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GOVERNMENT OF THE DISTRICT OF COLUMBIA  
Zoning Commission

Regular Public Meeting  
1466th Meeting Session [17th of 2017]

6:48 p.m. to 8:11 p.m.  
Monday, July 10, 2017

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

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1 Board Members:

2 ANTHONY HOOD, Chairman

3 ROBERT MILLER, Vice Chair

4 PETER MAY, Commissioner

5 MICHAEL TURNBULL, Commissioner

6 PETER SHAPIRO, Commissioner

7

8 Office of Zoning:

9 SHARON SCHELLIN, Secretary

10

11 Office of Planning:

12 JENNIFER STEINGASSER

13 JOEL LAWSON

14 MATTHEW JESICK

15

16

17 Office of the Attorney General:

18 ALAN BERGSTEIN

19 JACOB RITTING

20 CHRISTOPHER COHEN

21

22 Department of Transportation:

23 SAM ZIMBABWE

24 ANNA CHAMBERLIN

25 AARON ZIMMERMAN

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

2 CHAIRPERSON HOOD: All right. Are we ready  
3 to get started?

4 This meeting will please come to order. Good  
5 evening, ladies and gentlemen. This is the public  
6 meeting of the zoning commission for the District of  
7 Columbia. Today's date is July the 10th, 2017.

8 My name is Anthony Hood, joining me are Vice  
9 Chair Miller, Commissioner Shapiro, Commissioner May  
10 and Commissioner Turnbull. We're also joined by the  
11 Office of Zoning staff, Ms. Sharon Schellin, as well  
12 as the Office of Attorney General, Mr. Bergstein, Mr.  
13 Ritting, and Mr. Cohen.

14 All right. Let me make sure I acknowledge my  
15 colleagues, Vice Chair Miller, Commissioner Turnbull,  
16 Commissioner May, and Commissioner Shapiro. I think  
17 I did that but my mind is running.

18 MR. SHAPIRO: We're still here, Mr. Chair.

19 CHAIRPERSON HOOD: You're still here. Make  
20 sure -- well, not all of you, but anyway.

21 Copies of today's meeting agenda are  
22 available to you and are located in the bin near the  
23 door. We do not take any public testimony at our  
24 meetings unless the Commission requests someone to  
25 come forward. Please be advised this proceeding is

1 being recorded by a court reporter and it's also  
2 webcast live. Accordingly, we must ask you to  
3 refrain from any disruptive noises or actions in the  
4 hearing room, including the display of any signs or  
5 objects. Please turn off all electronic devices.

6 Also, we have Office of Planning, Ms.  
7 Steingasser, Mr. Lawson, and Mr. Jesick.

8 Did I do that already too? Okay, my mind is  
9 -- okay, that's who I left out. Okay. That's what  
10 happens when you don't go by the script.

11 Okay, does the staff have any preliminary  
12 matters?

13 MS. SCHELLIN: No, sir.

14 CHAIRPERSON HOOD: Okay. In that case, what  
15 I would like to do this evening, colleagues, we do  
16 have at the end of our agenda, and I'd like to do  
17 this first, maybe DDOT, I'm not sure if they're here  
18 to -- okay, there they are. Okay. I would like to  
19 do a correspondence item first, and then we'll go to  
20 our DDOT presentation. Maybe 10 minutes or so.  
21 Okay?

22 All right. Ms. Schellin, could you call the  
23 correspondence item?

24 MS. SCHELLIN: Yes, sir. Zoning Commission  
25 Case No. 06-10B, we have the Morris and Gwendolyn

1 Cafritz Foundation. The Commission had asked them to  
2 return with a phasing plan, which they have submitted  
3 at Exhibit 18, and we'd ask the Commission to  
4 consider that this evening, whether you approve it or  
5 just have a discussion. Thank you.

6 CHAIRPERSON HOOD: Okay, colleagues. As  
7 you've noted, the Morris and Gwendolyn Cafritz  
8 Foundation phasing plan, we have been asking for it  
9 and trying to figure out how we move through this.

10 They did propose a date. I think it was  
11 September 1st, 2018. I believe they proposed that,  
12 which is a Saturday. But I understand sometimes you  
13 look at the wrong calendars. I do that also.

14 But, one of the things they came back with,  
15 they are now requesting September 4th for the whole,  
16 for these buildings of 2028. The only person who  
17 will probably be here then is Mr. Turnbull. But  
18 still, we need to have a discussion on this and how  
19 we would like to move forward. So, let me just open  
20 it up. Commissioner May?

21 MR. MAY: Yeah, so I'm really put off by the  
22 2028 expiration of Stage 1, and I just feel like  
23 everything is so nebulous about this, I would like to  
24 set something a bit firmer than this. I don't know  
25 how others feel, but I would be -- I mean, I'm okay

1 giving additional time, and so if they needed until  
2 September of 2018 to come up with the stage 2 for  
3 parcel b, or however it's -- called block B,  
4 whatever, and then at that time give us a phasing  
5 plan for the remainder of the project, that's a bit  
6 more realistic than adding another 10 years. And  
7 it's really 11 years from now. I just don't think  
8 it's -- I think it feels -- even though we were  
9 insisting on having the phasing plan, the phasing  
10 plan just seems so soft at this stage.

11 I'd much rather wait until we see a concrete  
12 stage 2, get a better phasing plan, and if we don't  
13 get those by next September then we should just pull  
14 the plug and have them start over, because I mean,  
15 it's already been 11 years and they're asking for  
16 another 11 to finish it out.

17 CHAIRPERSON HOOD: Okay. Any other comments  
18 on this? I actually -- Mr. Turnbull, do you have --  
19 okay. I actually, and we can throw this out there, I  
20 would say maybe we could do even -- have them come  
21 back and do away with the whole first stage in those  
22 three buildings. I just -- and from what I'm  
23 hearing, stuff we approved in 2006, and what's going  
24 on there, and the way those residents are being  
25 treated over there, I have some serious concerns,

1 even though that may not factor into what we're doing  
2 here tonight.

3 But maybe they need to look at how they do  
4 business. I'm sorry. And maybe they need to just  
5 come back totally. I'm not sure if anyone is up to  
6 doing away with the first-stage PUD. We sit down  
7 here and we approve things, and then the reality of  
8 it is, residents, our residents, especially those who  
9 in the existing places are not being treated fairly.  
10 I have problems with that.

11 And I think while it's not necessarily  
12 germane to zoning, it is, because it affects people's  
13 lives and how they live and how they're treated. And  
14 we need to have a little better respect for folks.  
15 But anyway, and then they come down and give us a  
16 Saturday's date.

17 Again, I think it's really just not putting  
18 any attention to what we really need. So, I hear  
19 what Commissioner May is saying about maybe September  
20 2018. But far as I'm concerned, I could go with  
21 that, but I want to know if anyone wants to entertain  
22 with just doing away with it totally and letting them  
23 come back with another first-stage PUD when they're  
24 ready. Any other comments?

25 Commissioner Shapiro.

1 MR. SHAPIRO: Mr. Chair, I hear your  
2 concerns. I think it's important for folks to hear  
3 what you said. I would be more inclined to follow  
4 Commissioner May's lead on this, though. But I'm  
5 appreciative of what you said.

6 Anybody else? Vice Chair Miller?

7 MR. MILLER: Thank you, Mr. Chairman. Well,  
8 it may be that we can, as we're setting the deadline  
9 for the revised second-stage PUD for building B to be  
10 September 4th, 2018, and a realistic phasing plan  
11 provided for the remainder of the project, has to be  
12 filed by that time, maybe this can be something in  
13 this -- maybe the first-stage PUD can be modified to  
14 say that it will expire if we don't receive a -- in  
15 September of 2018, if we don't receive a realistic  
16 phasing plan.

17 So, we're not realistic. I mean, we're not  
18 really defining the dates there. We know we don't  
19 want to put it out to 2028, which is 22 years from  
20 the original time that this PUD was filed, which I  
21 agree with both of you that that's frustrating for  
22 everybody. I'm sure it's frustrating for -- may be  
23 frustrating for the applicant as well, but just a  
24 very long time for that to be out there. So, that's  
25 just one suggestion. Maybe we can put a hard -- put



1 something in this -- a modification of the first  
2 stage, in this action that we're taking, that would  
3 say it would expire if by September 2018 we don't  
4 receive -- when we received the revised -- that we  
5 receive at that time the revised second-stage PUD for  
6 building B, and a realistic phasing plan for the  
7 remainder that doesn't go out 10 years.

8 CHAIRPERSON HOOD: Okay.

9 MR. TURNBULL: Yeah, Mr. Chair. I kind of  
10 like the Vice Chair's idea. It's a little extra  
11 punch to what we were proposing originally. I think  
12 it's a little hammer for the applicant to try to get  
13 their act together and come up with something that's  
14 really feasible. So, I would go along with the Vice  
15 Chair's proposal.

16 CHAIRPERSON HOOD: I actually like the Vice  
17 Chair's proposal as well. Anyone else?

18 So, why don't we do this? I don't know if we  
19 have a firm date, but could you put that in a motion,  
20 what you just said, about how it will expire, with  
21 the date that Commissioner May mentioned and first-  
22 stage would expire if we don't have the plan by then?  
23 You could recapture that in a motion?

24 MR. MILLER: I'll try to, maybe with some  
25 assistance from OAG.

1 MR. BERGSTEIN: What I'm hearing is that the  
2 motion, it sounds to me would be to modify the first-  
3 stage order to indicate that the first-stage will  
4 expire if a revised -- unless a revised second-stage  
5 application for building B is received and filed by  
6 September 4th, 2018, along with a realistic phasing  
7 plan.

8 MR. MILLER: That's what I move.

9 MR. TURNBULL: And I'll second that.

10 CHAIRPERSON HOOD: Okay. It's been moved and  
11 properly seconded. I thank Mr. Bergstein, as well as  
12 the Vice Chair for helping us craft that motion.  
13 Moved and properly seconded. Any further discussion?

14 [Vote taken.]

