

GOVERNMENT  
OF  
THE DISTRICT OF COLUMBIA

+ + + + +

ZONING COMMISSION

+ + + + +

PUBLIC HEARING

+ + + + +

-----:
   
IN THE MATTER OF: :
   
:
   
MIRV Holdings, LLC : Case No.
   
Zoning Map Amendment : 17-26
   
:
   
-----:

Thursday,
   
April 12, 2018

Hearing Room 220 South
   
441 4th Street, N.W.
   
Washington, D.C.

The Public Hearing of Case No. 17-26 by the
   
District of Columbia Zoning Commission convened at 6:30
   
p.m. in the Jerrily R. Kress Memorial Hearing Room at 441
   
4th Street, N.W., Washington, D.C., 20001, Anthony J.
   
Hood, Chairman, presiding.

ZONING COMMISSION MEMBERS PRESENT:

- ANTHONY J. HOOD, Chairperson
- ROBERT MILLER, Vice Chairperson
- MICHAEL G. TURNBULL, FAIA, Commissioner (AOC)
- PETER SHAPIRO, Commissioner

OFFICE OF ZONING STAFF PRESENT:

- DONNA HANOUSEK, Zoning Specialist

## OFFICE OF PLANNING STAFF PRESENT:

JENNIFER STEINGASSER, Deputy Director, Development  
Review & Historic Preservation  
STEPHEN MORDFIN  
KAREN THOMAS

The transcript constitutes the minutes from  
the Public Hearing held on April 12, 2018.

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

6:35 p.m.

1  
2  
3 CHAIRMAN HOOD: Okay, we're going to get started.  
4 Tonight we have two cases. One is contested and one is a  
5 rule-making. The first case is 17-26. The next case is 18-  
6 02. Let me read. I was going to try to incorporate both,  
7 but let me just read the first one which is 17-26.

8 Good evening, ladies and gentleman. This is a  
9 public hearing of the Zoning Commission for the District of  
10 Columbia. Today's date is April the 12th, 2018. My name is  
11 Anthony Hood. We're located in the Jerrily R. Kress memorial  
12 hearing room.

13 Joining me are Vice Chair Miller, Commissioner  
14 Shapiro and Commissioner Turnbull, Office of Zoning staff,  
15 Ms. Donna Hanousek, Office of Planning staff, Ms.  
16 Steingasser, Ms. Thomas, and Mr. Mordfin.

17 We are also - this - I'm sorry. This proceeding  
18 is being recorded by a court reporter. It is also web case  
19 live. Notice of today's hearing was published in the DC  
20 Register and copies of that announcement are available to my  
21 left on the wall near the door.

22 The hearing will be conducted in accordance with  
23 provisions of 11 DCMR Chapter 4 as follows, preliminary  
24 matters, applicant's case, report of the Office of Planning,  
25 report of other government agencies, report of the ANC,

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 organizations and persons in support, organizations and  
2 persons in opposition, rebuttal and closing by the applicant.

3           The following time constraints are going to be  
4 maintained in this meeting. The applicant has up to 60  
5 minutes. I think this record is complete that we will need  
6 nowhere near 60 minutes. Maybe we do introductions and hit  
7 a highlight, and I think that will do it for this case. Our  
8 organizations have five minutes and individuals, three  
9 minutes.

10           Please turn off all electronic devices at this  
11 time so not to disrupt these proceedings. Would all the  
12 individuals wishing to testify please rise to take the oath  
13 in case number 17-26? Ms. Hanousek, would you please  
14 administer the oath?

15           MS. HANOUSEK: Do you hereby swear or affirm that  
16 the testimony you will be giving in tonight's proceedings  
17 will be the truth, the whole truth, and nothing but the  
18 truth?

19           PARTICIPANTS: I do.

20           MS. HANOUSEK: Thank you. Please be seated.

21           CHAIRMAN HOOD: Okay, at this time, the Commission  
22 will consider any preliminary matters. Ms. Hanousek, do we  
23 have any preliminary matters?

24           MS. HANOUSEK: There are no preliminary matters.

25           CHAIRMAN HOOD: Okay, with that, I will turn it

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 over to you, Mr. Tummonds.

2 MR. TUMMONDS: Thank you, Mr. Chairman, Paul  
3 Tummonds with the law firm of Goulston & Storrs. As you  
4 mentioned, we have, I think, a pretty simple case here. We  
5 are going to just have one witness, Mr. Bell, our urban  
6 planner, to walk through the proposed amendments, this  
7 proposed zoning map amendment.

