support of the application.

12 CHAIRMAN HOOD: Okay. As has already been said,  
13 I think they've demonstrated the relief. So, what I would  
14 like to do is ask for a motion for C1 of this case,  
15 modification of significance. Would somebody like to make  
16 a motion?

17 Before we do that, Board Member Cain -- I mean,  
18 I'm sorry, Ms. Cain, is that sufficient for us to do it in  
19 that way that's being recommended by you all?

20 MS. CAIN: Yes, and just to give background as to  
21 why the Commission is doing this, the Applicant had requested  
22 at the hearing to split the order into two. So, one order  
23 dealing with Building C1, and then another order dealing with  
24 Building C2. So, that's the justification for doing this in  
25 a split vote, which we think is perfectly acceptable.

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1 CHAIRMAN HOOD: Okay, thank you. I think we  
2 agreed to, at the hearing, that we do that if requested. So,  
3 thank you, just making sure that we kept our word.

4 Would somebody like to make a motion on this?  
5 Mr. Turnbull?

6 COMMISSIONER TURNBULL: I could try, Mr. Chair.  
7 I would move that we take Zoning Case No. -- that  
8 we approve Zoning Case No. 15-27B, Building C1, Modification  
9 of Significance to consolidate PUD, and look for a second.

10 COMMISSIONER SHAPIRO: I second.

11 CHAIRMAN HOOD: Okay. It's been moved and  
12 properly seconded. Discussion?

13 Commissioner May?

14 COMMISSIONER MAY: Yes, I'm just a little  
15 confused. I mean, just, is the reference to C1 sufficient  
16 to make clear or just assume the restaurant use, right?

17 COMMISSIONER TURNBULL: Yes, well, let me clarify.  
18 It's a special exception to permit restaurant, bar, and night  
19 club in the penthouse of the Building C1.

20 CHAIRMAN HOOD: Right, all right. So, it's been  
21 moved and properly seconded. Any further discussion? Not  
22 seeing any, Ms. Schellin, could you do a roll call vote,  
23 please?

24 MS. SCHELLIN: Chairman -- Commissioner Turnbull?

25 COMMISSIONER TURNBULL: Yes. Wow.

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1 MS. SCHELLIN: Commissioner Hood?

2 CHAIRMAN HOOD: Do I respond? Yes.

3 MS. SCHELLIN: Commissioner May?

4 COMMISSIONER MAY: Yes.

5 VICE CHAIR MILLER: Commissioner Miller.

6 I might want to defer to Commissioner Cain, but

7 I'll say yes.

8 MS. SCHELLIN: Commissioner Shapiro?

9 COMMISSIONER SHAPIRO: Yes.

10 MS. SCHELLIN: The vote is 5-0-0 to approve  
11 Building C1 final action in Case No. 15-27B.

12 CHAIRMAN HOOD: Okay. Again, thank you, Counsel,  
13 and also Mr. Turnbull for bringing to our attention how we  
14 could best move forward with this.

15 Let's go to Building 2, Modification of Approved  
16 First-Stage PUD, and approval of a second-stage PUD, first-  
17 stage modifications, the second-stage approval, and the  
18 special exception.

19 So, let me open it up. Commissioner May, if you  
20 are tired of me coming to you first, I will go to others.  
21 I was only doing that for efficiency's sake.

22 COMMISSIONER MAY: That's okay. I'm happy to have  
23 others take up this issue first.

24 CHAIRMAN HOOD: Okay. So, why don't I do the  
25 reverse. Vice Chair Miller?

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1 VICE CHAIR MILLER: Okay, thank you, Mr. Chairman.

2 So, the changing residential to office, is that  
3 correct, and so instead of the Inclusionary Zoning  
4 requirements, the minimum Affordable Housing requirements,  
5 no, minimum IZ requirements, they are going to make a \$1.5  
6 million contribution to the Housing Production Trust Fund,  
7 and the overall PUD meets the overall Inclusionary Zoning  
8 minimum requirements for the overall PUD.

9 I think the case has been made that there's a  
10 sufficient -- that the proposed substitution of the Housing  
11 Production Trust Fund contribution of \$1.5 million is  
12 sufficient to match or exceed the benefit that was originally  
13 provided by the Inclusionary Zoning minimum, when it was  
14 going to be a residential building. And, the ANC supports  
15 it, so I am ready to move forward myself, Mr. Chairman.

16 CHAIRMAN HOOD: Okay. Commissioner Turnbull?

17 COMMISSIONER TURNBULL: I would concur with  
18 everything that the Vice Chair has said, and I'm willing to  
19 move forward also.

20 CHAIRMAN HOOD: Okay. Commissioner Shapiro?

21 COMMISSIONER SHAPIRO: Thank you, Mr. Chair.

22 The only thing I would add is that there's  
23 additional -- in the DDOT report there were additional  
24 conditions as well, they are conditions that the Applicant  
25 has agreed to.

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1           And, I have nothing further to add on what Vice  
2 Chair Miller has described.

3           CHAIRMAN HOOD:   Okay, thank you.

4           Commissioner May?

5           COMMISSIONER MAY:   I do not have any comments.

6           CHAIRMAN HOOD:   Okay.  I don't have any comments  
7 on this case either, but I did have one on the last case  
8 about forming an agreement.  But, you know what, okay, I  
9 don't want to mix it up.

10          All right, so -- we already voted on it.  So --

11          COMMISSIONER SHAPIRO:  Mr. Chair?

12          CHAIRMAN HOOD:   Yes.

13          COMMISSIONER SHAPIRO:  Let me also note that ANC  
14 5D is in support of the application, and was in support of  
15 the change to the special exception for Building C1 as well,  
16 even though that was another vote.

17          CHAIRMAN HOOD:   Okay, thank you.  ANC 5B, as  
18 already stated, is in support.  All right.

19          So, with that, would somebody like to make a  
20 motion?  I think is ready, I don't have anything more to add.  
21 I think the merit speaks for itself.  I guess this is  
22 Building C2, would somebody like to make a motion?

23          VICE CHAIR MILLER:  Mr. Chairman, I would move  
24 that Zoning Commission take final action on Zoning Commission  
25 Case 15-27B, the Building C2 function, which is a

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1 modification of their first-stage PUD and second-stage PUD,  
2 and ask for a second?

3 CHAIRMAN HOOD: I'll second it since my mic is  
4 unmuted, unless, Commissioner May, you were going to second.

5 COMMISSIONER MAY: I'm happy to leave you the  
6 second.

7 CHAIRMAN HOOD: All right, I'll second it. It's  
8 been moved and properly seconded. Any further discussion?

9 Ms. Schellin, can we do a roll call vote, please?

10 MS. SCHELLIN: Commissioner Miller?

11 VICE CHAIR MILLER: Yes.

12 MS. SCHELLIN: Commissioner Hood?

13 CHAIRMAN HOOD: Yes.

14 MS. SCHELLIN: Commissioner May?

15 COMMISSIONER MAY: Yes.

16 MS. SCHELLIN: Commissioner Shapiro?

17 COMMISSIONER SHAPIRO: Yes.

18 MS. SCHELLIN: Commissioner Turnbull?

19 COMMISSIONER TURNBULL: Yes.

20 MS. SCHELLIN: The vote is 5-0-0 to approve final  
21 action for Building C2, in Case No. 15-27B.

22 CHAIRMAN HOOD: Okay, thank you.

23 Next, let's go to Zoning Commission Case No. 15-  
24 27E, 350 Morse CPK Owner, LLC -- Second-stage PUD at Square  
25 3587.

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1 Ms. Schellin.

2 MS. SCHELLIN: Yes. At Exhibit 33 through 33B,  
3 you have the Applicant's post-hearing submission. We'd ask  
4 the Commission to consider final action on this case this  
5 evening.

6 CHAIRMAN HOOD: Okay. Vice Chair Miller, do you  
7 want to start us off?

8 VICE CHAIR MILLER: I'm not prepared, I'm sorry,  
9 Mr. Chairman.

10 CHAIRMAN HOOD: Okay, that's all right.

11 COMMISSIONER MAY: I'll go first, Mr. Chairman.

12 CHAIRMAN HOOD: Okay. Now, we are going to back  
13 to our regular, okay, Commissioner May, do you want to start  
14 us off?

15 COMMISSIONER MAY: Yeah, I think there were just  
16 a couple issues on this one. One was that we had had some  
17 discussion of the roof top setback. They submitted drawings  
18 to address that issue, and that looks to be in order at this  
19 point.

20 And, let's see, the other one was, I've lost my  
21 notes here, I'm lost without my notes. I'll find it. Maybe  
22 I won't find it.

23 Maybe somebody else while I find the second issue.

24 CHAIRMAN HOOD: Okay, Commissioner Shapiro?

25 COMMISSIONER SHAPIRO: Thank you, Mr. Chair.

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1 Yes, the other post-hearing submissions were the  
2 updated IZ calculations and the updated TDM plan.

3 COMMISSIONER MAY: Yes.

4 COMMISSIONER SHAPIRO: And, I can turn it back  
5 over to you, Commissioner May.

6 COMMISSIONER MAY: Yes, No, the one that I was  
7 trying to remember was the IZ calculations, and I'm glad to  
8 see that was revised. And, it did mean that there was a  
9 slightly larger amount of space that was going to be included  
10 in the 50 percent MFI units. So, that was worth getting that  
11 reworked.

12 So, that was it, I mean, the TDM plan, that all  
13 looks great. So, that's all good. So, I'm fine with this  
14 now.

15 CHAIRMAN HOOD: Okay. Commissioner Shapiro, do  
16 you have anything else?

17 COMMISSIONER SHAPIRO: No, sir.

18 CHAIRMAN HOOD: Okay. Commissioner Turnbull.

19 COMMISSIONER TURNBULL: I really don't have  
20 anything, other than what's been said. Exhibit 33A, the  
21 architectural drawing, which shows the set backs and sections  
22 I think clarifies a lot. I think they went back, and,  
23 basically, stated the same thing as what the ZA had said in  
24 his letter that was read at the hearing.

25 So, I'm ready to move forward.

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1 CHAIRMAN HOOD: Okay. Vice Chair Miller?

2 VICE CHAIR MILLER: Thank you, Mr. Chairman.

3 I'm now prepared to say that I concur with my  
4 colleagues, and that the ANC is in support.

5 CHAIRMAN HOOD: Okay. I think we've captured all  
6 the issues that have been highlighted in the IZ and the  
7 housing plan, the TDM plan parking issues. I think all that's  
8 been captured, so I don't think I have anything I want to add  
9 to this.

10 So, I'd like for somebody else to, I do a lot of  
11 the talking, so someone else can make the motion, unless you  
12 all want me to make them all.

13 COMMISSIONER TURNBULL: Mr. Chair, I would move  
14 that we take final action, or the Zoning Commission takes  
15 final action of Zoning Case No. 15-27E, at 350 Morse CPK  
16 Owner, LLC, second-stage PUD at Square 3587, and look for a  
17 second.

18 VICE CHAIR MILLER: Second.

19 CHAIRMAN HOOD: Okay. It's been moved and  
20 properly seconded. Any further discussion? Not seeing any,  
21 Ms. Schellin, could you do a roll call vote, please?

22 MS. SCHELLIN: Commissioner Turnbull?

23 COMMISSIONER TURNBULL: Yes.

24 MS. SCHELLIN: Commissioner Miller?

25 VICE CHAIR MILLER: Yes.

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1 MS. SCHELLIN: Commissioner Hood?

