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GOVERNMENT OF THE DISTRICT OF COLUMBIA
Zoning Commission

Regular Public Meeting
1464th Meeting Session [15th of 2017]

6:59 p.m. to 8:00 p.m.
Monday, June 26, 2017

Jerrily R. Kress Memorial Hearing Room
441 4th Street, N.W., Suite 220 South
Washington, D.C. 20001

1 Board Members:

2 ANTHONY HOOD, Chairman

3 ROBERT MILLER, Vice Chair

4 PETER MAY, Commissioner

5 PETER SHAPIRO, Commissioner

6

7 Office of Zoning:

8 SHARON SCHELLIN, Secretary

9

10 Office of Planning:

11 JENNIFER STEINGASSER

12 JOEL LAWSON

13 MATTHEW JESICK

14 KAREN THOMAS

15 CRYSTAL MYERS

16

17 Office of Attorney General:

18 JACOB RITTING

19

20

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

2 CHAIRPERSON HOOD: This meeting will please
3 come to order. Good evening, ladies and gentlemen.
4 This is a public meeting of the Zoning Commission for
5 the District of Columbia. My name is Anthony Hood.
6 We're located in the Jerrily R. Kress Memorial
7 Hearing Room.

8 Joining me this evening are Vice Chair
9 Miller, Commissioner Shapiro, and Commissioner May.
10 We do have, I think, some proxies from Commissioner
11 Turnbull. We're also joined by the Office of Zoning
12 staff, Ms. Sharon Schellin, as well as the Office of
13 Attorney General, Mr. Ritting, Office of Planning
14 staff, Ms. Steingasser and Mr. Lawson, Ms. Vitale,
15 Mr. Jesick, and Ms. Thomas.

16 Copies of today's meeting agenda are
17 available to you and are located in the bin near the
18 door. We do not take any public testimony at our
19 meetings unless the Commission requests someone to
20 come forward. Please be advised that this proceeding
21 is being recorded by a court reporter and is also
22 webcast live. Accordingly, we must ask you to
23 refrain from any disruptive noises or actions in the
24 hearing room, including display of any signs or
25 objects. Please turn off all electronic devices.

1 Does the staff have any preliminary matters?

2 MS. SCHELLIN: No, sir.

3 CHAIRPERSON HOOD: Okay. Let's proceed with
4 our agenda. First, we have on a consent calendar
5 item, a minor modification and technical corrections.
6 I thought this fell off, but let me read it. Zoning
7 Commission Case No. 08-06M, Office of Planning
8 Technical Corrections to Zoning Commission Order No.
9 08-6A to Subtitles A through K, U, and X through Z.

10 Ms. Schellin.

11 MS. SCHELLIN: Yes. The Office of Planning
12 submitted a request to withdraw this modification.

13 CHAIRPERSON HOOD: Okay.

14 MS. SCHELLIN: They will work with DCRA and
15 possibly file a new case if needed. So, we would
16 just ask the Commission by consensus to approve their
17 request to withdraw.

18 CHAIRPERSON HOOD: Okay. I think they're
19 trying to, I guess, nail a few other things down, is
20 the way I got it. So, I think we can do that by
21 general consensus. Any objections?

22 MR. SHAPIRO: No objections.

23 CHAIRPERSON HOOD: Okay. So, no objections.
24 Let's continue to move on. Modification of
25 consequence. Determination of scheduling in Zoning

1 Commission Case No. 15-33A, E Street Owner, LLC, PUD
2 modification of consequence at Square 1043. Ms.
3 Schellin.

4 MS. SCHELLIN: Yes. On this case the
5 applicant is requesting an increase in height of one-
6 foot-eight-inches to separate the elevator core into
7 two, to make minor design changes to the roof to
8 include separating the guardrail from the parapet,
9 and adding a 10-foot trellis to make changes to the
10 open spaces, and to make general façade changes.

11 At Exhibit 6, you have an OP report in
12 support. Exhibit 7, an ANC 6B report in support.
13 Would ask the Commission to first decide whether the
14 -- or consider this case as a modification of
15 consequence, and if so, then proceed with scheduling.

16 CHAIRPERSON HOOD: Okay. Commissioners,
17 anybody -- do we all believe this is a modification
18 of consequence, what's being asked for? Okay. Ms.
19 Schellin, can we proceed with scheduling?

20 MS. SCHELLIN: Yes. In order to set this for
21 the July 10th meeting, can I ask -- you guys are not
22 asking anything from the applicant, so we could give
23 the ANC until July 3rd to provide their response. I
24 don't believe there were any other parties, so -- and
25 the ANC has provided a letter, so we could put this

1 on for July 10th.

2 CHAIRPERSON HOOD: Okay, Commissioner
3 Shapiro, did you say something?

4 MR. SHAPIRO: I thought there was something,
5 if this is the case, I think in the OP report that OP
6 wanted to make sure the applicant noted. Am I
7 remembering the right one?

8 MR. MAY: Yeah, there are some small changes
9 to the design at the entry, and the windows. Small
10 things.

11 MR. SHAPIRO: And the window glazing and the
12 residential entries.

13 MR. MAY: Yeah. Not noted in the
14 application, but it shows up in the drawings. So, it
15 needs to be -- the applicant needs to address that.

16 CHAIRPERSON HOOD: Okay. Anything else?

17 MR. SHAPIRO: Nothing else, Mr. --

18 CHAIRPERSON HOOD: And I also would encourage
19 the applicant to review the record and see what OP's
20 comments were, as noted.

21 Okay, Ms. Schellin, do we have to do anything
22 else with this?

23 MS. SCHELLIN: Not for this case.

24 CHAIRPERSON HOOD: Okay. Next, Zoning
25 Commission Case No. 88-34B, Children's National

1 Medical Center, PUD modification of consequence at
2 Square 2139. Ms. Schellin.

3 MS. SCHELLIN: Yes. The applicant requested
4 and it was approved to reschedule this case for the
5 July 10th meeting. However, they are now asking the
6 Commission to postpone it indefinitely. So, I put it
7 on this evening's agenda so that the Commission could
8 go ahead and take up that request for an indefinite
9 postponement. They've stated that they need more
10 time to address the issues in OP and DDOT's reports.
11 So, I'd ask the Commission to consider the request
12 before them.

13 CHAIRPERSON HOOD: Okay. And I am not in
14 tune to agree with anything indefinitely, but let's
15 open it up for discussion. I would suggest we put a
16 time date and a date certain, or at least get a
17 response and get an update. So, let's talk about
18 that. I'm not in favor indefinitely. Vice Chair
19 Miller.

20 MR. MILLER: Thank you, Mr. Chairman. I
21 would agree that it would be useful to have some
22 benchmarks for dates. I mean, a few weeks earlier
23 the applicant had July dates established. Maybe the
24 applicant's representative could say whether
25 September dates would work for the applicant and I

1 see her nodding, but, so maybe we should just do
2 that.

3 CHAIRPERSON HOOD: Okay. Any other
4 suggestions? So, are we looking at September, our
5 meeting in September, Vice Chair Miller? Meeting.
6 Okay. So, we only have one meeting in September?

7 MS. SCHELLIN: Two.

8 CHAIRPERSON HOOD: Two.

9 MS. SCHELLIN: I think --

10 CHAIRPERSON HOOD: First or second?

11 MS. SCHELLIN: Second meeting in September.
12 Okay, you'll be ready to go forward then, or do you
13 want to just do a status update at that time? Okay.