8 This case has the support of OP, DDOT, and ANC 5A.  
9 With that, Mr. Bell?

10 MR. BELL: As noted in our initial statement and  
11 in the Office of Planning report, this property is designated  
12 for mixed use, medium density residential and moderate  
13 density commercial on the future land use map of the  
14 comprehensive plan which you can see here.

15 Currently, there is no underlying zoning for the  
16 property given the federal ownership. Therefore, we are  
17 proposing to rezone the property to a MU-5-B zoning district.  
18 So you can see the limitations and the constraints of that  
19 zone here with the FLUM.

20 To give a sense of the appropriateness of this,  
21 this district, this zone will be located between some  
22 institutions like the Washington Hospital Center, Trinity  
23 Washington University, Catholic University, and a very close  
24 proximity to the Brookland Metro Station. You can see the  
25 walking distances there.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1           This is a sketch we made showing one possible  
2 outcome of this rezoning. This will enable us to put  
3 commercial uses such as hospitality uses which will serve the  
4 university and the hotel, retail uses, and residential uses  
5 in a way that will in-fill this area and bring some vitality  
6 to what is currently parking lots, and serve the community  
7 by bringing retail and bringing the opportunity to serve  
8 people who are visiting these institutions via hospitality  
9 uses.

10           So we believe the MU-5-B is totally appropriate  
11 here and will allow for some very significant new development  
12 that will serve the community.

13           MR. TUMMONDS: That's all we have. We're here to  
14 answer any questions.

15           CHAIRMAN HOOD: Thank you. Any questions up here?  
16 Mr. Turnbull?

17           COMMISSIONER TURNBULL: Thank you, Mr. Chair. Mr.  
18 Tummonds, but the property has been transferred from the  
19 federal government to the city, right?

20           MR. TUMMONDS: Jurisdictional authority has been  
21 transferred.

22           COMMISSIONER TURNBULL: Okay.

23           MR. TUMMONDS: Title to the property still exists

24 -

25           COMMISSIONER TURNBULL: And it still is?

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 MR. TUMMONDS: - and is still on the fence, yes.

2 COMMISSIONER TURNBULL: Okay, all right, thank  
3 you.

4 CHAIRMAN HOOD: Any other questions? Vice Chair?

5 VICE CHAIR MILLER: So is this the case where we  
6 had a PUD previously approved and is that PUD expired now?

7 MR. TUMMONDS: So there was a consolidated PUD  
8 along the front, along Michigan Ave. That is expired. There  
9 was a first stage PUD that expires at the end of this year.  
10 We are going to let that expire, and then this MU-5-B zoning  
11 will guide future development of the property.

12 VICE CHAIR MILLER: Okay, well, hopefully this map  
13 amendment will finally facilitate the development of this  
14 property. So I know, and it seems like a much, well, at  
15 least at this point in today's world, it seems like a much  
16 more realistic mix of uses, so hopefully it will facilitate  
17 that mixed use development.

18 And the federal government is supportive? I know  
19 at one point there was a snag, but they are supportive of  
20 this going forward? There's no further federal approvals  
21 that are needed other than NCPC's comments on the map  
22 amendment?

23 MR. TUMMONDS: So, yeah, throughout the PUD case,  
24 there was the concern about the SMDA with GSA and whether or  
25 not residential uses would be permitted based on the

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 authority transferring the property from the federal  
2 government to the District.

3 That is still ongoing, but what this zoning map  
4 amendment allows us to do, it allows us to move forward first  
5 with a hotel, which GSA never had a problem with, and then  
6 it allows us in the future phases of development to have  
7 residential in future phases.

8 By that time, we are hopeful that this issue will  
9 be disposed of. At the end of the day, the issue is, it's  
10 not really a zoning issue or a planning issue. It's a title  
11 issue in that it was - there was this transfer of ownership  
12 and they said the transfer of ownership is to allow a hotel,  
13 conference center, and other ancillary and incidental uses.

14 I think the development team certainly thought  
15 that having residential would fit that. For whatever reason,  
16 we're still working through that and we hope to be able to  
17 have that issue addressed well in advance of - we're going  
18 to need to have that addressed well in advance of any  
19 proposal for residential on this site.

20 VICE CHAIR MILLER: And I certainly think the map  
21 amendment is consistent or not inconsistent with the  
22 designation for the land use designation there, but what -  
23 and we're not really looking at the proposals, but they are  
24 presented in what we have before us, the alternatives, and  
25 it's a lot more residential units than was previously, and

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701



1 those residential units will be subject to the inclusionary  
2 zoning, and do you know if condominium or rental is  
3 contemplated?