15 CHAIRPERSON HOOD: Ms. Schellin, would you  
16 record the vote?

17 MS. SCHELLIN: Yes. Staff will record the  
18 vote five, to zero, to zero that the applicant shall  
19 file a second-stage PUD for building B, I believe it  
20 was, by September 4th, 2018, along with a revised  
21 phasing plan that doesn't go out for another 10  
22 years. Otherwise the Commission will not hear the  
23 second-stage, and will dismiss the first-stage PUD.

24 Commissioner Miller moving, Commissioner  
25 Shapiro seconding. Is that correct? Commissioner --

1 I'm sorry, Chairman Hood seconding.

2 CHAIRPERSON HOOD: Mr. Turnbull, I think,  
3 seconded.

4 MS. SCHELLIN: Oh, was it you? You're  
5 sitting right next to me. I couldn't hear. I heard  
6 several --

7 MR. TURNBULL: It was a tie between --

8 MS. SCHELLIN: It was a tie.

9 MR. TURNBULL: -- Mr. Shapiro and myself.

10 CHAIRPERSON HOOD: Oh, okay.

11 MS. SCHELLIN: All right. So, I'll give it  
12 to you. Commissioner Turnbull seconding,  
13 Commissioners Hood, Shapiro, and May agreeing.

14 CHAIRPERSON HOOD: Okay. Thank you. Let's  
15 move right on.

16 We had asked for a special update from DDOT  
17 in the Parkside area of the District of Columbia, and  
18 I really appreciate Mr. Zimbabwe and Ms. Chamberlain  
19 coming down to present that to us. So, what I'll do  
20 instead of me introducing you, Mr. Zimbabwe, can you  
21 introduce your staff? I guess that's your staff or -  
22 - I know who they are, but let me let you introduce  
23 them, and you all can --

24 MR. ZIMBABWE: Absolutely. Absolutely.

25 CHAIRPERSON HOOD: Let me ask you this,

1    though, before you start it.  Presentation's about 10  
2    or 15 minutes?

3               MR. ZIMBABWE:  At the most.

4               CHAIRPERSON HOOD:  Okay, great.  You may  
5    begin.

6               MR. ZIMBABWE:  All right.  So, thanks again  
7    for having us.  I'm Sam Zimbabwe, the Chief Project  
8    Delivery Officer at DDOT, Anna Chamberlin manages our  
9    project review branch, which you see a lot, and Aaron  
10   Zimmerman is a case manager, transportation planner,  
11   who you also see a lot, particularly around the  
12   Parkside developments.  Aaron has been the case  
13   manager for all the stage -- recent stage-two  
14   projects coming through.

15              So, we just have a quick update on where  
16   things stand in Parkside, and the broader community  
17   with regards to transportation, because we understand  
18   that's been an area of concern for the community and  
19   for the Commission as well.

20              So, since the stage-one PUD was approved with  
21   DDOT and OP review in support back in 2006, first of  
22   all there were conditions that were associated with  
23   our support of that review, which was basically that  
24   stage-two approval not be granted past 1.25 million  
25   square feet of development, which is the amount of

1 development that was permitted by right under the  
2 existing zoning until the Parkside pedestrian bridge,  
3 and/or a connection to Benning Road was completed.  
4 Or, sorry, were in place or under construction.

5           So, the stage-two PUD approvals have not  
6 triggered that sort of doomsday scenario, if you  
7 will. But each stage-two PUD has been reviewed with  
8 a Comprehensive Transportation Review that  
9 reevaluates existing conditions as the neighborhood  
10 has continued to build out.

11           Since that 2006 time frame as well, we've  
12 completed a couple of large-scale citywide planning  
13 efforts. The Move D.C. Plan in 2014 that looked at  
14 multimodal transportation over the long-term, and  
15 more recently, our District mobility study which  
16 looked at congestion around the District, that was  
17 finished in 2016, and we're continuing to update that  
18 study with more data as we go.

19           So, there's a couple of projects that are at  
20 various stages of project development. We have a  
21 couple that are nearing construction, and the first  
22 of those is the Parkside pedestrian bridge, which I  
23 know everybody has been waiting for, for a long time.  
24 We're very close to advertising the construction of  
25 that. We have to coordinate with PEPCO, with CSX,

1 and with WMATA on that. PEPCO is moving to raise the  
2 transmission lines, which run in that corridor.  
3 That's been a very complicated process for them to be  
4 able to complete, because it has to be coordinated  
5 from a construction perspective with CSX and with  
6 WMATA. They plan to start that construction around  
7 January of 2018, with a timeline to finish that in  
8 the spring, April or May.

9 And so, we're advertising our project for  
10 construction very soon so that we can follow right  
11 along with that from a construction perspective, so  
12 we don't lose time there. There are still timing  
13 aspects that we have to coordinate with CSX and with  
14 WMATA to make sure that we can actually get in and do  
15 the construction work that's necessary.

16 The second piece that's nearing construction  
17 is improvements to Southbound Kenilworth Avenue. And  
18 those are primarily focused on drainage, asset  
19 management, and some small safety improvements from  
20 East Capitol to the overpass over Nannie Helen  
21 Burroughs Avenue.

22 So, that is nearing final design; the final  
23 design we completed in November. We plan to -- our  
24 goal is to start construction next fall, fall 2018,  
25 for a one-year duration.

1           The third project that's nearing construction  
2 is short-term improvements to some of the  
3 interchanges all up and down DC-295 and I-295. There  
4 are seven locations that going to have --  
5 interchanges, that are going to have improvements,  
6 including Nannie Helen Burroughs, and also Eastern  
7 Avenue. And then also Benning Road, a little bit  
8 farther south of -- at the southern end of Parkside.

9           At Nannie Helen Burroughs, which is probably  
10 of most concern for the Parkside community, there  
11 will be left-turn lanes added for both connections  
12 north and south on 295, and also look at adjusting  
13 some of the signal timing to try to relieve some of  
14 the congestion at the northern end of the Parkside  
15 community.

16           So, again, we hope to be under construction  
17 with that in fall of 2018 as well. So, the number of  
18 improvements along the highway, and starting in fall  
19 of 2018.

20           And the purpose of that, really, is to help -  
21 - that's not directly in the Parkside community, but  
22 I think a lot of the transportation impacts that  
23 folks in Parkside feel are the congestion related  
24 challenges that cause people to cut through the  
25 neighborhood, or use Kenilworth Avenue to get through

1 the community. So, hopefully these improvements will  
2 help relief some of that pressure, that then will  
3 help people from Parkside get in and out as they need  
4 to.

5 A couple of projects that are in the design  
6 stages. The Arboretum Bridge, in coordination with  
7 the National Park Service, to create a new bicycle  
8 and pedestrian connection across the Anacostia River  
9 to connect from the existing Kenilworth Trail, that  
10 was completed last year, over to the Arboretum. That  
11 will add to the multi-modal choices for people  
12 getting to and from Parkside and from both a  
13 recreation and a transportation perspective.

14 That will include -- NPS will be working to  
15 do the remediation necessary for the bridge project  
16 itself. There's some longer term environmental work  
17 that would need to be done to relocate the trail that  
18 exists through the Parkside community, into the NPS,  
19 into NPS property, which I know is a long-term goal  
20 of the Parkside community, and DDOT supports that as  
21 well.

22 We have two bridge projects that are in the  
23 design stages, that are sort of a little bit  
24 ancillary, but also connected to Parkside.  
25 Kenilworth Terrace Bridge, which is at the northern



1 end of the Parkside community, and the Anacostia  
2 Avenue over the Anacostia River outlet, which is at  
3 the southern end, not currently accessible from  
4 Parkside. And preliminary design of both bridges is  
5 underway with the goal of being in construction in  
6 late 2019 or early 2020.

7           Then we have two, two or three actually,  
8 planning projects that will be soon underway, or are  
9 underway already. We have a Parkside circulation  
10 study, which we had hoped to do in 2017. We had some  
11 budget pressures that pushed that work out into FY-  
12 18. That will look at sort of all of the broad  
13 improvements that, sort of the travel demand and then  
14 what improvements might be necessary. So, this is  
15 where we will look at how to reconfigure streets,  
16 intersections, gateways, into and out of the  
17 community. And looking at how roadway connections  
18 could work to connect to Benning Road.

19           There's a couple of constraints on that. One  
20 is the PEPCO site that is a lot of the area between  
21 Parkside and Benning Road. And the other is  
22 connections that would be necessary across National  
23 Park Service land, and then also District right of  
24 way that would be other alternatives for how to get  
25 roadway and multimodal connections direction out to

1 Benning Road.

2           We also will be doing some environmental work  
3 on sort of long-term reconfigurations to the DC-295  
4 and the I-295 interchanges. Some of these would  
5 require more construction than is conceived of in the  
6 short-term. We don't really have a timeline or when  
7 construction would be done for any of those because  
8 we're at a pretty preliminary stage of planning for  
9 that.

10           And then lastly, probably the most concrete  
11 and far along in the process is the Benning Street  
12 Car extension, which is at the southern end. Again,  
13 if we can make Benning Road more accessible to folks  
14 in the Parkside community, the street-car extension  
15 would provide a good transit option for connecting  
16 farther to the west, and actually to the east as  
17 well.

18           So, the environmental assessment is underway  
19 for that. We hope to have a decision document done  
20 this year. Have a finding of no significant impact  
21 by the end of 2017, working with the Federal Highway  
22 Administration, and that would be tied into the  
23 circulation study, and any roadway connections, we  
24 would be able to coordinate that with streetcar  
25 access as well to connect folks to transit service.

1           So, I think the overall message is that we  
2 have been working with the development team as  
3 projects have been -- as stage 2 applications have  
4 come through, and we continue to make a range of  
5 multimodal improvements that are at various stages of  
6 the planning and development and construction  
7 process.

