

GOVERNMENT
OF
THE DISTRICT OF COLUMBIA

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ZONING COMMISSION

+ + + + +

SPECIAL MEETING

+ + + + +

MONDAY

NOVEMBER 23, 2009

+ + + + +

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

ZONING COMMISSION MEMBERS PRESENT:

ANTHONY J. HOOD, Chairman
WILLIAM WARREN KEATING, III, Vice Chair
KONRAD SCHLATER, Commissioner
PETER MAY, Commissioner (NPS)
MICHAEL G. TURNBULL, FAIA, Commissioner
(AOC)

OFFICE OF ZONING STAFF PRESENT:

SHARON S. SCHELLIN, Secretary
DONNA HANOUSEK, Zoning Specialist

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Board of Zoning Adjustment
District of Columbia
CASE NO. Transcript
EXHIBIT NO. null

OFFICE OF PLANNING STAFF PRESENT:

JENNIFER STEINGASSER
JOEL LAWSON
STEPHEN MORDFIN

D.C. OFFICE OF THE ATTORNEY GENERAL PRESENT:

JACOB RITTING, ESQ.

The transcript constitutes the minutes from the Special Meeting held on November 23, 2009.

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

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FINAL ACTION

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

2 6:31 p.m.

3 CHAIRMAN HOOD: Well we're going to
4 go ahead and get started, and we're going to
5 use the clock to the right so we're on time.

6 This meeting will please come to
7 order.

8 Good evening, ladies and gentlemen.

9 This is the November 23, 2009
10 Public Meeting of the Zoning Commission of the
11 District of Columbia.

12 My name is Anthony Hood. Joining
13 me are Vice Chairman Keating, Commissioner
14 Schlater, Commissioner May and Commissioner
15 Turnbull. Also from the Office of Zoning Ms.
16 Sharon Schellin, Office of the Attorney
17 General Mr, Ritting, Office of Planning we
18 have members of the Office of Planning under
19 the leadership of Ms. Steingasser; Ms.
20 Steingasser, Mr. Lawson and Mr. Mordfin.

21 I think I got everybody covered.

22 Copies of today's meeting agenda

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1 are available to you and are located in the
2 bin near the door.

3 We do not take any public testimony
4 at our meetings unless the Commission requests
5 someone to come forward.

6 Please be advised that this
7 proceeding is being recorded by a court
8 reporter and is also webcast live.
9 Accordingly, we must ask you to refrain from
10 any disruptive noise or actions in the hearing
11 room. Please turn off all beepers and cell
12 phones.

13 Does the staff have any preliminary
14 matters?

15 MS. SCHELLIN: No, sir.

16 CHAIRMAN HOOD: Okay. What we're
17 going to do, we don't have a lot on the agenda
18 so what we'd like to take Final Action first,
19 the Consent Calendar second and Hearing Action
20 third. Okay.

21 Let's go to final action Zoning
22 Commission Case No. 07-23A, President and

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1 Directors and Georgetown College - two-year
2 time extension of Zoning Commission Order No.
3 07-23.

4 Ms. Schellin?

5 MS. SCHELLIN: Yes, sir. This is a
6 request from the applicant for a two-year time
7 extension of Zoning Commission Order No. 07-
8 23. And they are, as I said, asking for a
9 two-year time extension, and would ask that
10 the Commission would consider this this
11 evening.

12 CHAIRMAN HOOD: Okay. Thank you,
13 Ms. Schellin.

14 Colleagues, we have Exhibit 5. We
15 also have Exhibit 1 from the applicant.

16 Exhibit 5 is an extension request
17 further in processing case, there's a report
18 from the Office of Planning.

19 Exhibit 1 is from the applicant.

20 And also we have an ANC letter,
21 Exhibit 4 from ANC 2E which basically says,
22 and I will just look at the last part of the

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1 submission, it says: "However, we are very
2 close to the end of the current Georgetown
3 University ten year campus plan. And the
4 University, we find a new ten year campus
5 plan. The current request extension would
6 move a significant part of the approval period
7 for these major facilities into the new ten
8 year plan period.