14 So, then if we could have the applicant
15 provide their status update by 3:00 p.m. on September
16 18th, then we'll put it on the Commission's agenda on
17 September 25th to consider the timeline that they
18 could suggest at that time for moving forward.

19 Okay. So, we're all set? Okay. All right.
20 Let's go to the next case. Zoning Commission Case
21 No. 05-38C, Mill Creek Residential Trust, LLC, PUD
22 modification of consequence at Square 499. Ms.
23 Schellin.

24 MS. SCHELLIN: Yes. The applicant has
25 submitted some additional documents at Exhibit 6 and

1 6A as requested. And then at Exhibit 7, ANC 6D
2 submitted a letter in support, so we'd ask the
3 Commission to consider final action this evening.

4 CHAIRPERSON HOOD: Okay, Commissioners. As
5 stated, we have a number of -- I think maybe we
6 requested some of the areas of the bicycle parking.
7 I wonder where would that have come from. But
8 anyway, let's open it up for any discussion.

9 MR. MAY: I think we got the information that
10 we asked for and so, I think we're ready to go
11 forward.

12 CHAIRPERSON HOOD: Okay. Somebody like to
13 make a motion on this? I think it's pretty straight.

14 MR. SHAPIRO: Mr. Chair, I move that we take
15 final action on Zoning Commission Case No. 08-38C,
16 Mill Creek Residential Trust, LLC, PUD modification
17 of consequence at Square 499.

18 MR. MILLER: Second.

19 CHAIRPERSON HOOD: Okay. It's been moved and
20 properly seconded, and also noted that 6D is letter
21 in support. Any further discussion?

22 [Vote taken.]

23 CHAIRPERSON HOOD: Ms. Schellin, would you
24 record the vote, and if we have a proxy?

25 MS. SCHELLIN: Yes. Staff records the vote

1 five, to zero, to zero to approve final action in
2 Zoning Commission Case No. 05-38C, Commissioner
3 Shapiro moving, Commissioner Miller seconding,
4 Commissioners Hood and May in support, Commissioner
5 Turnbull in support by absentee ballot.

6 CHAIRPERSON HOOD: Okay. Let's go to final
7 action Zoning Commission Case No. 13-09B, Stanton
8 Commons II, LLC, three-year PUD time extension at
9 Square 5877. Ms. Schellin.

10 MS. SCHELLIN: Yes. As you stated, the
11 applicant is requesting a three-year time extension.
12 They've stated that it would allow them to return
13 with a well-planned and fully vetted second-stage PUD
14 application for the second building. Exhibit 4 is an
15 OP report in support of the extension. Would ask the
16 Commission to consider final action.

17 CHAIRPERSON HOOD: Okay. Let's open it up
18 for any questions or comments on this case.

19 I do want to ask the Office of Planning a
20 question. I'm not sure whose case this is. Ms.
21 Thomas. I noticed you all supported the three-year
22 extension, and I think I know why, but typically we
23 usually do two-year. Why are we supporting a three-
24 year this time?

25 MS. THOMAS: Well, I wanted to give the

1 application some time barring construction delays,
2 and given time knowing how sometimes how it takes a
3 while for these things to get up and running.
4 Particularly the community service center type uses,
5 and to gauge whatever needs the community have. They
6 might have to do a survey, it will take time. So, I
7 thought in this instance it would be a better
8 service. They will be best served by having three
9 years. In this case.

10 CHAIRPERSON HOOD: Okay. I will accept your
11 expert opinion, Ms. Thomas. The only thing that
12 concerns me, though, is I didn't see anything from
13 the ANC supporting this three-year extension. I
14 think this is ANC 8B, and that's a big concern of
15 mine. So, could you elaborate on that, or can you
16 elaborate?

17 MS. THOMAS: No, I can't. I also didn't hear
18 anything from the ANC or any community member
19 concerning (garbled speech) and I did not check.

20 CHAIRPERSON HOOD: Yeah, so that even -- let
21 me open it up to my colleagues, but I can tell you
22 that's a big concern of mine. We do it all over the
23 city and I want to make sure we do it in Ward 8 as
24 well as we do it in other wards. So, I don't even
25 have a problem adding this -- because it doesn't look

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1 like it will take 10 or 15 minutes, adding this to a
2 special meeting for an upcoming hearing. But I just
3 want to hear from the ANC. So, let me open it up for
4 any comments or questions, or disagreements or
5 whatever. Vice Chair.

6 MR. MILLER: Thank you, Mr. Chairman. Yeah,
7 I don't have any problem with putting it off for a
8 little time for ANC having more opportunity to weigh
9 in. I mean, this is all about the second community
10 center building that's part of this project. So, a
11 community center the ANC should weigh in on.

12 And so, the first community center has the
13 Martha's Table and Community of Hope programming,
14 which is very important and I don't want to delay
15 that in any way, and I don't think this -- our
16 putting off to get more input from the ANC on the
17 other part of it, as long as it wouldn't delay the
18 other, I'm okay with putting it off so that we can
19 get more input, the ANC, on the extension.

20 CHAIRPERSON HOOD: Okay. Any other comments?

21 So, I've been informed, we don't need a
22 special. This is, you know, normally we always got
23 to hurry up and get it done, but we don't need a
24 special public meeting. I want to thank Mr. Tummonds
25 for mentioning that. So, we can do this at our next

1 public meeting.

2 Can we reach out to the ANC 8B?

3 MS. SCHELLIN: Yes. We'll send an e-mail,
4 and I believe Mr. Tummonds is indicating he will also
5 do that.

6 CHAIRPERSON HOOD: I want to make sure we at
7 least afford them the opportunity.

8 MS. SCHELLIN: Yes.

9 CHAIRPERSON HOOD: Because I think I visited
10 them last month, not talking about this or anything
11 else, just stopped in to see what was going on. So,
12 I want to make sure we afford them the opportunity.
13 Anything else we need to do on this, Ms. Schellin?
14 Anything else?

15 MS. SCHELLIN: No. Do you want this at the
16 next meeting, the July 10th?

17 CHAIRPERSON HOOD: The next meeting.

18 MS. SCHELLIN: Okay.

19 CHAIRPERSON HOOD: We'll be able to get in
20 touch with the ANC by then?

21 MS. SCHELLIN: Yes.

22 CHAIRPERSON HOOD: Thank you. Thank you very
23 much.

24 Okay. So, let's move on. Zoning Commission
25 Case No. 16-24. This is 1336 H Street SPE, LLC,

1 consolidated PUD and related map amendment at Square
2 399. Ms. Schellin.

3 MS. SCHELLIN: Yes, sir. Exhibit 40 is a
4 request from the applicant to postpone the case to
5 the July 10th public meeting to allow them to
6 finalize the proffer and condition process. So, they
7 have not finalized that process, and they need to do
8 that in order to move forward, so this case just
9 needs to be deferred to July 10th. No action
10 necessary this evening.

11 CHAIRPERSON HOOD: Okay. So, no action from
12 us.

13 MS. SCHELLIN: No.

14 CHAIRPERSON HOOD: July the 10th. July the
15 10th is filling up, isn't it?

16 Okay. So, all right. Let's go to the next
17 case, Zoning Commission Case No. 17-02, Office of
18 Planning text amendment to Subtitle's B-U, RA Use
19 clarification language. Ms. Schellin.