8           So, with that, we'd be happy to answer any  
9 questions.

10           CHAIRPERSON HOOD: Okay. First again, let me  
11 thank you all for coming down and giving us that  
12 briefing because as I mentioned in one of the  
13 hearings, it's kind of hard to keep approving  
14 projects, and we already know how the traffic and  
15 vehicle access and pedestrian access, and how it's  
16 locked over there. And it's a bigger problem than  
17 just those projects. So, that's why I wanted to come  
18 down because Mr. Zimmerman, I know, had wanted me to  
19 -- he mentioned a lot of things which I thought were  
20 great ideas.

21           But I think the community, you know, when you  
22 live in the community, you know, we wait, to wait, to  
23 wait. We study, to study, to study, and then we  
24 study the other study for the other study. So, those  
25 things become, you know, from a community perspective

1 those things become, okay, that's a promise land  
2 issue. So, we don't want to keep putting communities  
3 on promise land.

4 From my standpoint, I don't want to keep  
5 approving projects unless we're able to have some  
6 relief. I don't like the necessary -- people say,  
7 well, don't hold it up. But if you keep -- if you  
8 sit where we sit, and you keep approving projects,  
9 and keep approving projects, years later, you know,  
10 when you go down the street, Rob Miller, they're  
11 going to remember you. They're going to remember  
12 that you kept approving that project and there was no  
13 other relief there.

14 So, that's why I wanted to have you to come  
15 down and let me ask you this, though, is that  
16 information being shared with the neighborhood, with  
17 the community?

18 MR. ZIMBABWE: Yeah, I think we have. We've  
19 been out in the community with ANC 7D on the short-  
20 term improvements to DC-295 and I-295. We've kept  
21 the community up to date on the pedestrian bridge  
22 construction timeline. I think that is a project  
23 that's been frustrating for both the community and  
24 for DDOT, and I think for PEPCO and for CSX and for  
25 WMATA as well. That's been a long time in planning

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1 design, getting ready for construction. It's just a  
2 very complex construction project. I think when we -  
3 - probably in 2006, or even before when it was  
4 conceived, it wasn't clear that the PEPCO  
5 transmission lines would have to be raised. That's a  
6 transmission line that serves a large area, so even  
7 scheduling a window for PEPCO to take those offline  
8 to be able to raise them, to be able to put in a  
9 bridge, is a long and complicated process.

10 So, I think you know, there's a lot of good  
11 intentions that went into thinking that was, you  
12 know, that that was a fairly straight forward  
13 project. It's turned out to be a lot more  
14 challenging than people probably thought at the very  
15 outset.

16 CHAIRPERSON HOOD: Again, you're working with  
17 each applicant individually, case-by-case, and you  
18 all are looking at those issues as we keep approving.  
19 But at some point, I think you -- I forgot what the  
20 square footage was. At some point that's the tipping  
21 point. That's the stopping point.

22 MR. ZIMBABWE: That's right. I think the  
23 zoning order from the stage-one set that at 1.25  
24 million square feet. Or at least our report on that.  
25 I don't know if that condition actually ended up

1 being as firm in the order itself. I think that the  
2 order was a little bit more -- didn't put a hard and  
3 fast limit on what could be approved from a stage-two  
4 perspective. But we're not yet to that point.

5 CHAIRPERSON HOOD: Right. Right. So, can --  
6 we need to make sure that we make note of that, of  
7 where our stopping point is, so we won't go over if  
8 we get to that point to begin with.

9 Let me open it up. Any questions or  
10 comments. Commissioner May?

11 MR. TURNBULL: Mr. Chair, I just had one for  
12 Mr. Zimbabwe.

13 On the pedestrian bridge, you said you might  
14 begin in 2018?

15 MR. ZIMBABWE: Yeah. Our goal would be to  
16 start construction in the spring of 2018. So, PEPCO  
17 should finish in April or May, and that would enable  
18 us to start the construction process.

19 MR. TURNBULL: And then the bridge is not a  
20 huge bridge. A year or --

21 MR. ZIMBABWE: Yeah, it's probably 18 to 24  
22 months before it's complete.

23 MR. TURNBULL: So, 20 --

24 MR. ZIMBABWE: It's a very -- you know,  
25 there's limited places to do the foundations for the

1 structure, and it's a pretty long span. It has to  
2 span over 295, and there's only limited spaces to get  
3 into CSX and WMATA. So, there's a -- the  
4 construction of the foundations to support that  
5 bridge, is a long process.

6 MR. TURNBULL: So maybe somewhere, 2020.

7 MR. ZIMBABWE: Yeah. Yeah.

8 MR. TURNBULL: Okay.

9 MR. ZIMBABWE: 2020. Yeah, I think it's an  
10 18 to 24-month construction process.

11 MR. TURNBULL: Okay.

12 MR. ZIMBABWE: So, 2020 is our goal.

13 MR. TURNBULL: All right, thank you.

14 CHAIRPERSON HOOD: Okay, Commissioner May?

15 MR. MAY: Yeah, so first of all, hurray for  
16 the Arboretum Bridge. Thank you very much for taking  
17 that on. Of course, the Anacostia Riverwalk Trail  
18 segment through there is just absolutely gorgeous and  
19 I'm so happy that that's completed. And I think the  
20 Chairman should get out there and test his new bike  
21 on the trail sometime soon.

22 As far as the pedestrian bridge goes, I feel  
23 for you. I mean, having to coordinate with PEPCO and  
24 CSX and WMATA, all in the same one, I mean, any one  
25 of them can be a problem. Especially -- well, no, I

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1 won't call anybody out in particular, but I think you  
2 know; you know who I'm talking about.

3           The one question I had that was more  
4 specific, and if I understand this correctly, you  
5 could be starting to address this in construction as  
6 soon as 2018, which is the interchange where the, you  
7 know, the bridge flies over East Capitol, and you  
8 have one lane peeling off into -- on to East Capitol,  
9 and then you have two heading south.

10           And, you know, once the 11th Street bridge  
11 opened up there was such a huge surge in traffic on  
12 Kenilworth Avenue that there is now always a half-  
13 mile to a mile back up. You know, it's not -- it  
14 doesn't crawl, but it crawls up to that moment  
15 because you're going from three lanes to two, and it  
16 seems like there's enough width to actually get three  
17 travel lanes. Is that something that you're  
18 considering?

19           MR. ZIMBABWE: Yeah. So, the East Capitol  
20 interchange is one of the ones that's both got some  
21 short-term and some long-term potential changes to  
22 it. I don't know exactly -- I don't think that the  
23 short-term includes a third travel lane through  
24 there, but I think that is sort of conceived of in  
25 the longer-term improvements.



1 I will say that we are going to start  
2 rehabilitation of the Whitney Young Bridge, the East  
3 Capitol Street Bridge.

4 MR. MAY: Oh, okay.

5 MR. ZIMBABWE: Pretty soon. That will  
6 actually be started hopefully next year as well.  
7 That will just -- that's mostly subsurface,  
8 substructure, rehabilitation. It will probably have  
9 some lane closures at various times to enable that to  
10 happen, but it's also going to result in a wider  
11 sidewalk crossing over.

12 MR. MAY: Yes.

13 MR. ZIMBABWE: And we've been working with  
14 NPS on the connections from the trail up to the East  
15 Capitol Street Bridge as well, which I think will  
16 provide yet more river crossing opportunities because  
17 that's our biggest challenge for people walking and  
18 biking across the river.

19 MR. MAY: Right. Yeah, I know that the  
20 sidewalk there is really narrow and unpleasant, and  
21 you have so much roadway capacity.

22 MR. ZIMBABWE: Right.

23 MR. MAY: And I travel that segment of road  
24 regularly. Granted, not during rush hour, but I  
25 can't tell you, you know, I probably can count on one

1 hand in the last five years the number of times there  
2 actually has been a need for three lanes in either  
3 direction. So, I'm glad to know that that's  
4 happening. But I do think that's the bottleneck that  
5 really slows, you know, it backs up the traffic up  
6 Kenilworth Avenue, and so people start peeling off  
7 into the access road alongside Kenilworth. And I've  
8 only been nailed twice by the speeding camera there,  
9 but that's not enough of a disincentive for people to  
10 start peeling off there.

11           Anyway, you know, you go from 50 to 25, and  
12 that's where it really nails you. Anyway, I don't  
13 think I have anything else, but if there are things  
14 that we need to talk about in terms of Park Service  
15 land to facilitate the connections to Benning Road,  
16 then we should talk about them sooner rather than  
17 later. So, we'll look forward to that. Thank you.

18           CHAIRPERSON HOOD: Okay. Any other questions  
19 about special presentation, or comments?

20           Okay, Mr. Zimbabwe, Ms. Chamberlin and Mr.  
21 Zimmerman, we want to thank you both. We appreciate  
22 it and we're looking forward to making sure that as  
23 we approve projects that we are working in tandem,  
24 and taking -- giving that neighborhood some relief,  
25 and I'm glad that one of the chairperson, the ANC

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1 Commissioner is here to be able to hear this  
2 presentation. So, I know that you all will continue  
3 to work with the community as we move forward. Okay?  
4 All right, thank you all. We appreciate you taking  
5 the time.

6 Okay. Well, here's the thing. We were going  
7 to ask a question of Ms. Chamberlin about another  
8 case, but I think I have the answer how to deal with  
9 that. We're going to send that to them depending  
10 upon how we deal with it for a later response. We'll  
11 do it in that fashion. Okay? All right. Thank you  
12 all again, we appreciate it.

13 All right. Let's go to our consent calendar  
14 item, minor modification and technical correction in  
15 Zoning Commission Case No. 05-40C. Ms. Schellin.

16 MS. SCHELLIN: Yes, sir. On this case, with  
17 facing a reduction in enrollment and the demand for  
18 on-campus housing for the fall of 2017, the applicant  
19 is requesting the Commission to allow an increase in  
20 the amount of housing to be leased to non-Wesley  
21 graduate students for a limited time period.

22 The applicant revised the language that they  
23 initially submitted for condition 5 of the order that  
24 was previously approved, and that revised language  
25 can be found at Exhibit 4.