4 MR. TUMMONDS: I mean, we are.

5 VICE CHAIR MILLER: You are?

6 MR. TUMMONDS: Yeah, they'll be subject to IZ  
7 absolutely at this point.

8 VICE CHAIR MILLER: Okay, all right, thank you  
9 very much for your information.

10 CHAIRMAN HOOD: Mr. Tummonds, how many times has  
11 the Zoning Commission seen this partial infringed parking  
12 lot? I think, I want to say at least this - I don't have any  
13 problems with this. I'm ready to move this forward, but it  
14 seems like this is about the fifth time, I think, I've seen  
15 it.

16 MR. TUMMONDS: I think that's true, and Mr.  
17 Mariani, a former chairman of the Zoning Commission is here.  
18 He's been dealing with this property, he said, since 1990.

19 CHAIRMAN HOOD: Okay.

20 MR. TUMMONDS: So not just your Zoning Commission,  
21 the current Zoning Commission has seen it, but even previous  
22 iterations.

23 CHAIRMAN HOOD: Okay.

24 MR. TUMMONDS: And I think the benefit of this map  
25 amendment is that we really think this is going to allow the

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 development on this site to move forward.

2 CHAIRMAN HOOD: Okay, because I remember  
3 specifically the last time we dealt with this, I specifically  
4 said, "Hopefully it gets done this time," so I will repeat  
5 what I said previously. Hopefully it will get done this  
6 time.

7 Okay, let's go to - I don't see anyone here from  
8 ANC 5A. We do have a letter for the record. Let's go to the  
9 Office of Planning, Ms. Thomas?

10 MS. THOMAS: Yes, good evening, Mr. Chair and  
11 members of the Commission. The Office of Planning will stand  
12 on the record of our report recommending approval of the  
13 requested map amendment. Thank you.

14 CHAIRMAN HOOD: Okay, any questions of the Office  
15 of Planning? Okay, any other government reports that I may  
16 have missed other than what we already have mentioned?

17 Okay, let's go to the ANC's report. This is  
18 coming from Chairman Ronnie Edwards. They did an interim  
19 report and they also did a final report, and let me take it  
20 right from what he says.

21 "On a motion by Commissioner Lynch, seconded by  
22 Commissioner Flex, we voted five to one to support the  
23 proposed zoning amendment and expressed the Commission's  
24 continued support for the proposed development at the  
25 property site," and this is by Chairman Ronnie Edwards April

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 3, 2018.

2 Do we have any organizations or persons who are  
3 here who would like to testify in support? Any organizations  
4 or persons who are here who would like to testify in  
5 opposition? Any organizations or persons who are here who  
6 are undeclared?

7 Not seeing any, Mr. Tummonds, I don't know if you  
8 have any rebuttal, but I'm sure you have a closing.

9 MR. TUMMONDS: Just that we think that this case  
10 is ready for your approval this evening. Thank you.

11 CHAIRMAN HOOD: Okay, Commissioners, what's your  
12 pleasure? Would somebody like to make a motion?

13 COMMISSIONER TURNBULL: Mr. Chair, I would move  
14 that we take proposed action on zoning case 17-26 for a  
15 proposed map amendment petition to map parcel 121/31 from  
16 it's unzoned status to MU-5-B, and I'll ask for a second.

17 COMMISSIONER SHAPIRO: Second.

18 CHAIRMAN HOOD: Okay, it's been moved and properly  
19 seconded. Any further discussion? All in favor?

20 PARTICIPANTS: Aye.

21 CHAIRMAN HOOD: Any opposition? Not hearing any,  
22 Ms. Hanousek, would you please record the vote?

23 MS. HANOUSEK: Yes, on the motion of Commissioner  
24 Turnbull as seconded by Commissioner Shapiro, the Zoning  
25 Commission took proposed action in case 17-26 by a vote of

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 4-0-1 with Hood, Miller, Shapiro, and Turnbull to approve,  
2 May not present, not voting.

3 CHAIRMAN HOOD: Okay, Ms. Hanousek, do we have  
4 anything else before us on this case?

5 MS. HANOUSEK: No, sir.

6 CHAIRMAN HOOD: Okay, thank you all very much for  
7 your case, and sorry to take up so much of your time this  
8 evening. With that, this case is closed and in one minute  
9 we'll start our next case.

10 (Whereupon, the above-entitled matter went off the  
11 record at 6:46 p.m.)

12

13

14

15

16

17

18

19

20

21

22

23

24

25

C E R T I F I C A T E

This is to certify that the foregoing transcript

In the matter of: MIRV Holdings, LLC

Before: DCZC

Date: 04-12-18

Place: Washington, DC

was duly recorded and accurately transcribed under my direction; further, that said transcript is a true and accurate record of the proceedings.

*Neal R Gross*

-----  
Court Reporter

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701