20 MS. SCHELLIN: Yes. We received no comments
21 on this proposed rulemaking, so we'd ask the
22 Commission to consider final action.

23 CHAIRPERSON HOOD: Okay, Commissioners, any
24 questions or comments? I think it's pretty straight
25 forward. We didn't get any comments.

1 So, with that, I would move approval on the
2 final action for the Zoning Commission Case No. 17-
3 02, and ask for a second.

4 MR. MILLER: Second.

5 CHAIRPERSON HOOD: It's been moved and
6 properly seconded. Any further discussion?

7 [Vote taken.]

8 CHAIRPERSON HOOD: Ms. Schellin, would you
9 record the vote, and proxy as well?

10 MS. SCHELLIN: Staff records the vote five,
11 to zero, to zero to approve final action in Zoning
12 Commission Case 17-02, Commissioner Hood moving,
13 Commissioner Miller seconding, Commissioners May,
14 Shapiro in support, Commissioner Turnbull in support
15 by absentee ballot.

16 CHAIRPERSON HOOD: Okay. Thank you. Next,
17 let's go to proposed action, Zoning Commission Case
18 No. 16-17. This is the EYA Development, LLC,
19 consolidated PUD and related map amendment at Square
20 3917. Ms. Schellin.

21 MS. SCHELLIN: Yes. There were a couple
22 reports that came in. The Commission specifically
23 asked DOEE to submit a report. However, it was late,
24 which they asked for a waiver and that was approved.
25 And then there were reports from D.C. Water and fire

1 and emergency medical, which I think the Commission
2 wanted the information, or in a roundabout way. But
3 they submitted it, and they did not ask for a waiver
4 so I would just first ask the Commission to, by
5 consensus, to accept their late filing per the
6 regulations. Do you guys -- that's good?

7 CHAIRPERSON HOOD: Let me just say this,
8 let's tee it -- tee it all up for me, and then --

9 MS. SCHELLIN: Okay. All right.

10 CHAIRPERSON HOOD: -- we'll go with that.

11 MS. SCHELLIN: And then the other thing is,
12 DDOT submitted a supplemental report. And the reason
13 why I'm getting there is so that if the Commission
14 would grant all of the parties, the applicant, the
15 party in opposition, the two ANCs, I believe it was
16 5A and 5B if I remember correctly, an opportunity to
17 rather than going back to the date, seven days from
18 the date they actually filed, seven days from today,
19 which would put it to next Monday, July 3rd, 3:00
20 p.m., to file a response to all four of those reports
21 if they choose to do so.

22 CHAIRPERSON HOOD: Anything else, Ms.
23 Schellin?

24 MS. SCHELLIN: That's it.

25 CHAIRPERSON HOOD: Okay. The reason why I

1 wanted to wait until, about the late -- the waiver
2 for the late filing, because I don't think we got an
3 actual request, and probably didn't know they were
4 supposed to give us a request. But before we get to
5 that, when I look at how things have come in, and not
6 having an opportunity to be able to respond, I would
7 make the suggestion -- I know we have a number of
8 residents who are down here tonight to hear us
9 deliberate upon this, but I would like to also make
10 sure I have all of the package together when I
11 deliberate. I would like to make sure that those
12 four reports that the two ANCs, ANC 5A and 5B, as
13 well as the party in opposition, the reasonable --
14 St. Joseph for Reasonable Development. Reasonable
15 Development seems to stick with me for some reason.
16 And there's another party. Oh no, the applicant.
17 I'm sorry. And the applicant. All right.

18 So, I know there's four that they need to be
19 able to respond to these reports. So, what I would
20 suggest, and again, colleagues, and I'll just open it
21 up for discussion, I would suggest that we allow
22 everyone opportunity to be able to respond to these
23 reports. Even though one of these reports I know
24 specifically I asked for. But we still have to allow
25 parties and those of interest to respond. Those four

1 groups I just mentioned to be able to sign the
2 reports, and then we take our deliberations. That
3 way we have the whole package. So, any comments?
4 Questions? Commissioner May?

5 MR. MAY: Yeah, I would agree with that. It
6 makes sense to have all the information before we
7 have substantive deliberations on it and I don't
8 think this really affects the schedule for the
9 project given where we are in the timing of things.
10 It's still, you know, we wouldn't be able to finalize
11 if we took proposed action. There wouldn't be a
12 final action until September anyway. So, putting it
13 off for two weeks to allow for that response is not
14 going to slow anything down.

15 CHAIRPERSON HOOD: Now, let me ask, should we
16 ask the -- I mean, the government reports to ask for
17 -- and I'm throwing this out there for discussion.
18 Should we ask them to ask us that they need to
19 formally ask us for the waiver? Should we do that,
20 or should we just leave it alone?

21 Okay. All right. But we'll accept -- any
22 problems with accepting the reports?

23 [No audible response.]

24 CHAIRPERSON HOOD: Okay. We'll accept the
25 reports. All right? So, we'll keep that -- I just

1 want to make sure I put everything out on the table.
2 All right. So, we will accept the reports, and the
3 applicant, ANC 5A, B, and EYA for Reasonable -- St.
4 Josephs for Reasonable Development. They will be
5 able to respond to those four reports, and we will
6 deliberate on this. What's the date, Ms. Schellin?

7 MS. SCHELLIN: July 10th.

8 CHAIRPERSON HOOD: July 10th.

9 MS. SCHELLIN: So, all the responses, if they
10 choose to give one, would be due by 3:00 p.m., July
11 3rd.

12 CHAIRPERSON HOOD: Okay. Can you repeat the
13 schedule, Ms. Schellin?

14 MS. SCHELLIN: Yes. So, the applicant and
15 the residents of St. Joseph's, I know it's longer
16 than that but he knows, I'm looking at him. And ANC
17 5A, ANC 5B, they would have an opportunity to respond
18 only to those four reports, D.C. Water, fire and
19 emergency medical, DDOT, and DOEE by 3:00 p.m. July
20 3rd. And then I will put this back on the
21 Commission's July 10th agenda, 6:30 p.m. for
22 consideration of proposed action.

23 CHAIRPERSON HOOD: Okay, commissioners,
24 anything else on this case? Ms. Schellin, anything
25 else?

1 MS. SCHELLIN: No, sir.

2 CHAIRPERSON HOOD: All right. So, we will
3 proceed in that fashion.

4 Let's go to the next case. This is under
5 hearing action, Zoning Commission Case No. 16-120,
6 George Washington University and Boston Properties,
7 modification of significance to first-stage PUD
8 related map amendment, and second-stage PUD at Square
9 75.

10 Mr. Jesick.

11 MR. JESICK: Thank you, Mr. Chairman and
12 members of the Commission. George Washington
13 University and Boston Properties have submitted an
14 application for a campus plan amendment, a first-
15 stage PUD amendment, a PUD related map amendment, and
16 a second-stage PUD in order to construct a commercial
17 office building with ground-floor retail at 2100
18 Pennsylvania Avenue Northwest.

19 The building would be 130 feet tall, stepping
20 down to 110 feet on I Street, and would have a total
21 FAR of 8.93. The project, which would require a
22 zoning of part of the site to MU-30, would not be
23 inconsistent with the Comprehensive Plan which calls
24 for high-density commercial on the site. We would
25 also further the goals of the campus plan, which

1 include creating I Street as the main retail street
2 for the campus area.