2 CHAIRMAN HOOD: Yes.

3 MS. SCHELLIN: Commissioner May?

4 COMMISSIONER MAY: Yes.

5 MS. SCHELLIN: Commissioner Shapiro?

6 COMMISSIONER SHAPIRO: Yes.

7 MS. SCHELLIN: The vote is 5-0-0 to approve final  
8 action in Zoning Commission Case No. 15-27E.

9 CHAIRMAN HOOD: Okay, thank you.

10 Moving right along, let's go to Zoning Commission  
11 Case No. 20-07. This is an Office of Zoning text amendment  
12 to Subtitles Y and Z, six-month extensions to Zoning  
13 Commission and BZA orders, expiring between April 27, 2020,  
14 and December 31, 2020.

15 Ms. Schellin.

16 MS. SCHELLIN: There were no new submissions in  
17 this case. The second notice of proposed rulemaking was  
18 published in the D.C. Register, back in June, and no new  
19 comments were received.

20 CHAIRMAN HOOD: Okay. I don't even want to -- I'm  
21 trying to figure out why this is showing back up again. But,  
22 I think, again, after we did the first vote there must have  
23 been an issue.

24 MS. SCHELLIN: We did a clarifying language.

25 CHAIRMAN HOOD: Okay.

1 MS. SCHELLIN: So, there was a second notice of  
2 proposed rulemaking.

3 CHAIRMAN HOOD: Okay. I was just wondering why  
4 this keeps showing up. Okay. Any questions or comments?

5 Commissioner May? Looking at heads now.

6 COMMISSIONER MAY: No.

7 CHAIRMAN HOOD: Okay. Not seeing any, I will go  
8 ahead and move for approval of Zoning Commission Case No. 20-  
9 07, Office of Zoning Text Amendment to Subtitles Y and Z,  
10 six-month extension to Zoning Commission and BZA orders  
11 expire between April 27, 2020, and December 31, 2020, and a  
12 lot of that's due to the epidemic which we are going through  
13 now. So, I appreciate everybody supporting that, because I  
14 think that's very important, it's not just the City, but  
15 those involved, especially, financing.

16 So, with that, that's my motion. Can I get a  
17 second?

18 VICE CHAIR MILLER: Second.

19 CHAIRMAN HOOD: It's been moved and properly  
20 seconded. Any further discussion. Not hearing any, Ms.  
21 Schellin, would you please do a roll call? You're on mute,  
22 Ms. Schellin.

23 MS. SCHELLIN: Sorry. Commissioner Hood?

24 CHAIRMAN HOOD: Yes.

25 MS. SCHELLIN: Commissioner Miller?

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1 VICE CHAIR MILLER: Yes.

2 MS. SCHELLIN: Commissioner May?

3 COMMISSIONER MAY: Yes.

4 MS. SCHELLIN: Commissioner Shapiro?

5 COMMISSIONER SHAPIRO: Yes.

6 MS. SCHELLIN: Commissioner Turnbull?

7 COMMISSIONER TURNBULL: Yes.

8 MS. SCHELLIN: The vote is 5-0-0 to approve final  
9 action Zoning Commission Case No. 20-07.

10 CHAIRMAN HOOD: Okay. Our next case is Zoning  
11 Commission Case No. 12-01C, it's the Catholic University of  
12 America Campus Plan amendment, and further processing at  
13 Square 3821.

14 I just want to say, I want to thank the staff and  
15 everybody that keeps us on hand. I assume they did, because  
16 I think the hearing went very well, and the students here,  
17 I was trying to think, but anyway, the students here shows  
18 that a lot of work goes behind this, so thank you.

19 Any questions or comments? Okay. Would somebody  
20 make a motion?

21 COMMISSIONER SHAPIRO: Mr. Chair, I move that we  
22 take final action on Zoning Commission Case No. 12-01C,  
23 Catholic University of America -- Campus Plan Amendment and  
24 Further Processing at Square 3821. Second?

25 CHAIRMAN HOOD: I second. Moved and properly

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1 seconded. Any further discussion? Not seeing any, Ms.  
2 Schellin, could you take a roll call vote?

3 MS. SCHELLIN: Commissioner Shapiro?

4 COMMISSIONER SHAPIRO: Yes.

5 MS. SCHELLIN: And, I believe Commissioner Hood  
6 seconded that. Is that correct?

7 CHAIRMAN HOOD: Yes. Yes.

8 MS. SCHELLIN: Okay. Commissioner May?

9 COMMISSIONER MAY: Yes.

10 MS. SCHELLIN: Commissioner Miller?

11 VICE CHAIR MILLER: Yes.

12 MS. SCHELLIN: Commissioner Turnbull?

13 COMMISSIONER TURNBULL: Yes.

14 MS. SCHELLIN: The vote is 5-0-0 to approve final  
15 action in Zoning Commission Case No. 12-01C. That is our  
16 last final action case.

17 CHAIRMAN HOOD: Okay. Let's go -- are we ready,  
18 do we need a minute break or are we ready to keep going?

19 Okay. Let's go to proposed action Zoning  
20 Commission Case No. 19-17, Atlas MLK, LLC -- and 3715 MLK,  
21 LLC, -- Map Amendment at Square 6070.

22 Ms. Schellin.

23 MS. SCHELLIN: Okay. At Exhibit 34 and 34A you  
24 have an ANC 8C report in support as Exhibit 35 through 35B,  
25 and 36 you have the Applicant's post-hearing submission. I'd

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1 ask the Commission to consider taking proposed action this  
2 evening.

3 CHAIRMAN HOOD: Okay. Thank you, Ms. Schellin.  
4 Commissioner May, do you have any questions or  
5 comments?

6 COMMISSIONER MAY: No. I will just note for the  
7 record, you know, we now have the ANC report in the record,  
8 and their submission indicating the attempts to coordinate  
9 with a Council member. So, those are the things that I think  
10 that came out of the hearing, and glad to see all that's  
11 addressed. So, I'm ready to move forward with this.

12 CHAIRMAN HOOD: Okay, thank you.

13 Commissioner Shapiro?

14 COMMISSIONER SHAPIRO: Nothing further to add, Mr.  
15 Chair.

16 CHAIRMAN HOOD: Commissioner Turnbull?

17 COMMISSIONER TURNBULL: No, I have nothing.  
18 Everything was addressed, and I'm ready to move forward.

19 CHAIRMAN HOOD: And, Vice Chair Miller?

20 VICE CHAIR MILLER: Thank you, Mr. Chairman.

21 I concur with my colleagues, and would note that  
22 this is, essentially, a zoning consistency with the  
23 Comprehensive Plan case, and there may be future cases for  
24 nearby properties I think owned by the District, which might  
25 need a similar rezoning.

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1 CHAIRMAN HOOD: Okay. And, I also, too, want to  
2 thank, I think Commissioner May, I want to thank the  
3 Applicant for, and I know I, particularly, requested that  
4 they reach out to the Council, and I think that's very  
5 important.

6 I look at who he has a Chief of Staff, you know,  
7 and Chairman of the ANC. So, I really appreciate it, at least  
8 reaching out to the Counseling's office, and I know that he  
9 knows about this matter.

10 So anyway, with that --

11 COMMISSIONER MAY: Mr. Chairman?

12 CHAIRMAN HOOD: Yes, Commissioner May.

13 COMMISSIONER MAY: I would make a motion that we  
14 take proposed action on Zoning Commission Case 19-17, Atlas  
15 MLK, LLC, and 3715 MLK, LLC Map Amendment at Square 6070.

16 VICE CHAIR MILLER: Second.

17 CHAIRMAN HOOD: Okay. It's been moved and properly  
18 seconded. Any further discussion? Not seeing any, Ms.  
19 Schellin, could you do a roll call vote?

20 MS. SCHELLIN: Commissioner May?

21 COMMISSIONER MAY: Yes.

22 MS. SCHELLIN: Commissioner Miller?

23 VICE CHAIR MILLER: Yes.

24 MS. SCHELLIN: Commissioner Hood?

25 CHAIRMAN HOOD: Yes.

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1 MS. SCHELLIN: Commissioner Shapiro?

2 COMMISSIONER SHAPIRO: Yes.

3 MS. SCHELLIN: Commissioner Turnbull?

4 COMMISSIONER TURNBULL: Yes.

5 MS. SCHELLIN: The vote is 5-0-0 to approve  
6 proposed action in Zoning Commission Case No. 19-17.

7 CHAIRMAN HOOD: Okay, thank you.

8 At this point, I'm going to go into hearing  
9 action, unless I hear otherwise.

10 Zoning Commission Case No. 20-12, Westminster  
11 Presbyterian Church, et. al, Consolidated PUD and Related Map  
12 Amendment at Square 499.

13 Mr. Cochran.

14 MR. COCHRAN: Thank you, Mr. Chair, and Members  
15 of the Commission. I'm Steve Cochran, representing OP for  
16 this Case 20-12. Okay.

17 OP is recommending that the Commission set down  
18 the application by Westminster Presbyterian Church, Bozzuto  
19 and Dantes Partners, for a mixed-use PUD at 4th and I Street,  
20 SW, with a related map amendment from R-3 to MU-2.

21 In balance, the proposal is not inconsistent with  
22 the Comprehensive Plan, and the project's benefits would more  
23 than balance the zoning relief being sought.

24 While there are definitely aspects of the proposal  
25 that would benefit from refinement, OP would continue working

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1 on these aspects with the Applicant after a set down.

2           The site is now occupied by the Westminster  
3 Church, and it's located two blocks from the Waterfront Metro  
4 Stop. I Street is to the north, 4th Street is to the east,  
5 McAfee Place and the Duck Pond are to the west, and there's  
6 a linear public park to the south, along with a 110-foot high  
7 apartment building.

8           The surroundings zones are R-3, RA-2, RA-4, and  
9 MU-8. Many of the nearby developments have PUDs. The  
10 proposed project itself would be 90-feet high, it would be  
11 a 90-foot high 7.06 FAR, freestanding building, containing  
12 about 214,000 square feet. 18,000 square feet of these will  
13 be devoted to the new Westminster Church. The rest will be  
14 for 222 residential units. 99 of these residential units  
15 will be market-rate condominiums, and 123 would be resident  
16 units for seniors, making no more than 60 percent of the  
17 median-family income.

18           Next slide, please.

19           This shows the layout of the first floor, where  
20 the church is the primary occupant there in sort of light  
21 green.

22           Next slide, please.

23           Above the first floor the development is divided  
24 into two towers. The one on the left in red is for the market  
25 rate units, and the one on the right in blue is for the

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1 affordable senior units. There would be no affordable units  
2 in the market-rate tower, all IZ units would be in the  
3 senior tower.

4 Next slide.

5 This shows the building from all four sides. Each  
6 tower has a distinct facade treatment with some common  
7 materials and colors. The tall element in the upper left  
8 picture is an architectural embellishment, signifying the  
9 church's presence and this entrance at the corner of 4th and  
10 I. There's another embellishment along I Street to the west  
11 for the market-rate tower.

12 Next slide.

13 Turning to the Comprehensive Plan, while the site,  
14 which is outlined there in purple, is shown as appropriate  
15 for moderate-density residential use in the 2012 FLUM.

16 Next slide, please.

17 The Council has already indicated this designation  
18 should change to medium-density residential and low density  
19 commercial. This map shows the recommendations for future  
20 land use changes in the ANC-endorsed, Southwest small area  
21 plan. This is one that the Council has passed, and this  
22 again is outlined in purple.