9 It could well be better to consider
10 these facilities as part of the upcoming ten
11 year plan, and we would have no objections if
12 the Zoning Commission wishes to do that."

13 And I just wanted to put that on
14 the record. I'm not sure what your pleasure
15 is, but I am inclined to move it just as
16 presented. I'm sure some of those things will
17 take place once the discussion comes if the
18 campus plan if anything were to change of
19 these three proposals we have in front of us.

20 So let me open it up for any
21 comments. Anything anyone would like to put
22 on the record?

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1 Not hearing anything, I would move
2 that we approve the two-year extension in
3 Zoning Commission Case No. 07-23A and ask for
4 a second.

5 VICE CHAIRMAN KEATING: Second.

6 CHAIRMAN HOOD: It's moved and
7 seconded.

8 Any further discussion? All those
9 in favor.

10 ALL: Aye.

11 CHAIRMAN HOOD: Not hearing any
12 opposition, Ms. Schellin, would you record the
13 vote?

14 MS. SCHELLIN: Yes. Staff records
15 the vote five-to-zero-zero to approve final
16 actions on Zoning Commission Case No. 07-23A.

17 Commissioner Hood moving,
18 Commissioner Keating seconding, Commissioners
19 Schlater, Turnbull and May in support.

20 CHAIRMAN HOOD: Okay. Next, and I
21 think we can do both of these at the same
22 time. We have a final action of Zoning

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1 Commission Case No. 06-45A - three-year time
2 extension to PUD at Squares 6123, 6125 and
3 6126. And we also have something on the
4 Consent Calendar.

5 And, Mr. Ritting, is there any
6 position I need to one as opposed to the other
7 or can I do the time extension first?

8 MR. RITTING: My suggestion would
9 be if you feel there's some chance that you
10 would not approve the time extension on the
11 Consent Calendar, you might want to do them
12 separately. But it's up to you.

13 CHAIRMAN HOOD: Okay.

14 COMMISSIONER MAY: Mr. Chairman?

15 CHAIRMAN HOOD: Mr. May.

16 COMMISSIONER MAY: Yes. I think
17 the issue comes into play based on whatever
18 actions we take. So I would suggest that we
19 ought just discuss both the time extension and
20 the change at the same time and then decide
21 how to proceed from there.

22 CHAIRMAN HOOD: Okay. Let's take

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1 it as Mr. May has presented. And I guess I'll
2 open it up. Who wants to get us started?
3 Commissioner May?

4 COMMISSIONER MAY: Yes. Looking at
5 this case, you know, we always want to be very
6 careful that when a minor modification has
7 been presented that the modification is truly
8 minor. And I don't see anything in the record
9 here or in the information that's presented
10 that indicates that this is not minor. And it
11 seems like the major element of it is changing
12 the mix of rental units versus home ownership
13 units. And I think that there is there extra
14 element of the overall project expanding for
15 the sake of the HOPE VI application. And I
16 don't see that that changes the nature of the
17 change to the PUD. It's just that it's being
18 done in conjunction with some other action,
19 and I don't think it really effects the core
20 action of the PUD. So I'm comfortable going
21 ahead with it.

22 And with regard to the financial

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1 situation and the time extension, I mean the
2 major reason for that is this change in the
3 HOPE VI funding is the fix for it. I think a
4 time extension is appropriate, although it is
5 a little bit odd that when a project doesn't
6 have enough money to go forward the solution
7 is to make it bigger. But once you get over
8 that if this is the course to success is
9 getting HOPE VI money, then it seems like this
10 has been reasonably well presented in what we
11 have before us.

12 CHAIRMAN HOOD: Okay. I thank you
13 very much, Commissioner May. You've
14 definitely framed both issues for us.

15 Any other comments, colleagues?
16 Commissioner Turnbull?

17 COMMISSIONER TURNBULL: Thank you,
18 Mr. Chair.

19 No, I think Commissioner May
20 summarized it very well. I think when you
21 first look at it with the additional homes, it
22 looks like but it's not part of the PUD. It's

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1 just part of the extra financing to make it
2 more feasible.

3 So on first glance, it looks like a
4 significant change because it's really not
5 part of the PUD. So I would concur with Mr.
6 May and his analysis of it.