1           At Exhibit 7, the Spring Valley/Wesley  
2 Heights Neighborhood Association and Neighbors for a  
3 Livable Community filed a letter in support with the  
4 condition that none of the property would be leased  
5 or sold to American University.

6           Exhibit 9 is an OP report in support.

7           Exhibit 10 is an unsigned letter from ANC 3D  
8 adopting the single-member district's letter.

9           So, we'd ask the Commission to consider final  
10 action on this case this evening.

11           CHAIRPERSON HOOD: Okay, Commissioners. So,  
12 it's unsigned. What do we do with unsigned letters?

13           MS. SCHELLIN: Well, it's required to be  
14 signed by the Chairman or Vice Chair.

15           CHAIRPERSON HOOD: The Chairman typed it.  
16 Maybe, sometimes on the computer now it asks me to  
17 type my name in, so that's my signature. But anyway,  
18 that's a whole other issue. We'll take it for what  
19 it's worth.

20           Commissioners, any questions on this? It  
21 looks like we have some support for the Wesley  
22 graduate students for the -- let me see, make sure I  
23 capture everything. The newly proposed or additional  
24 modification would allow a total of 67 non-Wesley  
25 Theological Seminary graduate students to reside in

1 Wesley Theological Seminary on-campus housing through  
2 December 31st, 2019. And it goes on, it's really  
3 explained very well. I believe in the Office of  
4 Planning's report as well as the submission by the  
5 applicant.

6 Let's -- any questions? Let me open it up.  
7 Any questions or comments? It looks like it has  
8 overwhelmingly support. That's --

9 MR. TURNBULL: Yeah, Mr. Chair, I really  
10 don't think that this impacts the overall campus plan  
11 to any degree. It's very de minimis and I would be  
12 in support of this.

13 CHAIRPERSON HOOD: Okay. Any other comments?  
14 Somebody like to make a motion then? We don't like  
15 to belabor. Mr. Turnbull.

16 MR. TURNBULL: Mr. Chair, I would move that  
17 we approve -- I guess we approve. Approve Zoning  
18 Case 05-40C, Wesley Theological Seminary Campus  
19 request for a minor modification to campus plan order  
20 to permit the housing of additional graduate students  
21 from other universities on the site of the Wesley  
22 University Campus.

23 MR. MILLER: Second.

24 CHAIRPERSON HOOD: Okay. It's been moved and  
25 properly seconded. And again, this is pertaining to

1 condition 5 at Square 1600. It's moved and properly  
2 seconded. Any further discussion?

3 [Vote taken.]

4 CHAIRPERSON HOOD: Ms. Schellin, would you  
5 record the vote?

6 MS. SCHELLIN: Yes. Staff records the vote  
7 five, to zero, to zero, to approve final action in  
8 Zoning Commission Case No. 05-40C, Commissioner  
9 Turnbull moving, Commissioner Miller seconding,  
10 Commissioners Hood, May, and Shapiro in support.

11 CHAIRPERSON HOOD: Okay. Next, let's go to  
12 modification of consequence. This is deliberation in  
13 Zoning Commission Case No. 15-33A, E Street Owner,  
14 LLC, PUD modification of consequence at Square 1043.  
15 Ms. Schellin.

16 MS. SCHELLIN: Yes. At the time of  
17 determining whether it was indeed a modification of  
18 consequence and scheduling, the Commission asked the  
19 applicant to provide some additional information, and  
20 they've done that at Exhibit 8, and we'd ask the  
21 Commission to consider final action this evening.

22 CHAIRPERSON HOOD: Okay. All right. Any  
23 questions or comments? I'm not sure who asked for  
24 it. I think this is in reference to, was it at-risk  
25 windows? Okay, hold on. Here, it's opening up now.

1 MR. SHAPIRO: Residential and public window  
2 glazing.

3 CHAIRPERSON HOOD: Okay. Yeah, it was an  
4 issue about window glaze. I'm not sure who asked for  
5 that. I think that was what we -- the only reasons  
6 we held it up for, I believe.

7 MS. SCHELLIN: I think they were responding  
8 to something in OP's report, if I recall correctly.

9 CHAIRPERSON HOOD: Okay. Okay. All right.

10 MR. MAY: Yeah, I think they just need to  
11 explicitly state that that had changed and they were  
12 seeking that as part of a modification, and they  
13 have. So, I think it's good.

14 CHAIRPERSON HOOD: Yeah, I think we're fine  
15 as to the window glazing patterns and et cetera.

16 So, I don't necessarily have any other  
17 issues. Vice Chair, you had some?

18 MR. MILLER: Thank you, Mr. Chairman. No, I  
19 just wanted to note, as I think we did last time,  
20 that the ANC 6B letter of June 17th in support of the  
21 request for this modification.

22 CHAIRPERSON HOOD: Okay. So, I would move  
23 approval of Zoning Commission Case No. 15-33A with  
24 the noted modifications in the submission, and ask  
25 for a second.

1 MR. MILLER: Second.

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

4 [Vote taken.]

5 CHAIRPERSON HOOD: Ms. Schellin, would you  
6 record the vote?

7 MS. SCHELLIN: Yes. Staff records the vote  
8 five, to zero, to zero to approve final action in  
9 Zoning Commission Case No. 15-33A, Commissioner Hood  
10 moving, Commissioner Miller seconding, Commissioners  
11 May, Shapiro, and Turnbull in support.

12 CHAIRPERSON HOOD: Okay. Let's go to, let me  
13 see, let's go to final action Zoning Commission Case  
14 No. 13-09B, Stanton Commons II, LLC, three-year PUD  
15 time extension at Square 5877. Ms. Schellin.

16 MS. SCHELLIN: Yes. At Exhibit 5 is a copy  
17 of an e-mail I sent to ANCs 8A and 8B, regarding  
18 providing a response on this case. Exhibit 6 is a  
19 letter from ANC 8B advising that while they did not  
20 take a vote on the case, they do support the time  
21 extension. And at Exhibit 7, we have a letter from  
22 the applicant providing the dates that they reached  
23 out to both ANC. Would ask the Commission to  
24 consider final action this evening.

25 CHAIRPERSON HOOD: Okay. First, let me thank



1 my colleagues for holding this up. I wanted to make  
2 sure, especially ANC 8B, even though what we got back  
3 necessarily doesn't give them great weight, but they  
4 definitely were notified and we gave them the same  
5 opportunity. 8A did not respond, I don't believe.  
6 So, anyway, I'm satisfied with moving forward. It  
7 looks like at least the Chairperson has sent us a  
8 letter letting us know that at least he knows about  
9 it.

10 So, I don't know if there were any other  
11 outstanding issues on this. Okay. So, would  
12 somebody like to make a motion to approve?

13 MR. SHAPIRO: Mr. Chair, I will make a --  
14 I'll move approval of Zoning Case No. 13-09B, Stanton  
15 Commons II, LLC, three-year PUD time extension at  
16 Square 5877. Look for a second.

17 MR. MILLER: Second.

18 CHAIRPERSON HOOD: Okay. It's been moved and  
19 properly seconded. Any further discussion? And we  
20 are doing it for three years, right, because of what  
21 they've asked, they asked for three years. I just  
22 want to make sure that's all right in the motion.  
23 Yeah, I think it's a worthwhile project.

24 Okay, it's been moved and properly seconded  
25 for three years as requested. Any further

1 discussion?

2 [Vote taken.]

3 CHAIRPERSON HOOD: Ms. Schellin, would you  
4 record the vote?

5 MS. SCHELLIN: Yes. Staff records the vote  
6 five, to zero, to zero to approve final action in  
7 Zoning Commission Case No. 13-09B, Commissioner  
8 Shapiro moving, Commissioner Miller seconding,  
9 Commissioners Hood, May, and Turnbull in support.

10 CHAIRPERSON HOOD: Okay. Next, we have  
11 Zoning Commission Case No. 16-24, 1336 8th Street  
12 SPE, LLC, consolidated PUD and related map amendment  
13 at Square 399. Ms. Schellin.

14 MS. SCHELLIN: Yes, this case was deferred  
15 from the last meeting to allow the applicant to  
16 complete the proffering conditions process, and they  
17 did that at Exhibit 41, ask the Commission to  
18 consider final action this evening.

19 CHAIRPERSON HOOD: Okay, any questions or  
20 comments?

21 All right. Would somebody like to make a  
22 motion then? I think this is sufficient.

23 MR. MAY: I move approval of Zoning  
24 Commission Case No. 16-24, 1336 8th Street SPE, LLC,  
25 consolidated PUD and related map amendment at Square

1 399.

2 MR. MILLER: Second.

3 CHAIRPERSON HOOD: Okay. It's been moved and  
4 properly seconded. Any further discussion?

5 [Vote taken.]

6 CHAIRPERSON HOOD: Ms. Schellin, would you  
7 record the vote?

8 MS. SCHELLIN: Yes. Staff records the vote  
9 five, to zero, to zero to approve final action in  
10 Zoning Commission Case No. 16-24, Commissioner May  
11 moving, Commissioner Miller seconding, Commissioners  
12 Hood, Turnbull, and Shapiro in support.

13 CHAIRPERSON HOOD: Okay. Next, Zoning  
14 Commission Case No. 16-25, D.C. Boathouse, LLC, map  
15 amendment at Square 6. Ms. Schellin.

16 MS. SCHELLIN: Yes, sir. The proposed  
17 rulemaking was published on June 2nd, no comments  
18 were received. Ask the Commission to consider final  
19 action.

20 CHAIRPERSON HOOD: Okay, commissioners, I  
21 think this is complete. I would move approval of  
22 Zoning Commission Case No. 16-25, D.C. Boathouse,  
23 LLC, map amendment at Square 6, and ask for a second.

24 MR. MILLER: Second.

25 MR. TURNBULL: Second.

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

3 [Vote taken.]

4 CHAIRPERSON HOOD: Ms. Schellin, would you  
5 record the vote?

6 MS. SCHELLIN: Yes. Staff records the vote  
7 five, to zero, to zero to approve final action in  
8 Zoning Commission Case No. 16-25, Commissioner Hood  
9 moving, Commissioner Miller seconding, Commissioners  
10 May, Shapiro, and Turnbull in support.