3 An existing building on the site is used for
4 administrative functions, and according to the
5 approved campus plan, part of the site was to be used
6 in the future for academic and/or administrative,
7 and/or medical uses. The applicant has stated that
8 they are preparing a relocation plan for the current
9 uses. We would ask that be submitted prior to any
10 public hearing, and that it also address the location
11 of uses that were to have been on the subject site,
12 but would now be moved to other sites on campus.

13 In addition, OP has requested more
14 information from the applicant, including more
15 specificity about ground floor retail, information on
16 materials and signage, examination of additional
17 façade articulation, and a more detailed public space
18 design.

19 The applicant lists some benefits and
20 amenities, but notes that discussions with the
21 neighborhood are ongoing and that additional benefits
22 would be proffered prior to a hearing. OP considers
23 the listed benefits sufficient for set down. And
24 again, OP finds that the overall application is not
25 inconsistent with the Comprehensive Plan, and

1 recommends that the Commission set it down for a
2 public hearing. Thank you.

3 CHAIRPERSON HOOD: Okay. Thank you, Mr.
4 Jesick. Any comments or questions of OP?

5 Okay. Commissioner Shapiro?

6 MR. SHAPIRO: I just had a -- I just wanted
7 clarification. I looked in your report and you said
8 you did -- you wanted the applicant to confirm that
9 they actually intend to pursue LEED certification.

10 MR. JESICK: Yes, that's correct.

11 MR. SHAPIRO: And was there any discussion
12 around solar panels as well?

13 MR. JESICK: We also encourage applicants to
14 pursue solar panels as a form of alternative energy,
15 obviously. So, in this case that would be no
16 different.

17 MR. SHAPIRO: It's just not in the report, so
18 I was wondering if it was a conversation that you had
19 or --

20 MR. JESICK: We've had a number of meetings
21 with them. I can't recall if that specifically came
22 up, but we certainly encourage all applicants to
23 pursue that.

24 MR. SHAPIRO: Thank you. Thank you, Mr.
25 Chair.

1 CHAIRPERSON HOOD: Okay. I will go ahead,
2 and Mr. Turnbull, I'm going to read what Mr. Turnbull
3 had. You can respond, Mr. Jesick. He says, OP
4 report says --

5 MS. SCHELLIN: Generally.

6 CHAIRPERSON HOOD: No, it's another word
7 here. Okay, I've got it. "Project is generally not
8 inconsistent with the Comp Plan. Sounds wishy-washy,
9 and not fully on board. First time I've seen the
10 phrase. Generally, not inconsistent. Agree with
11 OP's other comments. Provide more accurate clear
12 drawings, renderings in the color of the building."

13 So, some of that is to the applicant, some of
14 that is a question to you, Mr. Jesick. And I will
15 just also say that he wants to see a, probably a
16 clear rendering of where the signage also is. Okay.
17 I'm just filling in the gap for him.

18 All right. Mr. Jesick?

19 MR. JESICK: Yes, in terms of the wording, we
20 didn't intend to be wishy-washy. The project is not
21 inconsistent with the Comprehensive Plan. We thought
22 we used our standard language there, but if we can
23 refine that in the future.

24 CHAIRPERSON HOOD: Okay. All right. And the
25 other part was for the applicant. You can take care

1 of that.

2 Okay, any other comments? Vice Chair Miller?

3 MR. MILLER: Yeah. Thank you, Mr. Chairman.
4 I'm supportive of setting down -- this down for a
5 public hearing, and I support all the comments in the
6 Office of Planning report, including the
7 encouragement of additional wavy features on the
8 façade which help break up the linear façade. The
9 wavy curvy features that they have are aesthetically
10 important for that area.

11 And I would just note that the -- as OP's
12 report noted, that the office penthouse occupiable,
13 habitable space has triggered an \$8 million
14 contribution to the Housing Production -- an
15 estimated \$8 million contribution to Housing
16 Production Trust Fund, which is a very substantial
17 contribution, which shows not only that they're
18 getting a lot of increase in density and height above
19 what would otherwise be allowed at the site, but that
20 -- and the value of this particular site, but a value
21 of this particular zoning regulation requirement that
22 triggers such an important contribution to the
23 Housing Production Trust Fund.

24 And I would just note that the -- I think
25 it's already been noted by OP that this is, as part

1 of the public hearing, this includes a campus plan
2 amendment because there's a change in use. Is that
3 correct? So, just wanted to note all of that. And
4 so, I'm supportive of setting this down.

5 CHAIRPERSON HOOD: Okay. Commissioner May,
6 any comments?

7 MR. MAY: I think I agree with the comments
8 that I've heard so far. I don't really have a lot to
9 add. And I think that the -- I am particularly
10 interested in understanding more about the building
11 and it's kind of hard to tell, given the drawing set.
12 But I'm pretty confident that it will get figured
13 out, with the applicant working with Office of
14 Planning. So, thanks.

15 CHAIRPERSON HOOD: All right. I think we're
16 all are ready to set this down. Would somebody like
17 to make a motion for set down?

18 MR. MILLER: Sure. Mr. Chairman, I would
19 move that the Zoning Commission set down for public
20 hearing -- where are we? Case No. 16 dash -- 06, not
21 16, 06-120, George Washington University and Boston
22 Properties, modification of significance to first-
23 stage PUD, related map amendment and second-stage PUD
24 at Square 75, and a campus plan amendment, and ask
25 for a second.

1 CHAIRPERSON HOOD: Okay. I'm going to second
2 that, but let's correct the number. It's 12-0, what
3 did you --

4 MR. MILLER: I did say 120. 06-1, 06-120.

5 CHAIRPERSON HOOD: Okay.

6 MR. MILLER: Letter O.

7 CHAIRPERSON HOOD: All right. It's been --
8 I'll second that. It's been moved and properly
9 seconded. Any further discussion?

10 [Vote taken.]

11 CHAIRPERSON HOOD: Ms. Schellin, would you
12 record the vote and the proxy?

13 MS. SCHELLIN: Yes. Yes, sir. Before I do,
14 is the Commission going to approve Case No. 06-110,
15 which is the campus plan case, to be heard with this
16 case? They're two separate cases. They'll have
17 separate records, but does the Commission approve it
18 being heard together?

19 CHAIRPERSON HOOD: Yeah, we approve it being
20 set and heard together.

21 MS. SCHELLIN: Heard together.

22 CHAIRPERSON HOOD: But we're not approving
23 the case.

24 MS. SCHELLIN: No, because it's campus plan.
25 That's --

1 CHAIRPERSON HOOD: Because some people around
2 here, they will say that we approved the case
3 tonight. So, yeah.

4 MS. SCHELLIN: No, just to be heard.

5 CHAIRPERSON HOOD: Yeah, it will be heard.

6 MS. SCHELLIN: Okay.

7 CHAIRPERSON HOOD: They consider us rubber
8 stampers.

9 MS. SCHELLIN: And they'll have separate
10 records. So, anything -- you know, everything will
11 be filed in that case separately from this case.

12 CHAIRPERSON HOOD: So, we will be hearing
13 that together.

14 MS. SCHELLIN: Heard on the same night
15 together, yes.

16 So, staff records the vote five, to zero, to
17 zero, to approve set down for Zoning Commission Case
18 No. 06-120, Commissioner Miller moving, Commissioner
19 Hood seconding, Commissioners May and Shapiro in
20 support, Commissioner Turnbull in support by absentee
21 ballot.