7 CHAIRMAN HOOD: Okay. Any other
8 comments?

9 Okay. Let's make a motion. Do we
10 need to do it separate. Do them in one motion
11 but we just cite both incidents; we can just
12 cite the extension as well as the minor
13 modification.

14 COMMISSIONER MAY: Okay. I'll make
15 the motion.

16 I would move that we approve the
17 proposed time extension and minor modification
18 of the PUD in Zoning Commission Case No. 06-
19 45A and would ask for a second.

20
21 COMMISSIONER SCHLATER: I'll second
22 it.

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

4 All those in favor?

5 ALL: Aye.

6 CHAIRMAN HOOD: Not hearing any
7 opposition, Ms. Schellin would you record the
8 vote?

9 MS. SCHELLIN: Yes. Staff records
10 the vote at five-to-zero-to zero to approve
11 Zoning Commission Case No. 06-45A for the time
12 extension and the minor modification.

13 Commissioner May moving,
14 Commissioner Schlater seconding.
15 Commissioners Hood, Keating and Turnbull in
16 support.

17 CHAIRMAN HOOD: Okay. Thank you.
18 And that took care of our Consent Calendar
19 item. We don't have to go there now.

20 Let's go straight into Hearing
21 Action. Zoning Commission Case No. 09-18,
22 Office of Planning - Text amendment to enable

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1 more than one regular monthly Zoning
2 Commission Meeting, 11 DCMR § 3005.6.

3 Mr. Steingasser?

4 MS. STEINGASSER: Chair Hood,
5 Commissioner, the Office Attorney General
6 requested the Office of Planning submit this
7 text amendment to clarify as the title states,
8 that the Commission is enabled to hold more
9 than one monthly meeting. As such, we
10 recommend this case be set down.

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

13 Is there anyway that we can put
14 this with another case? Because I don't think
15 this should be a --

16 MS. SCHELLIN: Absolutely. And
17 also one other thing just to add, Ms.
18 Steingasser, to waive the late submittal for
19 the report if we could just add that in to
20 make sure that we add that for the motion too
21 when the Commission votes?

22 MS. STEINGASSER: We got this

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1 request from the Office of Attorney General
2 late, after filing, so we would request that
3 waiver.

4 CHAIRMAN HOOD: Let's go ahead and
5 let's do that first. And I have it
6 highlighted, I just forgot to mention it. The
7 report was late because of other issues and we
8 wanted to wave our rules. Can we do that by
9 general consensus? Okay. General consensus.

10 Okay. So we'll accept the report.

11 And we want to thank Ms.
12 Steingasser for giving us this report. And
13 we're going to try to put in with another
14 meeting. Because I don't think this will take
15 a long time.

16 Okay. Any comments, questions,
17 colleagues on this? Not hearing none, I would
18 move that we approve Zoning Commission Case
19 No. 09-18 and ask for a second.

20 COMMISSIONER TURNBULL: Second.

21

22 CHAIRMAN HOOD: Moved and properly

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1 seconded.

2 Any further discussion? All those
3 in favor?

4 ALL: Aye.

5 CHAIRMAN HOOD: Not hearing any
6 opposition, Ms. Schellin, would you record the
7 vote?

8 MS. SCHELLIN: Yes. Staff records
9 the vote five-to-zero-to zero to set down
10 Zoning Commission Case No. 09-18 as a
11 rulemaking case.

12 Commissioner Hood moving,
13 Commissioner Turnbull seconding.
14 Commissioners Schlater, Keating and May in
15 support.

16 CHAIRMAN HOOD: Okay. Are we going
17 to have a status report tonight? Okay. No
18 status report.

19 Ms. Schellin, do we have anything
20 else?

21 MS. SCHELLIN: No, sir.

22 CHAIRMAN HOOD: Okay. We have a

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1 request to go through the schedule line-by-
2 line, but I don't think we're going to do
3 that. We can do that later.

4 Anyway, that's it for tonight. I
5 want to wish to everyone a happy Thanksgiving.

6 And at that point, any other comments?

7 This meeting is adjourned.

8 (Whereupon, at 6:42 the meeting was
9 adjourned.)

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