11 CHAIRPERSON HOOD: Okay, next, Zoning  
12 Commission Case No. 17-01, Office of Planning text  
13 amendment to Subtitles B and U, continuing care  
14 retirement community. Ms. Schellin.

15 MS. SCHELLIN: Yes, sir. On this one the  
16 proposed rulemaking was published on June 9th. No  
17 comments were received, however OP provided a  
18 supplemental report at Exhibit 12. We'd ask the  
19 Commission to consider final action this evening.

20 CHAIRPERSON HOOD: Okay. Commissioners, we  
21 have the supplemental in front of us from Office of  
22 Planning. Any further questions or comments?

23 MR. SHAPIRO: No, sir.

24 CHAIRPERSON HOOD: Somebody like to make a  
25 motion?

1           MR. SHAPIRO: Mr. Chair, I would move  
2 approval of Zoning Commission Case 17-01, Office of  
3 Planning text amendments to Subtitles B and U,  
4 continuing care retirement communities, with the  
5 revisions recommended by the Office of Planning.

6           CHAIRPERSON HOOD: I second that. It's been  
7 moved and properly seconded. Any further discussion?

8           [Vote taken.]

9           CHAIRPERSON HOOD: Ms. Schellin, would you  
10 please record the vote?

11           MS. SCHELLIN: Yes. Staff records the vote  
12 five, to zero, to zero to approve final action in  
13 Zoning Commission Case No. 17-01, Commissioner Hood  
14 moving, Commissioner Shapiro seconding, Commissioners  
15 Miller, Turnbull, and May in support.

16           CHAIRPERSON HOOD: Okay. Next, we have  
17 Zoning Commission Case No. 17-04, Office of Planning  
18 text amendment to add a new MU-30 Zone. Ms.  
19 Schellin.

20           MS. SCHELLIN: On this one the proposed  
21 rulemaking was published on June 9th. No comments  
22 were received. Exhibit 9, NCPC delegated action,  
23 advised of no federal interests, and we'd ask the  
24 Commission again to consider final action.

25           CHAIRPERSON HOOD: Okay. I'm trying to

1 remember. Didn't we have overwhelmingly support for  
2 this in this case. I think we did. Okay. Let me  
3 open up any comments or questions, Commissioner May?

4 MR. MAY: Mr. Chairman, I just want to  
5 mention that I did not attend the hearing in this  
6 case, but I've reviewed the record so I'm prepared to  
7 vote on final action.

8 CHAIRPERSON HOOD: Okay. I was wondering why  
9 we had overwhelming support. You weren't here that  
10 night. Okay. I need to keep my day job.

11 Okay. Any other questions or comments?  
12 Okay. Somebody like to make a motion?

13 MR. MILLER: Mr. Chair, I would move that we  
14 approve Zoning Case, we take final action on Zoning  
15 Case No. 17-04, Office of Planning text amendment to  
16 add a new MU-30 Zone.

17 CHAIRPERSON HOOD: Okay, second. It's been  
18 moved and properly seconded.

19 MR. SHAPIRO: Mr. Chairman, discussion. I  
20 believe we want to include in that the revisions --

21 CHAIRPERSON HOOD: Hold on a second. Hold on  
22 one second.

23 [Pause.]

24 CHAIRPERSON HOOD: Oh, I seconded it. I  
25 thought we did something wrong. Okay, I second it.

1 Commissioner Shapiro.

2 MR. SHAPIRO: Thank you. I want to make sure  
3 that we're approving that with the revisions  
4 recommended by the Office of Attorney General.

5 MR. TURNBULL: Yes, we are. I forgot to  
6 mention that.

7 CHAIRPERSON HOOD: Okay, and I'll second  
8 that? Any further discussion? Thank you.

9 [Vote taken.]

10 CHAIRPERSON HOOD: Ms. Schellin, not hearing  
11 any, would you record the vote?

12 MS. SCHELLIN: Yes, staff records the vote  
13 five, to zero, to zero to approve final action in  
14 Zoning Commission Case No. 17-04, Commissioner  
15 Shapiro moving -- I'm sorry. Commissioner Turnbull  
16 moving, Commissioner Hood seconding, Commissioners  
17 Shapiro, May and Miller in support.

18 CHAIRPERSON HOOD: Okay. And let me just  
19 stop for a minute.

20 Commissioner May, I actually owed you that  
21 for that bicycle comment earlier.

22 Okay. Proposed action in Zoning Commission  
23 Case No. 16-20, 3443 Benning, LLC, consolidated PUD  
24 and related map amendment at Square 5017. Ms.  
25 Schellin.

1 MS. SCHELLIN: At Exhibits 80 through 80-G4,  
2 83, and 83-A, we have the applicant's post-hearing  
3 submissions. And then at Exhibit 81 and 82, ANC 7D's  
4 report. Exhibit 84 is a supplemental report from  
5 DDOT. Would ask the Commission to consider final  
6 action on this case.

7 CHAIRPERSON HOOD: I'm going to start off  
8 with this. And let me ask this, Ms. Schellin, I  
9 don't know why the first page of every report of ANC  
10 7D, at least from what I'm seeing now, maybe all of  
11 them are like this. It's reversed. I don't know why  
12 it's reversed out. Is it just mine, or do I have an  
13 operator's problem or what? It's always reversed  
14 out.

15 But anyway, one of the things that concerned  
16 me in the ANC's letter, and I'll read it, in their  
17 conclusion. I'm going to take -- I'm going to read  
18 it exactly how they say it. See if I can get to it.  
19 It's reversed on yours. Okay. All right. All  
20 right. I'm looking for the exact sentence that  
21 basically says nothing --

22 Okay. "Not only were we --" okay, let me go  
23 back further.

24 "Our expectation of June 13th, 2017 was that  
25 the witness --" let me pull it close, "-- was to



1 witness NDC's demonstrated competency in the area of  
2 improved site analysis and mitigations on critical  
3 issues which have still gone unaddressed. Not only  
4 were we disappointed. There was nothing about this  
5 presentation that would warrant continued dialog."

6 "NDC had made its offer in response to the  
7 Zoning Commission's request, and that was it. We're  
8 to take it or leave it. Well, ANC 7D has chosen to  
9 leave it with a unanimous vote of five, zero, to  
10 zero, ANC 7D carried the vote to oppose Zoning  
11 Commission Case 16-20, 3443 Benning Road, LLC, on the  
12 basis of details of this ANC 7D report."

13 I actually read that a few times because it  
14 looks to me, according to what the ANC is saying, and  
15 I'm not saying that this is -- everything is factual.  
16 I don't think people would put things in writing if  
17 that's not how it was perceived by them. I have a  
18 problem when we ask applicants to do something and  
19 they just do it because we just asked. I'm not  
20 asking just to be asking.

21 I'm not sure where my other colleagues were.  
22 That little part right there wants me to put this  
23 off. I don't mind waiting, and I'm in no rush. I  
24 haven't been in a rush down here to get anything  
25 done, and I'm not in a rush now. I know there are

1 other issues to this case, but you know, we ask --  
2 normally we ask communities to work it out, they go  
3 out and work it out. It's not a take it or leave it  
4 attitude, and I'm not saying the applicant did it  
5 didn't do it. But the perception of the ANC was,  
6 take it or leave it, and I have problems with that.

7           The applicant is going to go home and the  
8 community is going to still deal with it. Some of  
9 those things could at least been hashed. Even if you  
10 didn't agree, then we'll make the final decision, but  
11 just to do it because we asked here and do it because  
12 the Zoning Commission asks you, you want the Zoning  
13 Commission approval, to me doesn't go far enough.

14           But anyway, I have a problem with this case  
15 and that's my rationale.

16           So, anyway, let me open it up. Any other  
17 comments or questions?

18           MR. MAY: Mr. Chairman, I didn't necessarily  
19 have the same sense of it. I mean, I do -- I  
20 understand that that was the ANC's conclusion, but I  
21 didn't get the sense that from what I saw in the  
22 presentation that even the ANC had submitted, that  
23 had been given to them by NDC or in the, you know,  
24 what the applicant presented to us over the course of  
25 the case, that they were just sort of paying lip

1 service to the concerns of the neighborhood. I mean,  
2 I think that they were -- they were actually making  
3 an earnest effort on this, and I think that what  
4 they're asking for in terms of the zoning relief  
5 associated with this case, it's -- I believe that  
6 what they're proposing is consistent with the  
7 Comprehensive Plan guidance. It's, they've taken  
8 steps to address how this admittedly larger building  
9 faces a -- or connects to a neighborhood that's  
10 clearly a bit lower in density.

11           And I think that some of the concerns that  
12 have been raised in the case are not -- I think they  
13 have been fully addressed. You know, I think that  
14 the fact that it's an all-affordable project is  
15 helpful, but I also think it's noteworthy that the  
16 range of affordable is actually quite reflective of  
17 the incomes and affordable of the immediate  
18 surrounding neighborhood.

19           And that's not something that we usually see.  
20 We don't usually see that kind of an analysis that  
21 shows that this is something that will fit well with  
22 the existing demographic. Usually, it's something of  
23 a mismatch that's going to drive prices of the  
24 abutting neighborhood up or down depending on, you  
25 know, what the demographic is of the project, or

1 intended to be.

2           So, I mean, I appreciate the fact that the  
3 ANC still has concerns, but I also get the sense that  
4 maybe this is an area where the ANC wouldn't be  
5 satisfied with anything other than more rowhouses.  
6 And I just don't think that that's -- I think that  
7 would be inconsistent with the Comprehensive Plan.

8           That was my take on it. I'm interested in  
9 hearing what other commissioners have to say.

10           CHAIRPERSON HOOD: Let me ask, did anyone see  
11 Exhibit 82? I don't know, we probably need to work  
12 with the ANC on -- I don't know if it's the ANC or  
13 who -- why everything that they send is reversed.  
14 I'm not sure. Or is it --

15           MR. MAY: Oh, you mean just the presentation  
16 that they got where the images were all over the  
17 place. Yeah, I think that's just a bad scanning job.