22 CHAIRPERSON HOOD: Okay. Thank you, Ms.
23 Schellin. Let's move to the next case. Next hearing
24 action, Zoning Commission Case No. 17-10, the
25 Warrenton Group, Consolidated PUD and related map

1 amendment at Square 5196. Ms. Thomas.

2 MS. THOMAS: Yes. Thank you, Mr. Chair.

3 Good evening. The application before us this evening
4 was submitted by the Warrenton Group for consolidated
5 PUD and related map amendment, from the MU-3 to the
6 MU-5A zone to construct a mixed-use building with 86
7 residential units with ground floor retail and
8 community space in the Lincoln Heights neighborhood
9 at 5127 Nannie Helen Burroughs Avenue.

10 Our report details the design and
11 functionality of the project, and I would highlight
12 here that the interrelationship among the Comp Plan
13 elements, the maps, and the small area plan, provide
14 sufficient planning, context to merit a set down and
15 subsequent public hearing of the application.

16 There are two important aspects of this
17 project to the District, including the 28 units that
18 are being proposed to be set aside as replacement
19 units for the Lincoln Heights Richardson Dwellings
20 residents, and the renovation of the former Strand
21 Theater as an amenity of the PUD.

22 All the residential of the project would be
23 at 60 percent MFI for the life of the project, and
24 the provision of affordable housing would exceed the
25 matter of right development at a deeper level of

1 affordability.

2 The applicant has requested flexibility from
3 the loading requirements, and from the -- vary
4 aspects of the design elements. OP has expressed
5 some concerns in our report that we'd be happy to
6 work with the applicant to address. And any other
7 concerns you might express here tonight. Thank you.

8 CHAIRPERSON HOOD: Okay. Thank you, Ms.
9 Thomas. Any comments or questions?

10 Let me start off with Mr. Turnbull's
11 comments. That will get us started. He says he's
12 concerned about the 50-foot height, a PUD in the MU-4
13 could go up to 65 feet. The residents need to be
14 reassured about limiting negative impacts in the
15 surrounding R-1-B neighborhood. So, I don't know if
16 that's -- maybe that's for the applicant to listen
17 to. And maybe at the hearing, if we set this down,
18 you can comment on his statement. Let me read it
19 again so you can hear it.

20 "Concerned about 50-foot height. A PUD in
21 the MU-4 could go up to 65 feet. Residents need to
22 be reassured about limiting negative impacts in the
23 surrounding R-1-B neighborhood."

24 I'm sure he'll be looking to hear that.
25 Okay. Anything else?

1 Please don't ask me a question about his --

2 MR. SHAPIRO: I know.

3 CHAIRPERSON HOOD: I just put that out there.

4 MR. SHAPIRO: I hate to do it, but that
5 confused me because is it possible he's referring to
6 a different case? It could be my error.

7 CHAIRPERSON HOOD: Because he says MU-4
8 instead of MU-5?

9 MR. SHAPIRO: Well, it just, I mean, all
10 those facts seem to relate to 17-11.

11 CHAIRPERSON HOOD: No, actually they don't.
12 His facts, what he says here, at least what he has
13 written here in his -- 17-11 has a whole other set of
14 comments.

15 MR. SHAPIRO: Okay. Well, I'm sure it's my
16 mistake, Mr. Chair.

17 CHAIRPERSON HOOD: No, not a mistake. That's
18 why there's five of us up here. We all see things
19 differently. So, anyway, I just wanted to put it out
20 there so that the applicant can respond at the
21 hearing to him, because he's going to be here to ask
22 that question. Yeah, 17-10 is the Warrenton Group.
23 Right. Okay. Anything else?

24 I just didn't want to respond to another
25 commissioner's questions, because I have my own

1 opinions.

2 Okay, Commissioner May?

3 MR. MAY: Yeah. Okay. So, these are really
4 just design questions. I mean, I think I am
5 interested in knowing more about, you know, Mr.
6 Turnbull's concerns and how the applicant would
7 address those. But I really find the design to be
8 just sort of incoherent. I'm sorry to be -- if that
9 seems harsh, but first of all, you have you know,
10 you're building next to the Strand Theater, which is
11 just a two-story building, and there's -- there
12 doesn't seem to be the appropriate sort of
13 sensitivity to that, that context. And it's, you
14 know, it's not so much in the, you know, the
15 articulation of the building. I mean, maybe to some
16 extent it is. I mean, you know, the Strand has a
17 very particular rhythm to it and I'm not sure that
18 the rhythm of the façade that is, you know, beyond
19 that. You've got four stories of façade that are
20 just don't seem to have a particular relationship to
21 it. It's a fairly detailed façade. I appreciate
22 that, but it just doesn't seem to relate to the
23 building that is next to. And I think that because
24 it's all part of the same project, there's more of an
25 obligation to do that.

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1 Second thing is that the colors don't work.
2 I mean, the yellow with the sort of pink fiber cement
3 panels, that just is a really unattractive
4 combination. And then the center section of the
5 building, where you have this sort of gray and white,
6 and it's an otter frame with the sort of panels in
7 between it, and then the rhythm -- I mean, then the
8 very regular rhythm of windows. And there are too
9 many things that are going on and they all seem to be
10 fighting each other. Right?

11 You don't, you know, the otter white frame is
12 laid up like bricks, right? There's no continuity of
13 the column pieces from one floor to the next. They
14 all sort of skip a floor. It's just odd, and it's
15 not driven by any other clear architectural idea, so
16 I don't really understand it. And then you have the
17 gray panels which I don't really quite understand how
18 those are -- what the modules are there, and why it's
19 kind of laid out the way it is.

20 And then the windows are also weird. They
21 don't look really residential. It looks kind of more
22 like an office. And then you've got, you know, all
23 these different recesses, and there's a recess for
24 three windows, three sets of windows on the second
25 floor and for two toward the other side on the third

1 floor, and then four on the top floor. And I don't
2 really understand the purpose of those. And I mean,
3 it's not like they're deep enough to be able to get
4 balcony space or something like that. Or, you know,
5 maybe I'm misreading it.

6 I mean, it just, it's not working together.
7 There's something very odd going on. And even those
8 components have this articulation that doesn't really
9 relate. I mean, the outer white frame is not just a
10 frame, it's like -- it has some articulation that
11 doesn't really kind of work. I mean, the whole --
12 there's just too many things to go on here -- going
13 on here architecturally. I think you need to
14 subtract about five ideas and focus on something
15 that's a little bit stronger and more unified. And I
16 could just babble on for a long time, but you know,
17 over all, I think the massing of it and the sort of
18 the plan layout of it, all that makes sense, so I
19 don't really have a problem with that. It's just,
20 you know, what does the thing look like?

21 It is quite a tall building. I mean, it's
22 actually, I think there's a section here that calls
23 it 68 feet, so I don't know where Mr. Turnbull got 50
24 feet from. It is quite a tall building, but anyway.
25 I assume that the applicant will work with the Office

1 of Planning to try to further develop this and make
2 it into a bit more coherent design. Thank you.

3 CHAIRPERSON HOOD: Okay. Any other questions
4 or comments? Commissioner Shapiro?

5 MR. SHAPIRO: Thank you, Mr. Chair. I would
6 support the -- first of all, excited about the
7 project and the level of affordability, and glad to
8 see that. I would support Commissioner May's
9 comments around the design. I had some concerns
10 about that as well, so I appreciate the level of
11 detail to which you brought that up.