23 The small area plan recommends a change to medium-  
24 density residential, low-density commercial, as long as  
25 development of the site goes through the PUD process. This

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1 was accepted by the Council in 2015. The land use change in  
2 this plan is incorporated in the Comprehensive Plan  
3 Amendments the Mayor transmitted to the Council earlier this  
4 year.

5 Next slide, please.

6 This is the recommended Future Land Use Map that's  
7 now before the Council, which action is anticipated soon.  
8 The official land use is shown here as medium-density  
9 residential, low-density commercial, just as it is on the  
10 small area plan.

11 Next slide.

12 For the policy map, the proposal would be not  
13 inconsistent with the Neighborhood Conservation Area  
14 designation for the site in both the existing and the  
15 proposed policy maps, or to remain multi-neighborhood-  
16 centered to the south, and land-use change area, the building  
17 would be less tall than the building to its south, and it  
18 will contain no commercial uses.

19 The type of uses on the PUD-related MET map  
20 amendment would be appropriately transitional within the  
21 Neighborhood Conservation Area.

22 The PUD would also be preponderantly not  
23 inconsistent with the written elements of the Comprehensive  
24 Plan, as we noted in our report.

25 If it is set down, OP would work with the

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1 Applicant to encourage the strengthening and sustainability  
2 over design and IZ aspects of the proposal.

3           However, the proposed PUD's strength with respect  
4 to the suitable land use, the area elements outweigh the  
5 proposal's weaker relationship to some of the Comp Plan.

6           Next slide.

7           With respect to the PUD process, in addition to  
8 the map amendment and the increased type of density that that  
9 would permit, the Applicant is also requesting relief from  
10 the first floor's lot occupancy. Multiple heights of the new  
11 structures, the provision of no rear yard, and, perhaps, most  
12 importantly the ability to concentrate all the IZ units into  
13 one of the two residential towers.

14           The primary public benefits that would warrant  
15 such relief are the provision of 123 affordable housing units  
16 for the elderly, and the retention of the church on the site,  
17 along with the church's many, many community-oriented  
18 programs, services and outreach.

19           The Applicant is also in conversations with the  
20 ANC to identify other public benefits it could proffer after  
21 set down.

22           Next slide, please.

23           The Applicant -- if this application is set down,  
24 as OP is recommending, we would continue to work with the  
25 Applicant to refine the proposal. The most important

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1 concerns are noted on this slide, providing specific  
2 condition-ready public benefits for the church to continue  
3 their activities with the committee, addressing the location  
4 of IZ units for which relief is sought, and to sustainability  
5 elements examining the possible construction impacts on that  
6 linear park to the south, and reconsidering some aspects of  
7 the design, including the architectural embellishments, the  
8 absence of balconies for residents, and nature of the laundry  
9 facilities in the senior building.

10 That concludes our testimony. Of course, I'd be  
11 happy to answer any questions.

12 CHAIRMAN HOOD: Thank you very much, Mr. Cochran.  
13 Let's see if we have any questions or comments.

14 Commissioner May?

15 COMMISSIONER MAY: Sure.

16 Mr. Cochran, thank you very much for your report.  
17 Can you tell, I mean, do you know when the Council is likely  
18 to take up the issue of the Comp Plan Amendment?

19 MR. COCHRAN: I hesitate to predict anything these  
20 days, but the last we heard is that it's supposed to take it  
21 up this fall.

22 COMMISSIONER MAY: Okay, that's not very precise.  
23 I understand why you wouldn't necessarily be able to be  
24 precise. Okay.

25 What about -- I mean, what if they don't take it

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1 up in the fall? What if we have a hearing, you know, before  
2 they take it up? I mean, the report seems to be based, at  
3 least in part, on the notion that this is what's been  
4 recommended to Council, I know it's consistent with the Small  
5 Area Plan, but it's a pretty glaring difference in the maps,  
6 right, the current maps. So, I mean, do you think that this  
7 is something that can go forward without that map amendment?

8 MR. COCHRAN: Given the balance between the public  
9 benefits of the proposal -- first off, the FLUM is just one  
10 of the things that the Commission needs to consider about  
11 when it's looking at a PUD. It needs to look at the balance  
12 of the public benefits, and the consistency with other parts  
13 of the Comprehensive Plan, and there are considerable public  
14 benefits to this project.

15 There are -- you know, dare I say it, there are  
16 probably more public benefits to this project than there were  
17 for a PUD that you approved a couple blocks away that was in  
18 the same situation with respect to the Comprehensive Plan.  
19 And, that's the Riverside Baptist Church, at 7th and Maine.

20 COMMISSIONER MAY: Yes.

21 MR. COCHRAN: That went up --

22 COMMISSIONER MAY: That was quite a few years ago.  
23 I don't remember that.

24 MR. COCHRAN: It was still, it was under the 2012  
25 Comprehensive Plan. It was about four years ago, I would

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1 guess.

2 COMMISSIONER MAY: Right, yes, and many, many PUDs  
3 ago.

4 MR. COCHRAN: It has to be after the 2015 Small  
5 Area Plan was adopted, because I remember referring to that  
6 in our report.

7 COMMISSIONER MAY: Yeah. So, I mean, I'm not  
8 comfortable with the notion that, simply because the public  
9 benefits are so great, that that's enough to get over the  
10 hurdle of being inconsistent with the FLUM or the policy map.

11 I mean, I guess one could make the argument that  
12 there are other policies in the Comprehensive Plan that  
13 outweigh the map issue. But, I mean, I think what our stance  
14 has been in recent years, that FLUM inconsistency in  
15 particular is a very tricky area. And, I'm really reticent  
16 to try to move forward with something like this, when there's  
17 such a glaring difference.

18 MR. COCHRAN: I do understand, sir.

19 COMMISSIONER MAY: I'm sure --

20 MR. COCHRAN: I -- sorry.

21 COMMISSIONER MAY: I'm interested in hearing what  
22 the other -- what my fellow Commissioners have to say. But,  
23 it would be nice, it would be better if we knew when the  
24 Council were taking it up, and we could, actually, time  
25 things in that manner.

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1 MR. COCHRAN: Again, the only, the main difference  
2 with this one and some other ones where there have been  
3 questions about the FLUM is, the Council's already taken an  
4 action that indicated its preference for the future land use  
5 on the site.

6 COMMISSIONER MAY: Well, I mean, I think that's  
7 all bodes well for its passage, but that doesn't necessarily,  
8 but I mean the point is that at this moment it has not  
9 passed. So, it's a concern for me.

10 Okay. Let me go on to some other things. So,  
11 and, of course, another issue, and you noted this in your  
12 report, is something you'd want to discuss further with the  
13 Applicant, is the notion that all of the affordable units  
14 would be in the same tower.

15 And, I seem to recall that we may have had some  
16 examples of similar things happening, particularly, with low-  
17 income housing tax credit finance projects. And, I wonder  
18 if you, off the top of your head, happen to know where we've  
19 done this before. But, if not, I'd certainly be interested  
20 in knowing more about such examples when it comes time for  
21 a hearing.

22 MR. COCHRAN: I'd be happy to provide that.

23 COMMISSIONER MAY: Okay. You don't happen to know  
24 off-hand what we've done when we've done it before?

25 (Audio interference)

1           COMMISSIONER MAY: Yes, similar. But, the things  
2 that -- the one I thought of was the Hine development, where  
3 there was LITC building.

4           Okay. Let's see --

5           MR. COCHRAN: Excuse me, sir, that was -- we were  
6 there looking at separate buildings, as opposed to one  
7 building. For zoning purposes, this is one building with two  
8 towers, that's the difference.

9           COMMISSIONER MAY: I understand. Well, so I mean  
10 this is more analogous to another case that Vice Chair Miller  
11 mentioned when -- in our discussion.

12          MR. COCHRAN: The main one I can think of, is the  
13 Portner Place Project up on U Street --

14          COMMISSIONER MAY: Yes, exactly.

15          MR. COCHRAN: -- when the tenants actually asked  
16 to have their own building when they stayed on the site.

17          COMMISSIONER MAY: Right, yes, and we know the  
18 issues that that case brings up.

19          MR. COCHRAN: And, if you look at it as a total  
20 33-acre PUD, there are certainly buildings there that you  
21 approved as all affordable.

22          COMMISSIONER MAY: Right. Yes, and it's not so  
23 much having a building that's all affordable, it's the  
24 building that's all affordable next to the building that has  
25 no affordable, right?

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1 But anyway, I appreciate your pursuing that issue.  
2 Certainly, we are going to have enough discussion of that if  
3 the case stays this way moving forward.

4 And, on the architecture, Paul, could you bring  
5 up one of the images that show the embellishments? I think  
6 in particular Mr. Cochran cited that. I don't know which  
7 slide number it was.

8 MR. COCHRAN: It was slide four.

9 COMMISSIONER MAY: Slide four. Yeah, okay. This  
10 is where I really need my big monitor, but I don't have it.

11 So, I mean, I agree the embellishments need work.  
12 I mean, I think there are aspects of the design overall,  
13 where it's a little bit -- there's a little bit too much  
14 going on, there are too many design ideas coming through  
15 here. And, I won't get into the particulars of it, but the  
16 variety of materials, and, you know, the ins and the outs,  
17 I just feel like they are trying to do too much, and I think  
18 some simplification would be beneficial.

19 I also am not enthusiastic about, in the image in  
20 the upper right-hand corner, yes, the upper right one, where  
21 we see what is, effectively, a very large black-clad stair  
22 tower I think, based on my recollection of the plans. I  
23 mean, that's -- there's a lot of solid wall there, and it  
24 will be very visible from across the street. And, I just  
25 feel like, you know, some other treatment of that, including

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1 -- I don't know why they are -- I mean, at the top it's  
2 showing the sloping of the stairway, I guess. I'm not sure  
3 why that is that way, maybe it has to do with roof setbacks  
4 or something, but that looks somewhat problematic.

5 I really do question on the upper left, the  
6 notion, and I guess that's where they are trying to announce  
7 the church, right?

8 MR. COCHRAN: That's right.

9 COMMISSIONER MAY: That tower element?

10 Yes, I mean, Certainly, towers and spires and are  
11 common features of churches. But, when it's sort of glommed  
12 on to a very large apartment building, it kind of loses  
13 something. So, I'm not convinced of that element at all.  
14 I also think that it's not, you know, that it's sort of a  
15 tower top part of it is so far out of the view for most  
16 people going down the street. I feel like it would be  
17 unnoticeable.

18 So, if it's going to be noticeable, it's going to  
19 be because it's like backlit or something like that. So, I  
20 feel like something that is, actually closer to the entrance,  
21 and, in fact, an entrance that looks more like a church or  
22 an institutional use, as opposed to what looks like an  
23 ordinary office. I don't know. I mean, I feel like the  
24 whole thing just needs work.

25 It's interesting, I mean there are other examples

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1 of churches that have been, in that neighborhood,  
2 particularly, where the church is, they are sitting on large  
3 parcels of land, and they redevelop the property and got a  
4 new sanctuary out of it, and the sanctuary is a very obvious  
5 piece.

6           You cited one of the examples, the one at 7th and  
7 Maine Avenue. I think something better here is worthwhile,  
8 particularly, given what, you know, what we are losing, and  
9 I understand why we are losing the existing church. But, it  
10 really was a beautiful space and a beautiful modern building.  
11 Maybe not everybody agrees with me on that, but I certainly  
12 appreciated the building for what it was, both on the inside  
13 and on the outside. And, I just feel like it's being  
14 replaced with something that, you know, that would be like  
15 a movie theater or something.