18           CHAIRPERSON HOOD: Yeah, but it's reversed.

19           MR. MAY: Yeah.

20           CHAIRPERSON HOOD: And I can tell you, now I  
21 do know a little bit about that. Maybe not bicycles,  
22 but I do know that you have to go to an extra length  
23 to reverse something out.

24           MR. MAY: Yeah.

25           CHAIRPERSON HOOD: So, something is being --

1 how it's being transmitted or uploaded or what. But  
2 I notice everything we get is reversed, and I want to  
3 make sure that in the future we are able to read it.  
4 It's kind of hard to read. But anyway.

5 Okay, any other questions on that, or  
6 comments you've heard, Commissioner May, on my point?  
7 Anything else? Vice Chair Miller?

8 MR. MILLER: Thank you, Mr. Chairman. Yeah,  
9 I mean, I tend to agree with Commissioner May that I  
10 think there have been a number of changes that were  
11 made in the building design as a result of the issues  
12 that some of my colleagues raised at the public  
13 hearing, and including the brick color. They did  
14 provide some perspectives of the building set within  
15 the context of the existing neighborhood. The  
16 rooftop screening.

17 And they addressed the issue of -- maybe not  
18 to our satisfaction, not to the outcome that we  
19 wanted on the solar panels and the outdoor roof  
20 terrace, but I think they gave a reasonable  
21 explanation as to why those were not feasible. And I  
22 think they did a number of additional transportation  
23 mitigation measures in consultation with DDOT.

24 And they've also -- they developed, as  
25 requested by the Commission, they developed

1 guidelines for use of the proposed community room in  
2 the project. They, in response to the concerns about  
3 the public safety, they agreed to -- or they proposed  
4 to undertake certain security measures, including a  
5 security camera and additional exterior lighting.

6           As Commissioner May said, I think they did  
7 address the issue of how the -- this all affordable  
8 housing at the AMI levels proposed, it does fit in  
9 with the surrounding community. It also proposed a  
10 construction management agreement and a community  
11 benefits agreement. I realize the ANC did not think  
12 that they were -- they did not sign on to those  
13 agreements. But I think the applicant has continued  
14 to say that they would proffer those, even in the  
15 absence of a signature, and I think that should be  
16 part of any proposed -- part of any order going  
17 forward. We should take the applicant up on that  
18 offer and make sure that those additional measures  
19 are incorporated.

20           Well, we don't incorporate construction  
21 management agreements, but we often reference that  
22 there is one, and that does address some of the  
23 concerns that were raised by the neighborhood.

24           So, I don't share the same level of  
25 discomfort. I think it was kind of a stark letter.

1 But, and I'm not sure exactly what broke down in that  
2 dialog. But, based on the PowerPoint I saw in the  
3 applicant's presentation, I think a number of changes  
4 and additional benefits were proffered.

5 CHAIRPERSON HOOD: Okay. Any other comments  
6 or questions? Commissioner Shapiro.

7 MR. SHAPIRO: Thank you, Mr. Chair. I would  
8 agree with Commissioners Miller and May, and I also,  
9 I agree with what you said, Mr. Chair, about what you  
10 read, and I'm glad that you read that out, and I  
11 didn't like to read that either. But my experience  
12 of this during the hearing was that the commission  
13 did not -- was not particularly supportive of this  
14 project at the time, and the issues that I took up  
15 were related to the -- I think they weren't addressed  
16 in the presentation. But there were more core issues  
17 around the size of the building and the affordability  
18 levels, who they were targeting. And I think that's  
19 where the ANC just wasn't supportive.

20 But I feel like the applicant addressed the  
21 concerns that we brought up and I think it does -- it  
22 is no inconsistent with the Comprehensive Plan.  
23 Thank you.

24 CHAIRPERSON HOOD: Okay. Any other comments?  
25 Mr. Turnbull.

1           MR. TURNBULL: Mr. Chair, I did not sit on  
2 this case so I won't be voting on it.

3           CHAIRPERSON HOOD: All right. Okay. I,  
4 again, my issue was -- it was the way it was written.  
5 I actually like the project, and I'm sitting -- even  
6 sitting here now, I'm figuring out whether I was  
7 going to vote against it for that reason, but I don't  
8 think I am.

9           But what I think I am going to do is to ask  
10 for them to have another meeting, and not have the  
11 meeting just because I asked. I asked for them to  
12 have the meeting to continue to see if some of the  
13 issues that concern the ANC can be resolved. Don't  
14 have the meeting because Anthony Hood or the Zoning  
15 Commission asked you to have the meeting, because I  
16 can tell you like I said then, it works.

17           I do like the project. I think it fits well  
18 in the scale and everything as far as the policies.  
19 But when you hear a community come back and say,  
20 somebody told you take it or leave it, then that  
21 really irritates me. I'm going to be frank. It  
22 always has, since '98, it has irritated me. I'm not  
23 saying that communities, we're always right. But  
24 sometimes, you know, we're the ones who are going to  
25 deal with whatever project goes there.



1           So, when we ask you to meet, we ask you to  
2 meet for a reason. We're not asking you to meet just  
3 to buy some time or satisfy a requirement here,  
4 because a lot of the projects that come in this city,  
5 I've been here long enough to see them, a lot of the  
6 projects that come through this city are better  
7 because of the input of the community. And even,  
8 believe it or not, the input of the folks that sit up  
9 here.

10           So, in working collaboratively together, the  
11 applicant doesn't always have all the answers.  
12 Doesn't always have the best designs. It takes all  
13 of us to make it work better for the city. So, I'm  
14 not going to vote in opposing this, because I do like  
15 the project. I like the scale of it, I like the  
16 design of it. But what I don't like is what I got  
17 back from ANC 7D. That's my problem, my sticking  
18 point.

19           So, I'm going to ask again, yeah, we're going  
20 to do proposed. But everyone, my colleagues who sit  
21 up here now, know that I voted proposed and didn't  
22 vote final. Or voted against and final, and vice  
23 versa. And I'm not putting a thread or anything out  
24 there. What I'm trying to do is get -- see if we can  
25 close the gap a little more with the community.

1 Everybody is not going to be 100 percent happy. No,  
2 I realize that. I've been here long enough to know  
3 that.

4 But I think at the end of the day, when you  
5 have that kind of good neighbor policy and  
6 collaboration, you end with a better project.

7 So, enough of my dissertation and my soap  
8 box. Any other comments or questions? Somebody like  
9 to make a motion?

10 Mr. Turnbull, you're not participating. All  
11 right.

12 MR. MILLER: Mr. Chairman, I would move that  
13 the Zoning Commission take proposed action on Case  
14 No. 16-20, 3443 Benning, LLC, consolidated PUD and  
15 related map amendment at Square 5017, and ask for a  
16 second.

17 MR. MAY: And second that. Do we want to  
18 condition that on a further outreach and report from  
19 the applicant and from the ANC?

20 MR. MILLER: Yes, I meant to make that part  
21 of my motion. Thank you.

22 MR. MAY: I would agree with that.

23 CHAIRPERSON HOOD: Okay. It's been moved and  
24 properly seconded, and we're looking forward to that.  
25 Not because asked. Any further discussion?

1 [Vote taken.]

2 CHAIRPERSON HOOD: Ms. Schellin, would you  
3 record the vote?

4 MS. SCHELLIN: Yes. Staff records the vote  
5 four, to zero, to one to approve proposed action in  
6 Zoning Commission Case No. 16-20, Commissioner Miller  
7 moving, Commissioner May seconding, Commissioner Hood  
8 and Shapiro in support, Commissioner Turnbull not  
9 voting having not participated.

10 And, Chairman Hood, do you want to set a date  
11 for submissions to come back regarding the follow up  
12 meeting between the applicant and the ANC?

13 CHAIRPERSON HOOD: When would final action  
14 happen?

15 MS. SCHELLIN: Final action will not happen  
16 until September 11th.

17 CHAIRPERSON HOOD: Can we do it our last  
18 meeting in September?

19 MS. SCHELLIN: Sure.

20 CHAIRPERSON HOOD: So, I'm sure, I believe --

21 MS. SCHELLIN: September 25th.

22 CHAIRPERSON HOOD: Mr. Avitabile, is this  
23 your case? And Chairperson Muhammad, I see you're  
24 here. So, you all can work that out with the  
25 applicant. And let's see what we can do to close the

1 gap because I think it's a great project.

2 MS. SCHELLIN: Right.

3 CHAIRPERSON HOOD: We just need to pull it  
4 together.

5 MS. SCHELLIN: Yes. So, then we could have  
6 submissions by 3:00 p.m. on the 18th of September.

7 CHAIRPERSON HOOD: Is that enough time,  
8 Chairperson Muhammad, for your ANC, because I don't  
9 want to do anything in August because most ANCs,  
10 probably yours, don't meet in August. Yours probably  
11 meets in August. You all meet in August?

12 MR. MUHAMMAD: [Speaking off microphone.]

13 CHAIRPERSON HOOD: Okay, so our second  
14 meeting, we'll accommodate you. Okay, good. Let's  
15 do that. And let's see if we can not just meet  
16 because Anthony Hood or Rob Miller asked you to meet.  
17 But you all meet so we can close the gap some. Okay?  
18 All right.

19 All right. Thank you, Ms. Schellin. Let's  
20 go to the next case. Zoning Commission Case No. 16-  
21 -- is that the next case? Yeah. 16-17, EYA  
22 Development, LLC, consolidated PUD and related map  
23 amendment at Square 3917, Ms. Schellin.

24 MS. SCHELLIN: Yes. I'm sorry, there -- the  
25 Commission had deferred action on this to allow the

1 parties to respond to some agency reports to come in.  
2 And so, the applicant and ANC 5B did that at Exhibits  
3 221 and 223, so we'd ask the Commission to consider  
4 proposed action this evening.