12 I wanted to just amplify a couple of pieces
13 in the OP report. Specifically where they spoke to
14 this issue of LEED Gold certification and whether
15 what is being proposed is truly the equivalent of
16 LEED Gold certification, or LEED Gold. And so, to
17 work with the DOEE to clarify, and also to work with
18 either DOEE if necessary, but to explore the
19 installation of solar panels on the rooftop, and if
20 it is just absolutely not possible to come up with a
21 very, very clear rationale for why not considering
22 the availability of support for such an installation.
23 There's all sorts of money available in D.C. to help
24 make it happen.

25 And that's all my comments, Mr. Chair.

1 CHAIRPERSON HOOD: Thank you. Vice Chair
2 Miller.

3 MR. MILLER: Thank you, Mr. Chairman. I
4 would associate myself with the remarks of my
5 colleagues, and which are in line with the comments
6 of the Office of Planning. I would encourage the
7 applicant to look at all of the recommendations of
8 the Office of Planning on pages 1 and 9 of their
9 report, which my colleagues have touched on. And in
10 terms of design and LEED and other aspects. I think
11 it is an important project as -- in terms of Lincoln
12 Heights and other new communities, replacement
13 project 26, I think. Or 20-some units of the 86, or
14 replacement units for Lincoln Heights public housing.
15 And the rest are all affordable also. So, that's
16 important.

17 And I know that many in that community have
18 wanted to see the Strand theater become activated
19 again for many, many years. So, that's important.

20 In terms of the design, I would just
21 emphasize what's already been emphasized, to make it
22 look more residential and cohesive, and I am always
23 one to call out for balconies for residential
24 buildings, because then you know it is a residential
25 building and folks like to have their open, outdoor

1 space available so that would be important.

2 So, I'm supportive of setting this down for a
3 public hearing with all those recommendations, Mr.
4 Chairman.

5 CHAIRPERSON HOOD: I've heard all the
6 comments from my colleagues. I kind of thought a
7 little differently as I looked at this, and maybe the
8 applicant can go back and look at some of the
9 materials as was mentioned. But I thought this kind
10 of went good. And I understand what the Office of
11 Planning is saying about the -- I understand their
12 view. But I took a different view when I looked at
13 this. Maybe I need to up my game when it comes to
14 architecture, because I know it's changing.

15 I thought that this went very well. I
16 thought it fit very well with the Strand. I thought
17 it kind of broke it up so it didn't look so massive
18 with the different materials. At least, that's the
19 way I looked at it. But I will agree with the Vice
20 Chair, though, maybe we can find some ways to put
21 some balconies, because I agree with that outside
22 living.

23 And that's how I just saw this as different.
24 Different. But let's see what the -- I think the
25 applicant has heard what we've heard. Let's see what

1 they come back with. But I kind of like the way this
2 looked and I think it would be very attractive to me
3 in this area. But let's see what -- they've heard
4 the comments, let's see what comes back.

5 Also, we have a set down report, and I want
6 to just make note of it, from ANC 7C, that simply
7 talks about asking the Commission not to set it down
8 because they're saying, and I quote, "ANC 7C supports
9 the development of the Strand Theater, contingent
10 upon the Warrenton Group informing all community
11 members of the PUD project. However, the Warrenton
12 Group has not completed the outreach process with all
13 the ANC 7C civic and citizen's association groups."

14 I think our process, and this is to Mr.
15 Antoine Holmes, if he's watching, or we can relay
16 this to him, but our process is exactly what it is.
17 There's been sufficient -- the notice of intent has
18 been filed by the Warrenton Group, and we have
19 sufficient -- while we have some, maybe some
20 concerns, some of us may have some concerns, we have
21 sufficient information to set this down. And the
22 process that Chairperson Holmes is talking about,
23 happens after we set it down. That process -- and
24 even sometime, even after we approve, that process
25 still goes on and on.

1 So, I want to encourage the Commission and
2 the Warrenton Group to make sure they talk to the
3 civic associations, and not that we're taking slight
4 what the ANC is asking us to do, but I think that
5 process usually really gears up and fires up,
6 especially after we set it down. And reaching out,
7 work with the ANCs, coming up with the package or
8 whatever, whatever needs to be done in this
9 particular case.

10 Any other comments on this? Commissioner
11 Shapiro?

12 MR. SHAPIRO: My only comment is that, you
13 know, there is a role for the ANCs with the set down
14 report, and it may be helpful for -- I mean, I would
15 turn to you or my other colleagues with more
16 experience with this, to lay out the kinds of things
17 that can be helpful or more on point to address in a
18 set down report from an ANC.

19 CHAIRPERSON HOOD: Yeah. Well, I think we
20 have a number of courses. The Office of Zoning has a
21 number of courses. I actually attended one the other
22 night when we had hearing. I stopped in and spoke to
23 six ANC commissioners that were there. And one of
24 the things they were talking about when I went in
25 there, was this particular form. So, I would

1 encourage all the ANCs across the city. And the good
2 part about it, Gotlieb Simon was in on that -- in
3 there, in the training. But the good part about it
4 is the Office of Zoning has specific tailor-made
5 courses, which they used to didn't have years ago,
6 and after -- before '98. But they have them now,
7 that comes down and help the layperson, or the person
8 who does not do zoning every day, like some people,
9 and give them a fair chance. And as we call it, as
10 we've always said, level the playing field.

11 So, yeah, you can put your concerns down, but
12 this is unique. They've actually used this, to
13 answer your question, Commissioner Shapiro, they've
14 actually, from my standpoint, used the form
15 correctly. But the processes of what they put on the
16 form happens after we set it down. And it really
17 fires up after we have set it down. So, but I don't
18 want to give them too much. I want them to come to
19 some of those classes. And maybe I'll mention to Ms.
20 Bardin, and maybe they'll go on the road.

21 But I think you all have been on the road,
22 haven't you?

23 MS. SCHELLIN: We did do that before, and the
24 turnout wasn't so great. So, we've done them here,
25 Saturday morning, evening, and that seems to work a

1 little better.

2 CHAIRPERSON HOOD: All right. So, I'll leave
3 that where it is.

4 Okay, anything else? Would somebody like to
5 make a motion?

6 Let me do this, I will move that we set down
7 Zoning Commission No. 17-10 and ask the applicant to
8 look at -- oh, that's right. Let me back up. We
9 have the fee waiver. We do have a request from Ms.
10 Donaldson supporting that waiver for the affordable.
11 Is that 100 percent?

12 MS. SCHELLIN: There's a certain square
13 footage, so we'll figure that out --

14 CHAIRPERSON HOOD: Okay.

15 MS. SCHELLIN: -- when the time comes.

16 CHAIRPERSON HOOD: Any objections to the
17 waiver?

18 MR. MILLER: No.

19 CHAIRPERSON HOOD: Okay. In that case I
20 would move that we set down Zoning Commission No. 17-
21 10, and also including the waiver for the affordable
22 housing component, as well as encouraging the
23 applicant to relook at some of the comments that my
24 colleagues have made and ask for a second.

25 MR. MILLER: Second.

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

3 [Vote taken.]