16           MR. COCHRAN: Mr. May, I would point out that  
17 there actually is a fairly prominent symbol for the church,  
18 which is a, roughly, 90-foot high cross.

19           COMMISSIONER MAY: It's --

20           MR. COCHRAN: But, the Applicant also did say that  
21 they wanted the church to seem completely integrated into the  
22 functions of the neighborhood. And, they wanted to emphasize  
23 how open they are to everyone, which is why they came up with  
24 this kind of entrance. So, that's how they explained it when  
25 they met with us.

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1           COMMISSIONER MAY: Okay. And, I appreciate all  
2 that, and I see the cross. I just feel like with the range  
3 of materials that you are seeing, that we are seeing there,  
4 that gesture is kind of lost, and again, it's so high up I  
5 don't think that people will have the visibility. I mean,  
6 yes, it's very visible in this rendering that we happen to  
7 see here, but for most -- I'm not sure that that's totally  
8 realistic, particularly, given things like street trees and  
9 so on. I don't feel like we are going to truly see it and  
10 perceive it. I mean, I guess I could be wrong, but I just  
11 don't -- I'm not sold on that yet.

12           And, I certainly appreciate the openness, and we  
13 have seen, we've had much interaction with Westminster  
14 Presbyterian over the years, with the various cases that  
15 we've had. And, you know, they've come down and testified,  
16 and we know about their good work, and their welcoming  
17 community. So, I appreciate all of that, and certainly, would  
18 support something that accomplishes that. Again, I'm just  
19 not, it does not seem to me that they've hit the mark here.

20           And, I also think that the -- down to the lower  
21 left where we have that architectural embellishment, the very  
22 -- I mean, it's sort of a tower with a little bit of a hat  
23 on top, is that what I'm seeing?

24           MR. COCHRAN: It's a top that functions as shading  
25 for a roof terrace.

1           COMMISSIONER MAY: Yeah. Yeah, again, this is  
2 another one of those things where it's -- there are little --  
3 there are a few too many things going on, and that particular  
4 type of feature has never been one of my favorites, but I'll  
5 leave it at that.

6           I think the bigger concern is the church and how  
7 that's marked. So, I mean, I think I'm back to that, I'm  
8 willing to be convinced of it, but I think what we see in  
9 this submission and what you did in your presentation, I'm  
10 not quite there yet.

11           So anyway, I appreciate the fact that you were  
12 focused on those issues, and will be working with the  
13 Applicant.

14           That's it. Thanks.

15           CHAIRMAN HOOD: Commissioner Shapiro?

16           COMMISSIONER SHAPIRO: Thank you, Mr. Chair.

17           Somewhat similar to Commissioner May, starting  
18 with the design. I actually had the same reaction. Can you  
19 leave that slide up, Paul? Thanks, I appreciate it.

20           I had the same reaction, it felt like -- it feels  
21 -- you know, I just tend not to have reactions to these  
22 things that come before us, but this just feels jumbled. I  
23 was just trying to get this -- I couldn't, as Commissioner  
24 May said it, I would agree, it feels like there's too much  
25 going on for me.

1           And that tower, that glass tower that sort of  
2 marks the church, you know, I don't mean this in an overly  
3 disparaging way, I hope, but it looked more like maybe a  
4 movie theater entrance. It felt quite commercial. And I'm  
5 still struggling to see the cross, unless it's that black  
6 band that's part of it that goes across that white tower, is  
7 that it?

8           MR. COCHRAN: Yes, it is.

9           COMMISSIONER SHAPIRO: Okay, yeah, it doesn't read  
10 that way to me. So, I do have those concerns around the  
11 design.

12           Now, for me, is that enough of an issue to not set  
13 this down? You know, I think there's a lot of work to be  
14 done, but the issues around the consistency, or not lack of  
15 inconsistency with the Comp Plan, I just want to get some  
16 clarity from you, Mr. Cochran, because I heard you say, and  
17 I was looking through the report again, that in your  
18 determination this is not inconsistent with the FLUM or the  
19 Generalized Policy Map.

20           MR. COCHRAN: It's not -- excuse me, I'm sorry.

21           COMMISSIONER SHAPIRO: Yeah, just let me finish  
22 real quick. But, and then you described the ways in which  
23 all the benefits would outweigh the inconsistencies. So, then  
24 I'm confused as to whether in your determination it is or  
25 isn't inconsistent. Or are there just so many benefits?

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1           MR. COCHRAN: The PUD as a whole does not strike  
2 us as being inconsistent with the Comprehensive Plan. And,  
3 as you weigh the different elements of the Comprehensive Plan  
4 out, if you were to look at this project just with respect  
5 to the FLUM that might be different. But, when you look at  
6 with the combination of the Small Area Plan and the Council  
7 vote on that, the benefits for the project, the transitional  
8 nature of the site and the Policy Map, it all comes out to  
9 say to us that the proposal was not inconsistent with the  
10 plan as a whole.

11           COMMISSIONER SHAPIRO: I'm with you. And, I heard  
12 that part. I heard the not inconsistent with the Comp Plan  
13 for all the reasons you described. But, I also was confused,  
14 because I also heard not inconsistent with the FLUM, which  
15 seems just flat out inaccurate.

16           And, in addition to that, I had a question -- and,  
17 Mr. Cochran, in some level it's neither here nor there,  
18 because the broader issue where the benefits outweigh the  
19 other inconsistent -- the elements that are consistent I hear  
20 you loud and clear.

21           But a bit more on the Generalized Policy Map, is  
22 that I couldn't quite get where the -- how you were  
23 describing the consistencies there. If you could spend a  
24 little bit more on that for me.

25           MR. COCHRAN: Sure, yes.

1           Let's start along M Street and 4th. You've got  
2 the Metro stop there, and you've got the PUDs and the  
3 Waterside Mall area that includes buildings up to 110 feet  
4 high, with pretty significant offices, retail uses, that  
5 would become more significant over the years than 110 foot  
6 buildings to the south.

7           If you'd stick -- you've also got a 90 foot  
8 building across from the Duck Pond on the west side of 6th  
9 Street, 5th Street rather. If you skip up another half block  
10 to the north, yes, you have a three-story, a two-story  
11 townhouses, one with some walk-up apartments. You've got a  
12 Chloethiel Smith probably nine-story building, and all just  
13 approved, what, last year or the year before, the Erkiletian  
14 Shakespeare Development, which would be 48 feet high.

15           So, when you take the combination of the uses that  
16 are in the Waterside Mall PUD and their heights, and then you  
17 look at what's going on on the north side of I Street, this  
18 is a beginning of a transition down. It's 20 feet taller than  
19 the building to the south. It doesn't have any commercial  
20 uses, and so we view it as looking at the neighborhood as a  
21 whole it's consistent with the Policy Map and the  
22 Neighborhood Conservation Area.

23           You are supposed to take the Neighborhood -- the  
24 Conservation Area idea within the context of the neighborhood  
25 as a whole, not just a particular block.

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1 COMMISSIONER SHAPIRO: Okay, thank you for that.  
2 That's helpful.

3 I also wanted to thank you for emphasizing the  
4 enhancing sustainability elements that you'd like to see,  
5 if/when we were to set this down.

6 That's all I have for now, Mr. Chair.

7 CHAIRMAN HOOD: Thank you, Commissioner Shapiro.  
8 Let's go to Commissioner Turnbull.

9 COMMISSIONER TURNBULL: Thank you, Mr. Chair.

10 Thank you again, Mr. Cochran, for your report.  
11 You've mentioned -- you've got a lot of items in there that  
12 I would agree with that the other Commissioners have said in  
13 passing.

14 My only -- I think this project has a lot of  
15 potential, has a lot of -- there's a lot of stuff going on  
16 there that is really -- I mean, the affordable housing for  
17 seniors, that's a fantastic idea. My only concern right now  
18 is that we've had -- from the standpoint of the Zoning  
19 Commission, we've been to court several times on PUDs because  
20 of moderate density, whether it's medium density, and we get  
21 called on the carpet even though we've said it's consistent  
22 with the overall Comp Plan, it does that. But, the court  
23 always seems to bring us back on it, but it's moderate  
24 density.

25 I mean, I understand what you are saying about how

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1 the Council is going to approve this. I think that's going  
2 to be fantastic, the new zoning, the FLUM and everything  
3 else. My only concern right now is that we are really not  
4 there yet. I think Commissioner May started talking about  
5 it, that the Zoning Commission could find itself in a bind  
6 on going forward trying to do this.

7           So, although I'm totally behind this project from  
8 the context of what it's trying to do, and I'm fine with that  
9 context. My only concern is that from the standpoint of the  
10 regs and what we've got, we seem to be dancing on eggs a bit  
11 trying to get this to work, although I understand your  
12 analysis of it, and to a great degree I think you've got --  
13 it makes a lot of sense. But, there's a couple of fine points  
14 that the Zoning Commission has got tripped on before. So,  
15 I'm a little bit leery about how we go ahead.

16           Architecturally, you brought up a lot of good  
17 things. I would agree with my colleagues on the church, say  
18 the tower, the spire, whatever you want to call it. I think  
19 it looks a little bit pedestrian from the standpoint of a  
20 church. It looks more of a commercial, almost going back to,  
21 it looks kind of from the 19 -- it looks like post-modern  
22 almost. It's got a kind of feature to it that looks a little  
23 bit incongruent with what the church would be. I think, as  
24 my colleagues have said, we might need a little bit of work  
25 there.

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1 I'm also concerned about the -- it looks like they  
2 are using some of the elevations it looks like a black or  
3 charcoal terracotta that comes around. It looks it goes  
4 inside on certain elevations. To me, that may be a little  
5 bit dark, especially, if those are on the interior courtyards  
6 of the building.

7 And as, I think it was Commissioner May was  
8 saying, there's a lot of stuff going on there that is maybe  
9 too many things happening architecturally that takes away  
10 from the idea of what this thing is trying to do, and the  
11 balconies. I'm sure the Vice Chair will talk about trying  
12 to get more balconies.

13 But I think this is getting to a point where it's  
14 almost there, but I think it needs just a little bit more  
15 tweaking for me architecturally to get there.

16 What we do on the Comp Plan analysis, and that I'm  
17 not sure. Setting it down could be one thing, but I'm just  
18 a little uncertain right now. I'm just a little worried  
19 about the FLUM and how that fits in.

20 And as Commissioner May was saying, you think this  
21 is going to happen soon. I mean, the sooner it would happen  
22 puts us in a little bit better place to be able to feel more  
23 comfortable in deciding this.

24 But anyway, you are not in control of that either,  
25 so I understand that. But I think architecturally the

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1 Applicant needs to go back and do a bit of refining.

2 But Mr. Chair, those are my comments.

3 CHAIRMAN HOOD: Thank you, Mr. Turnbull.

4 Vice Chair Miller?

5 VICE CHAIR MILLER: Thank you, Mr. Chairman.

6 I concur with all the comments of my colleagues,  
7 and I agree with all the recommended refinements and changes  
8 to justify Mr. Cochran and the Office of Planning in their  
9 report, including, I believe, as Commissioner Shapiro pointed  
10 out, additional environmental sustainability provisions, as  
11 Commissioner Turnbull pointed out, the additional outdoor  
12 space, balconies certainly would be preferable to have on the  
13 residential building. And, I guess, even more transitional  
14 set backs and set downs than the building as currently  
15 designed has to reflect the transition between the lower-  
16 density residential neighborhood, I guess, to the north, and  
17 the higher-density residential neighborhood, which we've  
18 approved a lot of projects for, to the south, and maybe even  
19 to the east and west. I can't remember.