5 CHAIRPERSON HOOD: Okay. Colleagues, we have  
6 a number of issues that were raised in this case, and  
7 I'm just going to -- well, you know, what? Let me  
8 not do all the talking. Let me open it up and let  
9 somebody else start us off. Any comments?  
10 Commissioner May.

11 MR. MAY: I'm sorry. I've got to pull up the  
12 right page in my notes here.

13 So, this was a long hearing and lots of  
14 information. Let me just say, I think it's probably  
15 pretty well known that I'm not a particular fan of  
16 the building type that's used in this development.  
17 But that being said, it is something that we have  
18 approved on a number of occasions and I think that  
19 we'd do our best to try to make projects like this  
20 fit well into the neighborhood. And it's clearly  
21 something that is attractive to homebuyers.

22 The density of the proposed project, I think,  
23 is one of the key issues here. And I think that it's  
24 -- when you look at it just in terms of the developed  
25 portion of the proposed, where the houses are going

1 to be built, yeah, that's a bit more dense than the  
2 surrounding R-2 neighborhood. But the real question  
3 is whether it is comparable. And I think that the  
4 applicant has done a good job of trying to make that  
5 -- make the development comparable in scale to what  
6 is around it. It does not look out of place. It  
7 doesn't feel out of place. I think if it were, you  
8 know, a larger multifamily building, if it was 50,  
9 60, 70-foot-tall, obviously that would not be the  
10 case, even if that would be consistent with the, you  
11 know, with other institutional uses. We really are  
12 trying to make this fit into the neighborhood.

13           So, I think it is essentially comparable to  
14 what happens in the surrounding area. And then when  
15 you consider the fact that the development is being  
16 done in such a fashion that it preserves substantial  
17 open space on the one side of the property, and that  
18 overall when you consider that, the density in  
19 aggregate terms is comparable, is absolutely  
20 comparable to what's happened in the surrounding  
21 blocks in terms of FAR.

22           And I think that that -- I mean, yeah,  
23 there's a little bit more height in these development  
24 -- or in this development than some of the  
25 neighboring homes. And they're a little bit closer

1 together, so you have rows of you know, I don't know,  
2 eight or 10 houses as opposed to rows of two or three  
3 that are connected. But the benefit that comes from  
4 that is the preservation of the historic building on  
5 the site, and to a great extent it's setting. And I  
6 think that when you look at what we first saw in this  
7 project, the original proposal where the townhouses  
8 were, you know, were flanking the historic building  
9 on the front lawn. And I mean, that was just a  
10 terrible concept and I think that you know, over time  
11 the number of units that have been proposed on the  
12 site have been scaled back more than once. I think  
13 it was scaled back even before it came to us. And I  
14 think that's a really good thing and the benefits are  
15 really, I think, quite obvious. And it's almost like  
16 a textbook case for doing a planned unit development.  
17 It makes much more sense to think of this site as  
18 whole and to consider what benefit comes out of the  
19 totality of it, rather than looking at, and focusing  
20 on you know, the smaller segments of it.

21 And I think that -- and, you know, I have  
22 seen examples of other projects where you have a  
23 historic building that has a, you know, something of  
24 a setting, a front lawn that gives the building some  
25 standing in the neighborhood. There's one very close

1 to where I live, and it's absolutely terrible. I  
2 mean, they've just packed the same kind of townhouse  
3 units. I don't think it's the same developer, but  
4 they've packed the same kind of townhouse units into  
5 the front lawn in front of this building, and it's  
6 just terrible. And I think that -- I didn't vote on  
7 that. Somebody else might have voted on that at BZA.  
8 I don't know who.

9 In any case, and I think that there is some  
10 recognition from the neighbors who have concerns  
11 about the property, that what they're proposing in  
12 terms of a strategy, makes sense. And it's just a  
13 matter of how many units they try to pack in. And I  
14 think that the party in opposition suggested only 66  
15 units, instead of 80. Arguably, that's not hugely  
16 different, and I don't know that it would  
17 aesthetically make much difference.

18 So, then when you consider the rest of the  
19 project. Well, what are the potential negative  
20 effects? Parking, based on the number of parking  
21 that -- parking spaces that go into the site, and  
22 based on the census of the neighborhood, which we've  
23 received evidence on, I don't think parking is really  
24 an issue. I mean, this is not a neighborhood that  
25 has full RPP everywhere you go and that, you know,



1 when you come home at 11:00 at night you have to  
2 fight to get a parking space within three blocks of  
3 your house. The census, I think, showed pretty  
4 clearly that there is substantial parking  
5 availability and if that were to be stressed, there's  
6 always the option of instituting RPP in the blocks  
7 that surround it.

8           There are traffic issues that are associated  
9 with the project. We heard testimony about that.  
10 And I think that there are some steps that are being  
11 proposed that will mitigate that substantially.

12           I think that we heard a late report from the  
13 ANC. The most recent report from ANC 5B. 5B, thank  
14 you. Where they were concerned about substantial use  
15 of allies for, I don't know, cut-throughs or what  
16 otherwise would be street traffic. I think this is a  
17 legitimate question and I -- it's unfortunate, I  
18 think, that we don't have I think necessarily all the  
19 answers we need about that from DDOT. But I think  
20 that we can find out more about it and try to answer  
21 those questions to find out whether -- you know, the  
22 extent to which DDOT considered that specific  
23 problem, and whether they view it as a problem. And  
24 if so, is it a problem that can be mitigated. And if  
25 not, then we have to decide whether the risks, or

1 rather the impacts associated with it are something  
2 that are acceptable, given the benefits of the  
3 project.

4 Overall, the other benefits in the project  
5 are really, really substantial. The historic  
6 preservation of the seminary building, the open space  
7 associated with it that gives it its presence, and  
8 really a good setting. The playground, the  
9 affordable housing component of it, which is more  
10 than the minimum. And the tax relief fund, and I  
11 think that's been thought out fairly carefully.

12 It seems kind of minimal in some ways, but I  
13 think that we heard testimony indicating that it  
14 would actually address what they saw as the immediate  
15 need of people who would be impacted by this. And  
16 the real thing is to get those folks who need  
17 assistance in dealing with rising property taxes, and  
18 those burdens that come as neighborhoods become more  
19 valuable, getting them the kind of help that they  
20 need to be able to stay in place. And I think that's  
21 a good thing.

22 And there's also the bike share contribution,  
23 and the public art component.

24 I think that the developer did a very good  
25 job of adapting the design to the neighborhood

1 context, and that the buildings look appropriate for  
2 what surrounds it. Especially given the fact that  
3 the buildings are a little bit taller than what's  
4 around them.

5 They addressed a few small issues with the  
6 design, I think certainly to my satisfaction, so I'm  
7 very happy with that. And I think that there's, you  
8 know, there's still some things that we could quibble  
9 about in terms of energy efficiency and so on, given  
10 the DOEE report. But I think that the applicant's  
11 answers to that are adequate.

12 So, I am in favor of moving forward with this  
13 project, although I do think we need to hear again  
14 from DDOT on the issue of traffic and the impact on  
15 allies.

16 CHAIRPERSON HOOD: Okay. Commissioner  
17 Shapiro.

18 MR. SHAPIRO: Thank you, Mr. Chair. First of  
19 all, I appreciate the comments of Commissioner May  
20 and I would support what he said too.

21 The only thing that I would add is that the  
22 applicants, in response to the agency reports, the  
23 specific response to issues around solar panels, I  
24 thought that was a healthy response that it competes  
25 with issues around other amenities, but there's a

1 recognition of the importance of it, and that the  
2 applicants agreed to work with a local company to  
3 create options for purchasers of the townhomes to  
4 install solar panels and take advantage of the  
5 District's tax credit program for such installations.

6 And I think that's a, it's a healthy way to  
7 approach it and I think that's a good model for other  
8 developers who are building townhomes.

9 So, I would support this as well. Thank you,  
10 Mr. Chair.

11 CHAIRPERSON HOOD: Okay. Any other comments  
12 or questions, Commissioner Turnbull?

13 MR. TURNBULL: Thank you, Mr. Chair. I'm not  
14 going to take too long. I want to thank Commissioner  
15 May. I think he did a very thorough analysis and  
16 review on the project, going through all the  
17 different aspects that we looked at. And it was a  
18 complicated hearing process, but it followed a  
19 typical PUD process, which is, it's an interactive  
20 process. An applicant comes before us, the community  
21 is here, points are brought out, the applicant goes  
22 back. I mean, it's the whole process. This is how a  
23 project evolves.

24 And I think this is very -- it just, it  
25 followed exactly how we do a lot of our PUDs. I

1 mean, the applicant went back, made changes, and came  
2 back again. So, on the whole, I as I say,  
3 Commissioner May did an excellent job of going  
4 through all the aspects of it. And I think, again,  
5 the big thing about being in the contextual aspect of  
6 it, I think that's very -- he hit upon that and I  
7 would agree.

8           And I think the 66-80, their difference in  
9 units is -- I know some of the neighbors may think  
10 that that's very important. But I think in the  
11 context of the whole PUD, the whole site, the whole  
12 application that was presented to us, I am very  
13 satisfied with the way it's going and look forward to  
14 Department of Transportation's comments on the alley  
15 issues too.

16           CHAIRPERSON HOOD: Okay, Vice Chair Miller.

17           MR. MILLER: Thank you, Mr. Chairman. I too  
18 would concur with Commissioner May and my other  
19 colleagues, and appreciate all of their -- support  
20 all of the comments that they had made, including  
21 Commissioner Turnbull's comment about how this  
22 project has evolved from even before when it got to  
23 us, but with the work of the community, but  
24 afterwards as well.

25           On the open space preservation, I would just

1 note that part of this proffer is to establish --  
2 part of the public benefit is to have a permanent  
3 easement, making sure that the public has access to  
4 that great lawn on half of the project, and to all of  
5 the other public spaces within the project.