4 CHAIRPERSON HOOD: Ms. Schellin, would you
5 record the vote, as well as the proxy from Mr.
6 Turnbull?

7 MS. SCHELLIN: Yes. Staff records the vote
8 five, to zero, to zero to set down Zoning Commission
9 Case No. 17-10 as a contested case, and also waiving
10 the hearing fee with relation -- relating to the
11 affordable housing portion. Commissioner Hood
12 moving, Commissioner Miller seconding, Commissioners
13 May and Shapiro in support, Commissioner Turnbull in
14 support by absentee ballot.

15 CHAIRPERSON HOOD: Our next case is Zoning
16 Commission Case No. 17-11, 3200 Pennsylvania Avenue,
17 PJV, LLC, map amendment at Square 5539. Ms. -- I'm
18 sorry, I do not know your name. Could you introduce
19 yourself?

20 MS. MYERS: Crystal Myers for the Office of
21 Planning.

22 CHAIRPERSON HOOD: Ms. Myers, have you been
23 here before?

24 MS. MYERS: It's been a minute. I think I
25 was here back in January, early February.

1 CHAIRPERSON HOOD: Oh. Okay, well, three
2 months my mind just forgets. So, anyway, let's
3 welcome you back.

4 MS. MYERS: No problem.

5 CHAIRPERSON HOOD: Let's welcome you back,
6 Ms. Myers and we'll turn it over to Ms. Myers.

7 MS. MYERS: Thank you. Good evening. The
8 applicant is requesting a map amendment for the
9 three-and-a-half-acre site at 3200 Pennsylvania
10 Avenue Southeast, also known as Penn Branch Shopping
11 Center.

12 The amendment would change the site from R-1-
13 B and MU-3 to MU-4, which would allow the site more
14 opportunities to redevelop.

15 The requested map amendment would permit an
16 increase in building height and non-residential FAR
17 that would still be compatible with the surrounding
18 neighborhood. MU-4 zones permit moderate density,
19 mixed-use development, and are intended for low and
20 moderate density residential areas that have access
21 to main roadways or rapid transit stops.

22 The proposed map amendment is not
23 inconsistent with the Future Land-Use Map, which
24 recommends moderate density residential and low
25 density commercial uses on the site. It is also not

1 inconsistent with the generalized policy map, which
2 recommends that the site be a neighborhood
3 conservation area, and a neighborhood commercial
4 area.

5 As addressed in the OP report, the proposed
6 map amendment is not inconsistent with the
7 Comprehensive Plan's city-wide elements, and it is
8 not inconsistent with the Comprehensive Plan's far
9 northeast and southeast element.

10 The proposed map amendment would also not be
11 inconsistent with the Pennsylvania Avenue Southeast
12 small area plan, which was adopted in January 2008.
13 The small area plan recommends that the site, as a
14 landmark site for the area, and recommends heights of
15 up to five stories or 65 feet. The proposed map
16 amendment would be consistent with this.

17 Therefore, the Office of Planning finds that
18 the proposed map amendment is not inconsistent with
19 the Comprehensive Plan, and it follows many of the
20 plan's policies, goals and principles. Therefore, OP
21 recommends that the Commission set down the proposed
22 map amendment. Thank you.

23 CHAIRPERSON HOOD: Okay. Thank you, Ms.
24 Myers.

25 Let me just start off first again with Mr.

1 Turnbull's comments. While he supports setting this
2 down with such conditions, he says he agrees with
3 OP's comments, would definitely consider applicant
4 revisiting the façade and the materials, dwarfs
5 everything in vicinity, no contextual --

6 MR. SHAPIRO: He just switched the comments
7 on the two cases.

8 CHAIRPERSON HOOD: Is that what he did?

9 MR. SHAPIRO: Yeah. Right. And it's the
10 other one which is the two-zone (speaking off mic).

11 CHAIRPERSON HOOD: Okay. Well, Commissioner
12 Shapiro, you're right then. So, tell Mr. Turnbull,
13 he might be watching this, I would tell him to pay
14 attention next time if he wants me to read his
15 comment. I be confusing my own stuff. So, okay.

16 MR. SHAPIRO: Do I get some bonus points for
17 paying attention, Mr. Chair?

18 CHAIRPERSON HOOD: Yeah, this is one plus for
19 you.

20 MR. SHAPIRO: Thank you.

21 CHAIRPERSON HOOD: Takes away those other
22 three that you had.

23 Okay. So, these comments go for the last
24 case. So, this case -- because I was wondering
25 because the MU-4, MU-5 was mixing me up. But I was

1 reading what he wrote. So, maybe these are the
2 comments for his case. "Concerned about the 50-foot
3 height, a PUD in the MU-4 could go up to 65 feet.
4 Residents need to be reassured about limiting
5 negative impacts in this surrounding R-1-B
6 neighborhood."

7 So, I'm sorry that the applicant -- I mean,
8 the previous applicant -- can you make sure they get
9 his comments?

10 MS. SCHELLIN: Yes.

11 CHAIRPERSON HOOD: Yeah.

12 MS. SCHELLIN: I can e-mail it.

13 CHAIRPERSON HOOD: Yeah, can you e-mail it
14 to --

15 MS. SCHELLIN: I can e-mail to Ms. Batiste.
16 I believe she was the attorney.

17 CHAIRPERSON HOOD: Okay. Could you e-mail
18 those to them? All right. All right. So, anything
19 else?

20 What is this right here? Oh, Vice Chair?

21 MR. MILLER: So, just -- thank you, Mr.
22 Chairman. So, this is another site in Ward 7 that
23 has been designated for revitalization for a long
24 time and has been desperate for it.

25 I remember -- well, I won't go into that. I

1 remember working on all these projects six years ago.
2 And that was probably the fifth iteration of working
3 on those projects.

4 So, just a clarification from OP. So, the
5 map amendment would be going from MU-3, which is the
6 old R-1-B, to MU-4, which is the old C-2-A? C-2-B?

7 MS. MYERS: It's going from R-1-B and MU-3,
8 so it's split zones.

9 MR. MILLER: Yes.

10 MS. MYERS: To all of it being MU-4.

11 MR. MILLER: Which, under the old was -- is
12 there a comparable?

13 MS. STEINGASSER: The R-1-B is still the R-1-
14 B. The MU-3 is the old C-1, and the MU-4 is C-2-A.

15 MR. MILLER: C-2-A. Okay. So, I just wanted
16 to clarify that.

17 So, I am supportive of setting this down for
18 a public hearing, Mr. Chairman, as a rulemaking, as
19 requested by the applicant.

20 CHAIRPERSON HOOD: And I'm just curious. Why
21 -- I know the applicant owns all the projects. Why
22 aren't we doing this as a -- I guess they could do
23 this -- why are we not doing this as a contested
24 case? Maybe I'm -- why is this a rulemaking?

25 MS. STEINGASSER: Are you asking OP?

1 CHAIRPERSON HOOD: Yeah, anybody who can help
2 me.

3 MS. STEINGASSER: Well, the --

4 CHAIRPERSON HOOD: Even if Peter May can help
5 me. Anybody.

6 MS. STEINGASSER: Yeah. The applicant has
7 requested, in their statement, that it be considered
8 as a rulemaking. And they listed that it was
9 furthering -- let me see if I can -- without
10 advocating their case. We have no objection to it
11 being considered a rulemaking to identify it as part
12 of the Pennsylvania Avenue small area plan, as the
13 site along Pennsylvania Avenue with the most
14 potential to address the well-known deficiencies of
15 the neighborhood serving retail, which has been a
16 consistent comment that OP has heard throughout the
17 years when we amended the comprehensive plan.