20 I agree also with Commissioner's May's comments  
21 and others about the Comprehensive Plan consistency. I mean,  
22 we've been down this road so many times, I should hold my  
23 tongue, but I spent the better part of last year meeting with  
24 Council members and the Office of Planning, when the  
25 framework element was pending before the Comprehensive Plan,

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1 which did provide a lot of helpful amendments, which are  
2 about to become effective one year later through the  
3 congressional Monroe Act approval process, in terms of  
4 encouraging affordable housing and giving even more weight  
5 in the existing Comprehensive Plan. Herein, and giving more  
6 flexibility to the Zoning Commission to consider the overall  
7 Comp Plan policies when there seems to be a potential  
8 inconsistency with the land use map or, in this case, both  
9 the land use map and the policy map.

10           And, it's almost always, it's almost always,  
11 moderate-density residential that's designated on this  
12 existing, in effect, Comprehensive Plan land use map, or  
13 conservation area, and that's the Park View case, which was  
14 just decided against us two to one.

15           And, what the court -- I know the Chairman doesn't  
16 like us to respond on zones by the court, but they may not  
17 avoid that, it was just to not say it might be inconsistent,  
18 it is inconsistent with the land use map. And, a high-rise  
19 building or a moderate -- well, high rise, it's D.C., so a  
20 90-foot building is a high-rise building.

21           It's a bit inconsistent with the land use map, and  
22 it may be inconsistent with the conversation designation, but  
23 either the court says, just acknowledge it and then say what  
24 all the other policies are that outweigh that inconsistency  
25 for, predominantly, as emphasized more recently in the soon-

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1 to-be effective framework element, the affordable housing in  
2 this case, 223 housing units, 100 and -- more than half of  
3 which will be devoted to all senior affordable housing, at  
4 50 and 60 percent AMI, MFI, Median Family Income, which is  
5 great. It's a great project, which is why, I didn't know  
6 about this particular project, but I knew about the cases  
7 that were pending in the Court of Appeals. And, I did talk  
8 about that with Council Members and OP when I met with them  
9 last year, but I said I am very familiar, having been  
10 through five Comprehensive Plan amendment cycles, so I go to  
11 staffing, the Chairman of the Council, how long it takes to  
12 get these things done. And, this was an opportunity, where  
13 you have priority projects, whether it's MacMillan, or Park  
14 View, or these projects that I didn't even know about, but  
15 I knew it happens, just because so much of our City is  
16 designated incorrectly for what we want with the Mayor's  
17 Affordable Housing Policy.

18           So, I wanted land use map amendments to be  
19 suggested by the board Commission members. And, I understand  
20 their rationale, doing the framework first, and now we have  
21 the land use amendments, and other policy map amendments,  
22 which the Mayor and OP have put forward to the Council. But,  
23 that's going to take a while.

24           And, I don't even remember the case several years  
25 ago where I asked OIG I think at a public meeting, could we

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1 make the amendment, the zoning map amendment, incumbent upon  
2 the Council doing it, and they were a lot of big problems  
3 with doing that.

4           Anyway, I think we missed an opportunity, because  
5 it takes so much time to get these done, to do land use map  
6 amendments for areas of the City that the Mayor and the  
7 Council have already expressed that the small area plan in  
8 this case, and in many other cases, or in the disposition  
9 agreements among MacMillan, and Park View, and everywhere  
10 else to get it right, to make it more consistent with -- to  
11 make the zoning that's being proposed more consistent.

12           So, I'm very frustrated, because it's -- who  
13 knows, as far as these cases coming forward in this pandemic,  
14 this recession/depression era that we are in, but I'm glad  
15 we do, but I worry that we are missing opportunities and  
16 it's going to take a year or more to get something done.

17           All that's been said, I support setting it down  
18 for a public hearing, acknowledging the problems going  
19 forward, and addressing these issues more comprehensively at  
20 the Zoning -- at a hearing by us, and we may have to just put  
21 off, given the time it takes for us to do our own process,  
22 I think we should go forward with a set down, but try to have  
23 more of these issues fleshed out, including the whole  
24 separate -- and I think you can justify the precedent for it,  
25 the separate building that's all affordable versus a building

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1 that's connected or not connected, that's market rate,  
2 although I think that it should include some inclusionary  
3 zoning in that market rate building going forward.

4           But I think it would be important to set it down  
5 and keep whatever momentum exists for this particular  
6 project, and I wanted just to note what I think Chairman  
7 Hood, or Commissioner May, or someone noted, about the good  
8 words that Westminster has done and will continue to do, and  
9 will, presumably, be part of the proffered public benefits  
10 for the community, which it's important to note that ANC  
11 supports this project being set down.

12           But, you know, the ANC, the Citizens Association  
13 supported all those cases where some other group of citizens  
14 challenged us and was successful, despite the ANC support,  
15 our unanimous approval, the Mayor and Council support. So,  
16 I don't know if there will be a party that would emerge in  
17 opposition, but it's frustrating, because it's a great  
18 project and I want to see it move forward. I don't want to  
19 stop the momentum, so I want to schedule a public hearing,  
20 try to address all these issues. We may have to delay final  
21 rulemaking until a map amendment and possibly a policy map  
22 amendment are addressed.

23           If Mr. Cochran wants to comment on any of my  
24 rants. I'm not really asking for it, but I just had to get  
25 that off my affordable housing chest.

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1 MR. COCHRAN: Thank you. We will, certainly, take  
2 that into consideration in our report, if you do set it down,  
3 of course.

4 VICE CHAIR MILLER: Okay, thank you very much.

5 CHAIRMAN HOOD: Okay. I have just some half notes  
6 here, and I've listened to all my colleagues.

7 But what came across to me so strong was how Mr.  
8 Cochran presented this case. Mr. Cochran said in balance.  
9 Mr. Cochran also said, and we know this, they are going to  
10 continue to work.

11 I am in favor of setting this down, and let me go  
12 back to the Counsel. You all were talking about different  
13 things that have happened to the Commission. And you are  
14 right, Vice Chair, I do not like to zone for what the courts  
15 say, and I have no problems with that. I'm saying it on the  
16 record so they can read it, because that's not my job. My  
17 job is to do what's right for the City, and if I get  
18 counteracted, and I've got to go back and revisit something,  
19 I get remanded. I don't have a problem with doing it.

20 But when I started looking at this case, and I  
21 looked at some of the outstanding issues that can be worked  
22 down if we set it down, and I think should possibly work out.  
23 And I don't, necessarily, agree with all of them.

24 The corner at 4th and I Streets, the last  
25 rendering, I, actually, love this. Now, can it have some

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1 tweaking and fine tuning, possibly yes, as Mr. Turnbull  
2 mentioned.

3           And then, I started thinking about, everybody is  
4 talking about when is the Council going to act. Do my  
5 colleagues remember short-term rental, how many letters I got  
6 from the Council to act. And I was going to ask OAG, I don't  
7 have a problem. Phil Mendelson is a friend of mine, I don't  
8 have a problem sending him a letter, because he didn't have  
9 a problem sending me one. I mean, I don't know if legally  
10 I can do that, but I have no problem sending Chairman  
11 Mendelson a letter and say get this done, just like they did  
12 with short-term rentals to the Zoning Commission.

13           I think sometimes that shows that we both are  
14 doing parity and trying to get our jobs done, and I'm saying  
15 this on the record, and I'm sure somebody can go back and  
16 tell him.

17           I will send -- I don't know if I can do it, but  
18 I don't have a problem sending him a letter. I don't mind  
19 having a conversation with him about when are you all going  
20 to get this done. We did short-term rental, you asked us to  
21 do short-term rental, the Zoning Commission we rose to the  
22 occasion.

23           But even more than that, this church, this reminds  
24 me of another church which I'm not going to name which I've  
25 seen in Ward 5. Churches need help in this city, and I know

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1 some of the things with this church, it's probably a big  
2 event for them, and I can't think of the young lady's name  
3 who was the pastor. I'm not sure, is it Hamilton?

4           But anyway, this church, and I think Commissioner  
5 May has alluded to this, this church is doing a lot, a lot,  
6 they help -- I mean, you know, I hear about them all the  
7 time. They used to have a jazz festival, I don't know if  
8 they still do.

9           But the point is, now here's somebody who has done  
10 so much for the City, and some time where their coffers may  
11 have dried up, and they need some help. And I'm not saying  
12 that what I'm saying is factual in their instance, but I  
13 know, I've seen a lot of churches coming down, like we  
14 mentioned other churches that we just did Riverdale Baptist  
15 (phonetic) and some others. And, the one over here in my  
16 ward of trying to accommodate because of the funding is  
17 drying up.

18           The titles and offerings in some churches need to  
19 be offset. And, that's what I hear a lot of discussion in  
20 churches, but back to the legal requirements of our Code.  
21 Mr. Cochran came across real strong to me, that they can work  
22 out some of those things. But some of those things offset,  
23 like the map amendment, some of those things I think there  
24 are other things that trigger, not having some of those  
25 things by being inconsistent. There's some other things that

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1 rise to the occasion, the senior affordability. I think it's  
2 123, 126, or whatever it is, that's a big deal. That's more  
3 than eight.

4           So, for me, I think I'm in favor of setting this  
5 down. Let's work out some of the issues that we had in the  
6 past and keep it moving, because here's the thing. Not  
7 saying we are going to do a check mark and keep moving, but  
8 let's hash it out. I think we are going to get a better  
9 outcome from all the conversations that I've heard. I think  
10 we will -- in other words, we'll get a better outcome. I'll  
11 leave it at that.

12           I am in favor of setting this down. I don't think  
13 we need to delay this, at least keep the momentum going. I  
14 think this is an important project. I think this church has  
15 done a great service to the city. And, yes, I'm asking OAG  
16 now, maybe I do need to send the Chairman, and I kind of  
17 would like to do that, because I had short-term rental  
18 constantly coming across my brain and letters coming to me.  
19 So, I would really like to see if we can do that if it's  
20 appropriate. If not, I understand, not saying that that's  
21 going to make it move any faster, but at least we can try.

22           They asked of us, now we are here to ask of them  
23 exactly what the Vice Chair said. He has been mentioning,  
24 he's been meeting, now we need to reinforce that, and here's  
25 our time to lead.

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1 But, I think this project for me, and hearing Mr.  
2 Cochran's presentation to us, I'm ready to move forward to  
3 set this down.

4 Any other questions or comments? Okay. Not  
5 hearing any, would somebody like to make a motion?

6 I would move that we set down, with all the  
7 conversations that we've been having tonight, I said it and  
8 now I'm moving, I move that we set down Zoning Commission  
9 Case No. 20-12, and allow the Office of Planning, the  
10 community, and whoever else, the Applicant, an opportunity  
11 to deal with some of our issues and see what we come back  
12 with and keep the momentum going, as stated by one of my  
13 colleagues, and ask for a second.

14 VICE CHAIR MILLER: Second.

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

17 COMMISSIONER MAY: Yes, Mr. Chair.

18 CHAIRMAN HOOD: Yes, Commissioner May.

19 COMMISSIONER MAY: Yes, I appreciate the arguments  
20 that Vice Chair Miller and you, Mr. Chairman, have made in  
21 support of setting this down. But I have to say, frankly,  
22 I'm still unconvinced. I understand that I may not be in the  
23 majority, but I'm not prepared to vote in favor of setting  
24 this down.