6           And on the housing, I would just again note,  
7 again note, because I think I noted at the public  
8 hearing, that the applicant is providing a fair  
9 number of three and four-bedroom units, which is an  
10 important feature of this housing project. And also  
11 doing a greater amount of Inclusionary Zoning  
12 affordable units than what is required under the  
13 regulations, and at a deeper, a slightly deeper  
14 affordability level.

15           So, and I think that was a change, also, that  
16 was reflective of the evolution of this project. So,  
17 I'm prepared to go forward with the request for DDOT  
18 to respond to that ANC 5B submission.

19           CHAIRPERSON HOOD: Okay. As already  
20 mentioned, in Exhibit 220, we did get the DOEE  
21 report. I want to thank them for submitting that.  
22 And I want us to recall that when we first got this  
23 case, when we first got it -- now a lot of times,  
24 cases go on for years. If we get it and we get 10  
25 minutes to -- everybody say, hurry up and do

1 something with it. It's been in the community for 20  
2 years, but we've got 10 minutes.

3           The reality of it is, I had to take a step  
4 back because I grew up in this area. And I had to  
5 take a step back. I'm used to seeing just Saint  
6 Joseph's over there in the open field. I'm used to  
7 that. That's why I asked for the analysis of  
8 Providence Hospital and all that. And after I  
9 relooked at it, and from what I've heard in the  
10 record, Saint Joseph's has been a good neighbor.

11           And this reminds me of some of the other  
12 cases that we've heard recently where people -- money  
13 is tight and people are doing different things. I  
14 don't want to call the university out, but people are  
15 doing different things now to be able to sustain.  
16 And this is what I see here, what's going on here.

17           But be as it may, I looked at the DDOT  
18 letter, supplemental data expert, data subject matter  
19 experts, not Anthony Hood. I had serious concerns  
20 about Allison Street. The applicant has made some  
21 provisions and some changes to try to deal with that  
22 issue on Allison Street.

23           And when DDOT wrote a letter, they actually  
24 said, I'm not sure which way it's going to go, but  
25 they told the applicant, you don't necessarily have

1 to do that. It will work without you doing that.

2           So, to me, that gave me a comfort level on  
3 Allison Street, and I'm hoping -- and I'm in that  
4 area so I'm hoping if this ever moves forward and  
5 gets done, that I don't regret this. But I can tell  
6 you that the experts have actually released some of  
7 the things that the applicant has made, and I'm  
8 hoping the applicant does everything they can do to  
9 make sure that relief is taken care of Allison  
10 Street.

11           The other thing is, and I think I mentioned  
12 this but I'm going to mention it again to make sure,  
13 again like I said, when we first dealt with this,  
14 remember we didn't set it down. We actually -- I  
15 know a couple of us actually chewed this case up.  
16 So, we chewed it up. And as my colleagues have  
17 mentioned, the applicant took it back and revised,  
18 not what the community wanted, but what the Zoning  
19 Commission wanted as well.

20           After the community and they got ready to  
21 flavor it for us, we chewed it up and sent it back.  
22 Didn't even set it down. So, some changes have been  
23 made.

24           And then what I found more interesting as I  
25 pondered and went over this case and tried to take



1 myself out of what I'm used to when I'm riding down  
2 12th Street, was the ANC 5A letter from Ronnie  
3 Edwards. He basically said, this is what we've done,  
4 and we wish that the Zoning Commission -- and I'll  
5 read the last of it.

6 "As detailed in ANC 5A's -- conducted a  
7 thoughtful and exhaustive analysis of this project  
8 and its potential impacts to the surrounding  
9 community. And when I read this whole letter, I'm  
10 not going to read it now, it goes on to say, "There  
11 is no reason that the Zoning Commission should not  
12 provide ANC 5A's resolution the great weight that it  
13 is statutorily entitled."

14 To me, some of the questions we were asking  
15 ourselves, not what the community said, but what we  
16 were saying, was basically saying to the ANC, hey,  
17 did you look at these things. And for him to write  
18 this letter, I don't want to say he admonished us,  
19 but I do want to say he's saying, hey look, I did my  
20 job, you do yours. That's the way I took it.

21 So, that's where it is. And I mentioned the  
22 DDOT letter. I had a concern about Providence  
23 Hospital, because I'm not used to anything going on  
24 to the right, when -- well, I'm actually acting like  
25 I'm going home, where I used to live. But I'm not

1 used to anything going on over to the -- on the  
2 field, versus Providence Hospital. But the subject  
3 matter experts, and it's in the record, fire and  
4 emergency, have said that there are no impacts. And  
5 now again, it's been stated, Saint Joseph's has been  
6 a good neighbor. That's been in the record. That's  
7 clear. I didn't hear anybody from the community say  
8 they were not a good neighbor.

9           But at the end of the day now, I think this  
10 is their time of need. I know it's going to be a  
11 change in the neighborhood. I had to try to grapple  
12 with it and get used to it. But what's probably  
13 going to happen, like a number of cases that we deal  
14 with, this is going to be very beneficial. It's  
15 going to be a change, and it's probably going to  
16 enhance and improve the neighborhood. Some people  
17 might not be able to see that now, but I've seen it.  
18 I've been here a long time and I've seen that happen  
19 in different neighborhoods.

20           So, I'm actually going to vote in favor of  
21 this. I do raise question about the alley from ANC  
22 5B, this issue about allies and one-way, and that's a  
23 whole other avenue. We're going to ask the  
24 Department of -- as my colleagues have already  
25 mentioned, we're going to ask the Department of

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1 Transportation to look at those issues.

2 I think that, for me, there's nothing in the  
3 record. I don't remember hearing any testimony about  
4 major issues in allies, in the allies that he's  
5 talking about down on Varnum Street. And I don't  
6 know if they necessarily -- I'm not saying they  
7 don't, but it would be hard-pressed for me to know  
8 that there's a whole lot of traffic. I'm not saying  
9 it is and it isn't. I'm not defending one way or the  
10 other, but I'm not really sure. But there's no  
11 evidence in this record of what ANC 5B is asking for.

12 But since they're asking for it, and we want  
13 to make sure we address it. So, we will send that to  
14 DDOT. Ms. Schellin, if we can make sure DDOT gets  
15 that and be able to respond to us. Whether they  
16 looked at it or didn't look at it, or whether it's  
17 something they need to look at. And we can do that  
18 before final.

19 So, I think the merits of this case are  
20 right. I think there's typically no reason when you  
21 deal with the Comp Plan and what is asked for and  
22 what is involved in it, and in totality, looking at  
23 the whole project as Commissioner May has laid out  
24 for us that I could go any way but to vote in  
25 approval of this case. I think the merits stand for

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1     itself.   And would somebody like to make a motion?

2             MR. SHAPIRO:   Mr. Chair, I move that we take  
3     proposed action in Zoning Case No. 16-17, EYA  
4     Development, LLC, consolidated PUD and related map  
5     amendment at Square 3917.

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

9             [Vote taken.]

10            CHAIRPERSON HOOD:   Ms. Schellin, would you  
11    record the vote?

12            MS. SCHELLIN:   Yes.  Staff records the vote  
13    five, to zero, to zero to approve proposed action in  
14    Zoning Commission Case No. 16-17, Commissioner  
15    Shapiro moving, Commissioner Hood seconding,  
16    Commissioners May, Miller, and Turnbull in support.  
17    And I would ask the Commission, there were two issues  
18    that -- Mr. Turnbull.  The applicant asked to be able  
19    to provide a revised draft order to address the  
20    comments that were received from them, and ANC 5, I  
21    believe it was 5B, to the agency reports that came  
22    int.  They'd like to add that to the draft order.

23            And also, they'd like to submit a full set of  
24    plans.  If they could do that prior to final action,  
25    so I mean, if you guys could just approve that by

1 consensus, that would be good.

2 CHAIRPERSON HOOD: Yeah, I think that's  
3 warranted and I think it's well needed. So, I don't  
4 think we have any --

5 MS. SCHELLIN: Okay.

6 CHAIRPERSON HOOD: Any objections? Not  
7 seeing any. Okay.

8 MS. SCHELLIN: And do you want this on the  
9 first meeting in September? Or --

10 CHAIRPERSON HOOD: Is DDOT going to have that  
11 information for us?

12 MS. SCHELLIN: Yes, I gave them a copy this  
13 evening, so I'll just confirm a date for them to  
14 provide that buy.

15 CHAIRPERSON HOOD: Okay. So, we can deal  
16 with final action for our first meeting in September.

17 MS. SCHELLIN: Okay. So, I'll ask them to  
18 provide that by -- I mean, they can provide that,  
19 actually, within a week -- I mean, within a couple  
20 weeks. They don't need to do it by September. And  
21 we'd ask the applicant to provide the revised draft  
22 order and the full set of plans by July 31st.

23 By August 15th. Okay. Thanks.

24 MR. RITTING: I just wanted to add something.  
25 If you're going to leave the record open for the

1 applicant to submit a revised draft order, I suggest  
2 that you allow the other parties to submit revised  
3 orders as well.

4 CHAIRPERSON HOOD: Okay. So noted.

5 MS. SCHELLIN: Yes, I forgot that.

6 CHAIRPERSON HOOD: We'll do that, if they can  
7 let the counsel know for the party in opposition.

8 All right. Anything else?

9 MS. SCHELLIN: No, sir.

10 CHAIRPERSON HOOD: Do we have anything else  
11 tonight?

12 MS. SCHELLIN: I do not have anything else.

13 CHAIRPERSON HOOD: Okay. Does the Office of  
14 Planning have anything? Colleagues, do you have  
15 anything?

16 MR. SHAPIRO: No, sir.

17 CHAIRPERSON HOOD: All right. We want to  
18 thank everyone for their participation in this  
19 meeting. This meeting is adjourned.

20 [Whereupon, the regular public meeting  
21 adjourned at 8:11 p.m.]

22

23

24

25

## CERTIFICATE OF TRANSCRIPTIONIST

I, Kimberly Lawrie, do hereby certify that the foregoing proceeding was transcribed from a digital audio recording provided to me by Olender Reporting and thereafter was reduced to typewriting by me or under my direction.

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Kimberly Lawrie,  
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