18 They've stated that the property is in a
19 single ownership and is otherwise of a character that
20 raises land-use policy questions to a degree -- to a
21 greater degree than highly localized issues of facts
22 and effects on neighboring properties. And that is
23 how they're making their link with the Pennsylvania
24 Avenue small area plan.

25 CHAIRPERSON HOOD: Okay. And they can

1 request that. I know that they had that in their
2 submission as you just read.

3 MS. STEINGASSER: Right. They can request
4 that of the Commission and the Commission has the
5 discretion to go with either a contested or a
6 rulemaking case. And OP does support the rulemaking
7 case.

8 CHAIRPERSON HOOD: All right. Any other
9 questions or comments up here? No comments? Okay.
10 So, we will consider this as a rulemaking. Somebody
11 like to make a motion?

12 MR. MILLER: Mr. Chairman, I would move that
13 the Zoning Commission set down for a public hearing,
14 Zoning Commission Case No. 17-11, map amendment,
15 petition to remap 3200 Pennsylvania Avenue Southeast
16 from MU-3 and R-1-B to MU-4 map amendment at Square
17 5539 and ask for a second.

18 MR. SHAPIRO: Second.

19 CHAIRPERSON HOOD: Okay, it's been moved and
20 properly seconded. Any further discussion?

21 [Vote taken.]

22 CHAIRPERSON HOOD: Ms. Schellin, would you
23 record the vote? And could you read Mr. Turnbull --
24 I'm not reading anything else from Mr. Turnbull. Can
25 you read Mr. Turnbull's proxy?

1 MS. SCHELLIN: Well, you read it once, just
2 at the wrong time.

3 Yes. Mr. Turnbull stated he was concerned
4 about the 50-foot height of the PUD and the MU-4
5 could go up to 65 feet. Residents need to be
6 reassured about limiting negative impacts in the
7 surrounding R-1-B neighborhood.

8 CHAIRPERSON HOOD: Okay. And his vote?

9 MS. SCHELLIN: And he is in support.

10 CHAIRPERSON HOOD: Okay, could you read
11 the --

12 MS. SCHELLIN: So, staff would record the
13 vote five, to zero, to zero to set down Zoning
14 Commission Case No. 17-11 as -- 17-11 as a, I heard,
15 rulemaking case, Commissioner Miller moving,
16 Commissioner Shapiro seconding, Commissioners May,
17 Hood in support, and Mr. Turnbull in support by
18 absentee ballot.

19 CHAIRPERSON HOOD: Was the counsel for this
20 last case here? Oh, okay. I only see Mr. Green in
21 the audience.

22 Okay, do we have anything else?

23 All right, so with that I want to thank every
24 -- the Office of Planning have anything?

25 MS. STEINGASSER: Yes, sir, Chairman Hood and

1 Commissioners. OP has been working with DCRA,
2 specifically the Zoning Administrator's office. And
3 rather than keep bringing the smaller one-off
4 technical amendments, we're going to start to work in
5 a more coordinated fashion. They've now been
6 administering these regulations and have found all
7 kinds of little technical issues that work and don't
8 work, or conflict. So, if the Commission doesn't
9 object, we're going to start bringing forward more
10 comprehensive reports that may require actual full
11 cases.

12 But in an effort to try to fix both the
13 technical corrections that we run across and then
14 their administration of the regulations as they
15 review the permits.

16 So, I just wanted to give the Commission a
17 heads-up that you'll start to see a new type of
18 corrective, and amendments to the regs.

19 CHAIRPERSON HOOD: Okay, thank you. Any
20 questions on what Ms. Steingasser said?

21 MR. SHAPIRO: Just briefly, Mr. Chair. I
22 think that would be helpful for us. I'd be curious,
23 maybe just for my own edification, but to be curious
24 about what's -- to get a little bit more information
25 about what some of the practical difficulties of

1 implementing them are, which is I guess what they'd
2 be running into. And in the reports that we get, I
3 see less of that and see more of the -- it's hard for
4 me to get the flavor of really what we're trying to
5 accomplish here with some of these.

6 MS. STEINGASSER: Right. And I think it's
7 because we're heading into a new kind of correction.
8 You will be seeing more of the reasons why the
9 amendments need to change. And a lot of it is going
10 to end up being new cases, and not just the, this
11 word got omitted, or this section is wrong-sided.
12 It's actually now the practical application that
13 they're seeing conflicts.

14 And a lot of it is still from residual 1958
15 language that didn't get changed, that just so -- I
16 just did want to kind of give you a head's up that
17 we're now working with a different type of approach.

18 CHAIRPERSON HOOD: Can I ask a question, Ms.
19 Steingasser? I'm just thinking, and I know any time
20 you do something new on ZR-16 and some of this is
21 going through, even from, as you mentioned, from the
22 '58. When you put something like this in place, from
23 your experience from maybe other jurisdictions, how
24 long did it take them to -- or, maybe I should ask
25 that -- did they ever get things straight before they

1 started another rewrite, another overhaul of the
2 zoning regulations? Or, typically, what do you think
3 the time period is that we may be able to always --
4 that we may be able to get things nailed down to
5 where we don't have to do amendments? Or, will that
6 ever happen?

7 I know if you knew that you'd probably tell
8 me what the number was tonight.

9 MS. STEINGASSER: Yeah, I mean, we hope we
10 can get to that point. I mean, the regulations are a
11 living document and they're going to always react to
12 changes we see. And then of course now that we're
13 heading into a new update to the Comprehensive Plan,
14 there may be actions that come from that.

15 But part of the challenge we're seeing is
16 that you may remember when we started the zoning
17 review, we started down a very different path than
18 where we ended up. There was a whole different kind
19 of approach that was being brought forward and larger
20 categories, and then things were being done by piece,
21 and then it was going to be a giant public hearing at
22 the end.

23 And some of that, we never went back and
24 undid, so there's a little bit of that, a little bit
25 of the '58, and then the '16. So, there's just some

1 natural places where things are pushing, you know,
2 push me pull you, kind of Dr. Doolittle going on.

3 And then when we started doing changes to the
4 then R-4, you know, we start -- we made a major shift
5 that we tried to incorporate, but there's still some
6 threads that didn't get pulled through.

7 So, I mean, we're hoping that the next year
8 will be some major changes. We need to relook at the
9 use, the Subtitle U, and how those uses work
10 together, and then the relief provisions and how all
11 the special exceptions that usually go the Board of
12 Zoning Adjustment get that language clarified. And
13 then there's some definitional things that DCRA has
14 seen that have created some conflicts for them.

15 But after that, we're hoping it would just be
16 right back to our normal new cases as they come
17 through.

18 CHAIRPERSON HOOD: Okay. Any other comments,
19 questions?

20 MR. MAY: Then we can focus on cutting
21 parking requirements again. That was a joke.

22 CHAIRPERSON HOOD: Oh, I thought you said
23 reducing bicycle parking. I couldn't hear you.

24 MR. MAY: No, no, no.

25 CHAIRPERSON HOOD: Okay. All right. So, we

1 have anything else?

2 All right. I want to thank everyone for
3 their participation tonight and this meeting is
4 adjourned.

5 [Whereupon, the regular public meeting
6 adjourned at 8:00 p.m.]

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