25 I do think that we have to wait until the Council

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1 takes action, or at least until we know that they are going  
2 to take action in a timely fashion, because I think that, you  
3 know, one of the recurring themes in the issues that we've  
4 had is, not just in terms of the court's reaction to the  
5 decisions we make, but in terms of how the cases, actually,  
6 play out, how we have our hearings, the discussions that we  
7 hear from certain members of the community. I think the map  
8 inconsistency is one of the biggest issues.

9           And so, for that reason I am not at this moment  
10 prepared to vote in favor of setting it down. Again, you  
11 know, I'm assuming I'm not the majority on this, but I am  
12 uncomfortable enough that I'm not ready to move forward  
13 today.

14           CHAIRMAN HOOD: Okay, thank you.

15           Anybody else? It's been moved and -- Commissioner  
16 Shapiro.

17           COMMISSIONER SHAPIRO: Yes. I just want to say  
18 under discussion, I share some of Commissioner May's  
19 concerns, though, I actually was taken with what you said,  
20 Mr. Chair, around -- you know, us setting this down does not  
21 mean we are approving this project, and there will be a lot  
22 of work that can be done between now and then.

23           And the project feels worthwhile to move forward  
24 despite my concerns around any inconsistencies, and part of  
25 this is having the Applicant do a very clear job around how

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1 this gets mitigated.

2           So, yes, so for that reason I am going to be  
3 supporting this.

4           CHAIRMAN HOOD: Okay, thank you.

5           Any further discussion?

6           Commissioner Turnbull.

7           COMMISSIONER TURNBULL: Thank you, Mr. Chair.

8           I share Commissioner Shapiro's angst and his  
9 concern about this. I have to say, I can go ahead and set  
10 this down, but I think, as Commissioner May has said, we are  
11 box -- we are getting ourselves boxed into a corner, and  
12 unless we see some definite movement on this I really can't  
13 see this -- I'm not sure what's going to come out of the  
14 hearing, and I don't know how much more we can resolve.

15           But, until something changes we are going to find  
16 ourselves deadlocked at some point in the hearing about not  
17 being able to move forward unless something has changed.

18           I'm willing to set this down to get this thing  
19 moving, but just knowing that I have a lot of concerns about  
20 it.

21           CHAIRMAN HOOD: So, I'm going to tell you, I'm  
22 really excited about this case, and the reason why is because  
23 I can go to Council, and ask them to move like they asked the  
24 Zoning Commission to move. I think that's fair, I appreciate  
25 what you all said, but there was a lot of push, they needed

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1 something and we got it done. Now we need something.

2 I heard the Vice Chair, nobody -- I can't sleep  
3 well, I don't believe anybody has as much expressed  
4 conflicting issues as Vice Chair Miller. He may have been  
5 the author of the Comp Plan to start with, I don't know. But  
6 I know he's worked on it, like he said, for years. And, I  
7 heard his passion, I also heard him when he was speaking on  
8 his frustration.

9 So, I think to me this case here will set -- more  
10 than just this case, this case is going to help us with other  
11 things that this Commission needs to be. That's kind of  
12 where I am with that. I appreciate all the comments.

13 And Commissioner May, I'm not discounting that.  
14 I know, you know, we have been down this road before. I just  
15 think that we can get through this, and we'll just see what  
16 happens. Let's run this race, and let's see what happens.  
17 That's where I am.

18 COMMISSIONER TURNBULL: Well, I hope you have some  
19 pull with the Chairman.

20 CHAIRMAN HOOD: I'm getting ready to find out, if  
21 I can do that. I have to check with OAG first.

22 Okay, so it's been moved and properly seconded.  
23 Any further discussion?

24 All in favor, aye? I'm sorry, I'm sorry, roll  
25 call vote.

1 MS. SCHELLIN: Yes.

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

4 MS. SCHELLIN: Yes. Commissioner Hood?

5 CHAIRMAN HOOD: Yes.

6 MS. SCHELLIN: Commissioner Miller?

7 VICE CHAIR MILLER: Yes.

8 MS. SCHELLIN: Commissioner May?

9 COMMISSIONER MAY: No.

10 MS. SCHELLIN: Commissioner Shapiro?

11 COMMISSIONER SHAPIRO: Yes.

12 MS. SCHELLIN: Commissioner Turnbull?

13 COMMISSIONER TURNBULL: Yes.

14 MS. SCHELLIN: The vote is 4-1-0 to set down  
15 Zoning Commission Case No. 20-12. It's a contested case.

16 CHAIRMAN HOOD: Okay, thank you.

17 Does anybody need to take a break? All right,  
18 let's keep going. If you need a break, just let me know.

19 Next case -- thank you, Mr. Cochran. Next case  
20 is Zoning Commission Case No. 20-13, Forest City, Southeast  
21 Federal Center, LLC, Amendment to Subtitle K, 238.3.

22 Mr. Lawson.

23 MR. LAWSON: Good afternoon, Mr. Chairman, and  
24 Members of the Commission.

25 OP is recommending that the Zoning Commission set

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1 down for a public hearing in Case No. 20-13, which is a  
2 proposed text amendments to Subtitle K, Sections 241 and 242  
3 of the Zoning Regulations. And this is to allow office uses  
4 in the Southeast Federal Central Zone.

5           This text would allow zoning with the recently  
6 revised Southeast Federal Center Land Use Plan. Parcel H,  
7 which shows on the map that's up on the screen now, is  
8 currently zoned Southeast Federal Center-1D, permits  
9 residential.

10           Parcel Q, the site really in question, the only  
11 site zone Southeast Federal Center 3, and it currently allows  
12 residential but not office use.

13           The proposed amendment would not change the  
14 Southeast Federal Center Zone designation for Parcel Q, but  
15 would amend the text of the zone to allow office use in that  
16 zone.

17           Any development on Parcel Q would continue to be  
18 subject to Zoning Commission Design Review and the preferred  
19 ground floor use provisions adjacent to the Waterfront Park.

20           OP is supportive of this amendment, which would  
21 not reduce the amount of residential density permitted in the  
22 Southeast Federal Center site as a whole, but would allow  
23 additional residential on the west side of the Yardsou, and  
24 office on the east side of the Yardsou, promoting a more  
25 diverse use throughout the area.

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1 As you'll find in our report, the proposed text  
2 amendment would not be inconsistent with the Comprehensive  
3 Plan's objectives for the area, nor with the Generalized Land  
4 Use Policy Map and would further several goals in the Land  
5 Use Housing Economic Development and Urban Design elements  
6 of the Comprehensive Plan.

7 And, that's it for our report. Thanks, and we are  
8 available for questions.

9 CHAIRMAN HOOD: Okay, thank you, Mr. Lawson.  
10 Commissioners, do we have any questions?

11 Commissioner May?

12 COMMISSIONER MAY: No.

13 CHAIRMAN HOOD: Okay. I'm sorry, I can't see  
14 anybody on my screen. Okay, there we go.

15 Commissioner Shapiro?

16 COMMISSIONER SHAPIRO: No questions, Mr. Chair.

17 CHAIRMAN HOOD: Commissioner Turnbull?

18 COMMISSIONER TURNBULL: No comments or questions.

19 CHAIRMAN HOOD: And Vice Chair Miller?

20 VICE CHAIR MILLER: Same, Mr. Chairman.

21 CHAIRMAN HOOD: Okay. All right. So, we have the  
22 request before us to set down Zoning Commission Case No. 20-  
23 13. Would somebody like to make a motion?

24 COMMISSIONER MAY: Mr. Chair, I move that we set  
25 down Zoning Commission Case No. 20-13, Forest City Southeast

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1 Federal Center, LLC, text amendment to Subtitle K, 238.3, and  
2 look for a second.

3 VICE CHAIR MILLER: Second.

4 CHAIRMAN HOOD: Okay. It's been moved and properly  
5 seconded.

6 Any further discussion?

7 Ms. Schellin, can we do a roll call vote?

8 MS. SCHELLIN: Yes, sir. And, before you go to  
9 the next case I need to bring something up on the last case.

10 Commissioner Shapiro?

11 COMMISSIONER SHAPIRO: Yes.

12 MS. SCHELLIN: Commission Miller?

13 VICE CHAIR MILLER: Yes.

14 MS. SCHELLIN: Commissioner Hood?

15 CHAIRMAN HOOD: Yes.

16 MS. SCHELLIN: Commissioner May?

17 COMMISSIONER MAY: Yes.

18 MS. SCHELLIN: Commissioner Turnbull?

19 COMMISSIONER TURNBULL: Yes.

20 MS. SCHELLIN: The vote is 5-0-0 to set down  
21 Zoning Commission Case No. 20-13 as a rulemaking case.

22 And if we could go back to Case No. 20-12, one of  
23 the things that the Applicant asked for that I didn't hear  
24 the Commission approve was a waiver for part of the hearing  
25 fee, just the portion that qualified for the waiver.

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1 CHAIRMAN HOOD: So, I think, typically, in the  
2 past, that has been our practice. I don't know what others  
3 recall. Has that been our practice?

4 MS. SCHELLIN: Yes. It is in the regulations, as  
5 long as it meets what the regs are for housing that's  
6 subsidized or, you know, government housing, that type of  
7 thing. So, there's a section in the regs, and they -- so  
8 they would only get a waiver from a portion of their project.  
9 So, whatever portion qualifies is all that they would get a  
10 waiver from.

11 CHAIRMAN HOOD: Okay. Commissioner Shapiro, you  
12 were saying something?

13 COMMISSIONER SHAPIRO: I just said no objection,  
14 Mr. Chair.

15 CHAIRMAN HOOD: Oh, no objection, okay.

16 Okay. So, we just -- any objections to --  
17 Commissioner May. I don't see any objections.

18 COMMISSIONER MAY: No.

19 CHAIRMAN HOOD: Okay. So, no objections. Can't  
20 we just do it like that.

21 MS. SCHELLIN: Yes.

22 CHAIRMAN HOOD: Yes, no objections, we'll just add  
23 that. Okay.

24 MS. SCHELLIN: I'll make sure that's just added.  
25 I just didn't want to forget that before you moved on. Thank

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1 you.

2 CHAIRMAN HOOD: Okay, thank you for bringing that  
3 up, I should have asked that.

4 Which case are we on, are we on 20-15? Yes.  
5 Zoning Commission Case No. 2015, Office of Planning Text  
6 Amendment to Subtitle C,, D.C. Certification of Landscape  
7 Architects.

8 MS. VITALE: Good afternoon, Mr. Chair, and  
9 Members of the Commission. I'm Lisa Vitale with the Office  
10 of Planning, for Zoning Commission Case 20-15.

11 The Office of Planning requests that the  
12 Commission set down for public hearing a text amendment to  
13 Subtitle C, Chapter 6, Section 604, that would recognize the  
14 District of Columbia Certification of Landscape Architects,  
15 and provide a one-year grace period for Maryland and Virginia  
16 Landscape Architects to obtain District certification.

17 This is specific to the submittal requirements for  
18 demonstrating compliance with the green area ratio  
19 requirements.

20 OP is bringing forward this text amendment at the  
21 request of, and in coordination with, the District Department  
22 of Energy and Environment, as well as the Department of  
23 Consumer and Regulatory Affairs.

24 OP would also request flexibility to work with OAG  
25 to refine any language before public hearing.

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1           This concludes my report, and I'm happy to answer  
2 any questions.

3           Thank you.

4           CHAIRMAN HOOD: Thank you, Ms. Vitale. I'm going  
5 to get it right. When you pronounce it, it sounds much  
6 better. When I pronounce it I feel like I'm pronouncing it  
7 wrong. I don't want to do the same thing that I did to Ms.  
8 Elliott. So anyway, let me keep working at it.

9           So, Commissioner May, do you have any questions  
10 or comments?

11           COMMISSIONER MAY: Just to compliment Ms. Vitale  
12 and her choice of wall decorations. I like that bicycle back  
13 there.

14           MS. VITALE: Oh, thank you, that's my husband's.

15           CHAIRMAN HOOD: Okay. Commissioner Shapiro?

16           COMMISSIONER SHAPIRO: No, sir, no comments.

17           CHAIRMAN HOOD: Okay. Commissioner Turnbull?

18           COMMISSIONER TURNBULL: No real comments other  
19 than to say always willing to help our colleagues in  
20 landscape architecture, something that has probably just been  
21 by accident omitted over the years. So, I'm glad to do  
22 whatever we can to help them out.

23           CHAIRMAN HOOD: Okay, thank you.

24           Vice Chair Miller?

25           VICE CHAIR MILLER: I'm okay, thank you.

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1 CHAIRMAN HOOD: Okay. Thank you very much, Ms.  
2 Vitale, for your report.

3 All right. Let's see. Can I get a motion to set  
4 this down?

5 COMMISSIONER TURNBULL: Mr. Chair, I would move  
6 that we set down Zoning Case No. 20-15, Office of Planning  
7 Text Amendment to Subtitle C, regarding Certification of  
8 Landscape Architects in D.C.

9 COMMISSIONER SHAPIRO: Second.

10 CHAIRMAN HOOD: I notice the architects jumping.  
11 Okay.

12 It's been moved and properly seconded. Any  
13 further discussion? Not seeing any.

14 Ms. Schellin, could you do a roll call vote?

15 MS. SCHELLIN: Commissioner Turnbull?

16 COMMISSIONER TURNBULL: Yes.

17 CHAIRMAN HOOD: Commissioner May?

18 COMMISSIONER MAY: Yes.

19 MS. SCHELLIN: Commissioner Hood?

20 CHAIRMAN HOOD: Yes.

21 MS. SCHELLIN: Commissioner Miller?

22 VICE CHAIR MILLER: Yes.

23 CHAIRMAN HOOD: Commissioner Shapiro?

24 COMMISSIONER SHAPIRO: Yes.

25 MS. SCHELLIN: The motion carries at 5-0-0 to set

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1 down Zoning Commission Case No. 20-15 as a rulemaking case.

2 CHAIRMAN HOOD: Okay. Our next case is Zoning  
3 Commission Case No. 20-16, Office of Planning Map Amendment  
4 at Square 442.

5 Ms. Brown-Roberts. You are on mute, Ms. Brown-  
6 Roberts.

7 MS. BROWN-ROBERTS: Okay?

8 CHAIRMAN HOOD: There you go.

9 MS. BROWN-ROBERTS: Okay, great.

10 Good afternoon, Mr. Chairman, and Members of the  
11 Commission, Maxine Brown-Roberts with the Office of Planning,  
12 for Zoning Commission Case 20-16.

13 The Office of Planning proposes a map amendment  
14 for the property at 1707 7th Street, NW, also referred to as  
15 Parcel 42, from the ARTS-2 zone to the ARTS-4 zone, and that  
16 location is shown on the map.

17 The ARTS-2 zone permits medium to high density  
18 mixed use development, with an emphasis on residential  
19 development, while the ARTS-4 zone permits medium to high-  
20 density, mixed use development, the balance is conducive to  
21 the high quality of life and environment for residents,  
22 visitors, employees, and institutions.

23 The ARTS-4 zone is more perfect for this site, as  
24 properties to the east in the RF-1 zone and the ARTS-4 zone  
25 has mandated protections to set backs from the adjacent

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1 lower-density property. This protection is not feasible in  
2 the ARTS-2 zone.

3 Have the next slide.

4 The proposed rezoning would be consistent with the  
5 Future Land Use Map, which has medium density to residential,  
6 and medium density commercial for the site.

7 Next slide.

8 The Generalized Policy Map designates the site as  
9 being within a Main Street Mixed Use Corridor. The property  
10 fronts on both 7th Street and Rhode Island Avenue, which are  
11 mixed use corridors, but encourages new housing and  
12 commercial uses.

13 Specifically, additional height and density is  
14 provided through the proposed map amendment to allow for  
15 development of a new building with pedestrian oriented ground  
16 floor store fronts and upper floor residential use.

17 The proposal would not be inconsistent with many  
18 of the silhouette policies of the Comprehensive Plan, as it  
19 is within the near northwest area element. Policies for  
20 development are further informed by two small area maps, the  
21 Convention Center Strategic Development Plan, and the Duke  
22 Plan, which recommends a mixture of residential use and  
23 retail uses for the site.

24 The proposed map amendment would permit future  
25 development with particular density to support and expanding

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1 the housing supply, including additional IZ units within a  
2 Mixed Use Development.

3           The current location of the property along 7th  
4 Street and Rhode Island avenue Corridors, and across from the  
5 Shaw Howard University Metro Station, is identified as an  
6 area for residential use, retail service uses. Because the  
7 property is District owned, any disposition and development  
8 will be subject to affordability requirements, but exceeds  
9 those of standard IZ.

10           OP, therefore, recommends the Commission set down  
11 the proposed map amendment for a public hearing, because it  
12 is not inconsistent with the policies and goals of the  
13 Comprehensive Plan.

14           Thank you, Mr. Chairman, and I'm available for  
15 questions.

16           CHAIRMAN HOOD: Okay, thank you, Ms. Brown-Roberts  
17 for your presentation. Let's see if we have any questions  
18 or comments?

19           Commissioner May?

20           COMMISSIONER MAY: I do not have any.

21           CHAIRMAN HOOD: Okay. Commissioner Shapiro?

22           COMMISSIONER SHAPIRO: No comments, Mr. Chair.

23 Thanks to Ms. Brown-Roberts for the excellent report.

24           MS. BROWN-ROBERTS: Thank you.

25           CHAIRMAN HOOD: Commissioner Turnbull?

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1 COMMISSIONER TURNBULL: No comments, Mr. Chair.

2 CHAIRMAN HOOD: Vice Chair Miller?

3 VICE CHAIR MILLER: No comments. Thank you for  
4 the report, Ms. Brown-Roberts.

5 MS. BROWN-ROBERTS: Thank you.

6 CHAIRMAN HOOD: Okay. I, too, thank Ms. Brown-  
7 Roberts.

8 Okay. So, we have a request before us to set  
9 down. Can I get a motion?

10 COMMISSIONER SHAPIRO: Mr. Chair, I move that we  
11 set down Case No. 20-16, Office of Planning Map Amendment at  
12 Square 442, and look for a second.

13 COMMISSIONER MAY: Second.

14 CHAIRMAN HOOD: It's been moved and properly  
15 seconded. Any further discussion? Not seeing any.

16 Ms. Schellin, can we do a roll call vote.

17 MS. SCHELLIN: Commissioner Shapiro?

18 COMMISSIONER SHAPIRO: Vote yes.

19 MS. SCHELLIN: Commissioner May?

20 COMMISSIONER MAY: Yes.

21 MS. SCHELLIN: Commissioner Hood?

22 CHAIRMAN HOOD: Yes.

23 MS. SCHELLIN: Commissioner Miller?

24 VICE CHAIR MILLER: Yes.

25 MS. SCHELLIN: Commissioner Turnbull?

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1 COMMISSIONER TURNBULL: Yes.

2 MS. SCHELLIN: The vote is 5-0-0 to set down  
3 Zoning Commission Case No. 20-16 as a rulemaking case.

4 CHAIRMAN HOOD: Okay. Thank you, Ms. Brown-  
5 Roberts. Let's move right on.

6 I think this is our last case, am I correct, Ms.  
7 Schellin?

8 MS. SCHELLIN: Yes.

9 VICE CHAIR MILLER: Yay!

10 COMMISSIONER SHAPIRO: Is it okay if we take a 15-  
11 minute break?

12 CHAIRMAN HOOD: If you want to take a 15-minute  
13 break I'm fine, this will be the last case. All right.

14 Zoning Commission Case No. 20-17, Office of  
15 Planning Text Amendment to Subtitle Z, Flexibility of  
16 approved Campus Plans During Academic Year 2020 through 2021,  
17 due to public health emergency.

18 Ms. Steingasser.

19 MS. STEINGASSER: Yes, sir.

20 Chairman Hood and Commissioners, this case was  
21 brought to your attention at your June 29th meeting, and we  
22 have since been working with the universities to identify the  
23 type of flexibility that they may need to their approved  
24 Campus Plans.

25 Pursuant to Mayor's order back in, I think, May

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1 and June, the universities were required to have a reopening  
2 plan for their safe reopening under the public health  
3 emergency. And, as part of that plan, OP has asked them to  
4 be mindful of their campus plans and identify any needed  
5 flexibility that the campus plan would need in order to  
6 enable the reopening plan, the reopening plan being  
7 particularly much more strict.

8           OP briefed the Commission in June, and the  
9 Commission indicated that a single emergency action for all  
10 the universities be the most efficient manner and way to deal  
11 with this flexibility. So, that's what we've brought before  
12 you tonight.

13           So, the universities have identified anticipated  
14 areas of flexibility that result from their reopening plan,  
15 primarily, from the requirement for social distancing, and  
16 that's both in housing and in the academic spaces.

17           So, many of the universities had housing  
18 requirements especially for undergraduates and freshmen and  
19 sophomores that involved very complex structures that may  
20 have had two, three and four students per room. Under the  
21 social distancing requirements, they are now down to one  
22 person per room, so that resulted in their need to look at  
23 other buildings on campus that, heretofore, were not  
24 considered eligible for undergraduate housing.

25           Other universities have requirements to have the

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1 X number of beds on campus, but they are bringing in so fewer  
2 students that they'll have thousands of beds that they are  
3 required to provide that they won't be using. So, they need  
4 flexibility.

5           There's also restrictions about where classes can  
6 be, and what kind of students can be in those classes. And  
7 again, that gets to the issue of -- from the issue of social  
8 distancing. And, when you think about a row of seats every  
9 three seats out of four can't be utilized to maintain that  
10 six feet, and that's in one row. And then, you start moving  
11 that through the different rows, it ends up with a very, very  
12 low density of use.

13           And so they've asked to look at some of the other  
14 spaces that could be used for these classes. And, in some  
15 cases they are buildings that may not have even been  
16 anticipated for academic use or educational use.

17           The text amendment, and we have some questions  
18 about this, would only be good for one academic year. It's  
19 very time constrained, time certain flexibility for 2020-2021  
20 academic year, and it's only to the degree necessary to  
21 implement the reopening plans.

22           And, the reason -- the issue also came up as to  
23 why an emergency, and the reason is in an emergency it would  
24 become effective immediately, because universities to get  
25 their notice out, and they need to know how to respond to the

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1 acceptance that they get back. And, that is, tomorrow, that  
2 is a very pressing issue for many of the universities.

3           So, with that, we'd ask that -- we are requesting  
4 that the Zoning Commission set the case down for public  
5 hearing, take emergency action which would be good for 120  
6 days, approve the immediate publication of a notice of  
7 proposed rulemaking, and approve a shorter notice period of  
8 30 days, which would be then within the 120 days that's for  
9 the permanent text.

10           I'm available for any questions.

11           CHAIRMAN HOOD:       Thank you very much, Ms.  
12 Steingasser.

13           I thought as we move forward with this, and I  
14 appreciate your discussion, both at the last meeting on the  
15 29th and also today.

16           So, and I'm not sure, maybe I heard this when we  
17 talked about it last or this time, I thought I heard that  
18 regardless of what we do the Mayor's order is enforced. So,  
19 you, basically, have it. I mean, I know we need to do it,  
20 but regardless of what we do it's permissible anyway under  
21 the pandemic order, am I correct, or did I get something  
22 wrong?

23           MS. STEINGASSER:    The -- you are right, the  
24 reopening orders are administrative and required, and they  
25 would go forward with or without zoning action. They are not

1 related, and that same point, they will not be before you.

2           So, if the Commission takes action, and has a  
3 public hearing, we won't be on the reopening plans. It will  
4 only be on the issue of this text amendment to allow  
5 flexibility.

6           CHAIRMAN HOOD: Okay.

7           MS. STEINGASSER: But, it could most likely  
8 proceed --

9           CHAIRMAN HOOD: Right.

10          MS. STEINGASSER: -- but we want to keep it open.

11          CHAIRMAN HOOD: Okay. All right. I understand.

12          Let me see if there are any questions or comments.

13          Commissioner May?

14          COMMISSIONER MAY: Yes. So, I appreciate your  
15 coming forward with this, and it seems like a most  
16 expeditious way to address the issue. And it certainly seems  
17 sensible, and we really are only talking one academic year.  
18 And, we are in just such a completely unprecedented  
19 circumstance, that I think that, you know, even the people  
20 who would ordinarily have a concern about taking this kind  
21 of an action, and what the implications might be for their  
22 neighborhood or something like that, I'm hopeful that  
23 everybody is going to be understanding, as this is such an  
24 exceptional circumstance, and everybody is trying to do the  
25 right thing to keep every safe, not just the students who

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1 will be educated at safe social distance, but also the  
2 neighbors around.

3 I don't think anybody is interested in creating  
4 a circumstance where, you know, students are taking chances,  
5 or they are putting, you know, the residents nearby at risk.

6 So, I do believe that people are going to act  
7 responsibly, and I'm hopeful that all of the students take  
8 all of the precautions that they need to to act responsibly  
9 as well.

10 I do have one question for you, which is that I  
11 think when we talked about it last time, I think I even  
12 suggested that we might go this sort of a route, and I think  
13 there was reticence to do that on the part of the Office of  
14 Planning. And I'm wondering if something, actually, changed,  
15 or whether my memory is just off.

16 MS. STEINGASSER: Well, we worked with the  
17 universities round one, and we were able to resonantly just  
18 say their campus plans are, you know, on hold. We were able  
19 to narrow it down to the issues that are relevant to the  
20 universities, so we have a better sense of what they would  
21 need.

22 And then we've also, because OP is the lead agency  
23 on the opening plan. We have a bigger sense of confidence  
24 in how the reopening plans are really underpinning this,  
25 because you are right, there are many -- there's like a

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1 student compact or pledge that most every university is  
2 requiring their students to affirm.

3           You know, there's the social distancing, it's very  
4 elaborate, and so we have a better sense of what the  
5 universities are doing, and they really narrowed it down to  
6 the issue of what the social distancing requires.

7           COMMISSIONER MAY: Thank you.

8           CHAIRMAN HOOD: Commission Shapiro?

9           COMMISSIONER SHAPIRO: Nothing further to add, Mr.  
10 Chair.

11           CHAIRMAN HOOD: Okay. Commissioner Turnbull?

12           COMMISSIONER TURNBULL: I am good, Mr. Chair,  
13 thank you.

14           CHAIRMAN HOOD: Vice Chair Miller?

15           VICE CHAIR MILLER: Thank you, Mr. Chairman.

16           I just wanted to thank the Office of Planning.  
17 Well, I agree will all the comments that my colleagues, and  
18 Commissioner May and others, and Chairman Hood. So, I just  
19 thank you, Ms. Steingasser, particularly, for being  
20 responsive to the Zoning Commission comments, for one  
21 emergency text amendment, emergency temporary text amendment,  
22 to provide universities with the flexibility to do the  
23 required social distancing and conformity with all the  
24 reopening, with each of the reopening plans submitted to and  
25 approved by your office and the Mayor, from mostly the on

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1 campus housing and building use vocational requirements.

2 I think this is a more efficient and expeditious  
3 way to go. I don't have an analogy, it almost meets the  
4 varied method of events -- it almost meets the exceptional  
5 circumstances, the difficulties, this is the way to go. We  
6 didn't want to have five campus plans before us. We didn't  
7 want to be reviewing reopening plans. That's what you are  
8 doing. That's what the Mayor is doing.

9 And is it five, do you have a sense, I think you  
10 said last night it was -- you'd heard from five, is it five  
11 or it's going to affect all of them?

12 MS. STEINGASSER: Well, several -- three of the  
13 universities are doing 100 percent virtual, they are having  
14 no in-person classes. So, Gallaudet, UDC, and today we just  
15 heard from George Washington, the fall semester they'll be  
16 doing all virtual.

17 So, they won't quite need what we thought going  
18 into this. The recent Mayor's order on the high-risk areas  
19 are making things a little more challenging. So, there were  
20 five, but only three really have these issues about the  
21 housing and the using of it.

22 VICE CHAIR MILLER: And the three?

23 MS. STEINGASSER: What three universities?

24 VICE CHAIR MILLER: Yes, well, which three, you  
25 said which three?

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1 MS. STEINGASSER: It was George Washington,  
2 Georgetown, and AU.

3 VICE CHAIR MILLER: Yes, I figured. I just wanted  
4 to hear it. Okay.

5 I appreciate all of your work all this.

6 MS. STEINGASSER: I appreciate that, but I want  
7 to share the love a little bit, the Office of Zoning and OAG  
8 were also very helpful on getting that text in the right  
9 form.

10 VICE CHAIR MILLER: I appreciate OZ and OAG review  
11 on all of that.

12 Thank you.

13 CHAIRMAN HOOD: I think we send our sentiments,  
14 I think coming from all of us, we appreciate all the work  
15 that's been involved with all, OZ, OAG, and the Office of  
16 Planning, through this process.

17 All right. Any other follow-up questions or  
18 comments? Not seeing any, will somebody make a motion to set  
19 -- what are we doing, it's an emergency and set down.

20 COMMISSIONER MAY: Yes, Mr. Chair. I'll make the  
21 motion.

22 CHAIRMAN HOOD: Go ahead.

23 COMMISSIONER MAY: I would move that Zoning  
24 Commission take the following actions on Zoning Commission  
25 Case 20-17, Office of Planning Text Amendment to Subtitle Z,

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1 flexibility to approve campus plans during academic year  
2 2020-2021, due to public health emergency. The actions being  
3 a set down, emergency action, and immediate publication of  
4 the proposed rulemaking, and the request for shortened period  
5 of a hearing notice for just 30 days.

6 CHAIRMAN HOOD: Okay. It's been moved, somebody  
7 like to second?

8 COMMISSIONER MAY: Second.

9 CHAIRMAN HOOD: It's been moved and properly  
10 seconded. Any further discussion?

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

13 MS. SCHELLIN: Yes. Commissioner May?

14 COMMISSIONER MAY: Yes.

15 MS. SCHELLIN: Commissioner Shapiro?

16 COMMISSIONER SHAPIRO: Yes.

17 MS. SCHELLIN: Commissioner Hood?

18 CHAIRMAN HOOD: Yes.

19 MS. SCHELLIN: Commissioner Miller?

20 VICE CHAIR MILLER: Yes.

21 MS. SCHELLIN: Commissioner Turnbull?

22 COMMISSIONER TURNBULL: Yes.

23 MS. SCHELLIN: The vote is 5-0-0 to set down  
24 Zoning Commission Case No. 20-17, as a rulemaking case,  
25 taking emergency action for the immediate publication of the

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1 proposed rulemaking and for a 30-day notice period of the  
2 notice of public hearing.

3 CHAIRMAN HOOD: Okay, thank you. Thank you, Ms.  
4 Steingasser.

5 Ms. Schellin, do we have anything else before us?

6 MS. SCHELLIN: Staff has nothing else.

7 CHAIRMAN HOOD: Commissioner -- Vice Chairman?

8 VICE CHAIR MILLER: I know it's late, and we've  
9 had 15 cases, Mr. Chairman, and I don't need the answer to  
10 this question today. We sometimes ask for status reports  
11 from the Office of Planning. I don't need it today, unless  
12 OP, Office of Planning, is ready. I just wanted to hear  
13 what's happening with the IZ -- the inclusionary zoning plus  
14 case, since I thought there was going to be a concept  
15 roundtable by IZ last week, which I think, or two weeks ago  
16 this might have happened.

17 And people, I know they've been looking at it for  
18 a while the RF-1 Row House Zone rear addition, which I'm  
19 certainly not anxious to get into, but I just want to know,  
20 I mean, certainly, you've got your hands full with reopening,  
21 not only the universities, but every organization and  
22 business in the city.

23 MS. STEINGASSER: We did have the roundtable last  
24 week on the 18th, very successful. We had, at one point  
25 there were 99 people listening. We had 16 people testify,

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1 and another 30 submit written comments.

2 VICE CHAIR MILLER: Is there a link to the video  
3 of that or audio of that hearing?

4 MS. STEINGASSER: It's on our website, yes.

5 VICE CHAIR MILLER: Okay, on the website.

6 MS. STEINGASSER: Yes, it's on our website, Office  
7 of Planning's website, yes. And, we are making a synopsis  
8 of all the comments, and we hope to bring some for the  
9 September.

10 VICE CHAIR MILLER: Great, that's great. And --

11 MS. STEINGASSER: The rear yard and the RF zones.

12 VICE CHAIR MILLER: -- yes, I'm not anxious that  
13 that whole can of worms be reopened, but it's been around a  
14 long time. It comes up every BZA hearing.

15 MS. STEINGASSER: We are working on that. We have  
16 two or three options that will be submitted to you on how to  
17 advertise in the alternative.

18 VICE CHAIR MILLER: In the fall?

19 MS. STEINGASSER: Yes.

20 VICE CHAIR MILLER: Obviously. Okay. Thank you.

21 CHAIRMAN HOOD: All right. So, anything else to  
22 this meeting? I want to thank everyone for their  
23 participation.

24 Let me just announce that the Zoning Commission  
25 will meet again tomorrow night. We have Zoning Commission

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1 Case No. 19-27, which is the Atlas MLK LLC at 3715 MLK LLC.

2           Also, we have an Office of Planning Case 19-27A,  
3 and that is a text amendment. Anyway, we'll meet tomorrow  
4 at 4:00 in the afternoon.

5           Ms. Schellin, are we getting caught up?

6           MS. SCHELLIN: We are. Starting in September, I  
7 think there's, actually, only like three hearings in  
8 September at this point. And, we are back to just Monday and  
9 Thursdays in September.

10           CHAIRMAN HOOD: Great, so we are getting caught  
11 up.

12           All right. So, any other comments, colleagues?

13           With that, this meeting is adjourned. See you  
14 tomorrow night.

15           (Whereupon, the above-entitled matter went off the  
16 record at 6:07 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: Public Meeting

Before: DCZC

Date: 07-27-20

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