

GOVERNMENT  
OF  
THE DISTRICT OF COLUMBIA

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ZONING COMMISSION

+ + + + +

REGULAR MEETING

+ + + + +

MONDAY

MAY 13, 2019

+ + + + +

The Regular Meeting of the District of Columbia Zoning Commission convened in the Jerrily R. Kress Memorial Hearing Room, Room 220 South, 441 4th Street, N.W., Washington, D.C., 20001, pursuant to notice at 6:30 p.m., Robert Miller, Vice Chairperson, presiding.

ZONING COMMISSION MEMBERS PRESENT:

ROBERT MILLER, Vice Chairperson  
MICHAEL G. TURNBULL, FAIA, Commissioner (AOC)  
PETER G. MAY, Commissioner (NPS)  
PETER SHAPIRO, Commissioner

OFFICE OF ZONING STAFF PRESENT:

SHARON S. SCHELLIN, Secretary

OFFICE OF PLANNING STAFF PRESENT:

JENNIFER STEINGASSER, Deputy Director, Development  
Review & Historic Preservation  
JOEL LAWSON  
ART RODGERS  
ELISA VITALE

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D.C. OFFICE OF THE ATTORNEY GENERAL PRESENT:

HILLARY LOVICK, ESQ.  
MAXIMILIAN TONDRO, ESQ.

The transcript constitutes the minutes from  
the Regular meeting held on May 13, 2019.

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

7:07 p.m.

VICE CHAIR MILLER: Okay, we're ready to get started finally. Sorry, we apologize for the delay.

Good evening, ladies and gentlemen. This is the public meeting of the Zoning Commission for District of Columbia.

My name is Robert Miller, vice chair of the Zoning Commission sitting in for Anthony Hood this evening. Joining me this evening are Commissioners Peter Shapiro, Peter May and Michael Turnbull.

We are also joined by Office of Zoning staff Sharon Schellin, Office of Attorney General staff Hillary Lovick and Max Tondro, and Office of Planning staff Jennifer Steingasser, Joel Lawson, Elisa Vitale and Art Rodgers.

Copies of today's meeting agenda are available to you and are located in the bin near the door.

We do not take any public testimony at our meetings unless the commission requests someone to come forward.

Please be advised that this proceeding is being recorded by a court reporter and also being webcast live. Accordingly we must ask you to refrain from any disruptive noises or actions in the hearing room including display of any signs or objects. Please turn off all electronic devices

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1 as well.

2 Does the staff have any preliminary matters? I  
3 guess I have one preliminary matter.

4 MS. SCHELLIN: That's all.

5 VICE CHAIR MILLER: Okay. As vice chair of the  
6 Zoning Commission for the District of Columbia in accordance  
7 with Section 405(c) of the Open Meetings Act I move that the  
8 Zoning Commission hold the following closed meetings, on  
9 Mondays June 10 and 24, 2019 at 6 p.m. for the purpose of  
10 receiving legal advice from our counsel for Section 405(b)(4)  
11 and to deliberate but not vote on contested cases per Section  
12 405(b)(13) of the act, DC Official Code 2-575(b)(4) and (13).  
13 Is there a second?

14 COMMISSIONER SHAPIRO: Second.

15 VICE CHAIR MILLER: Will the secretary please take  
16 a roll call vote on the motion to close these meetings before  
17 us now that has been seconded?

18 MS. SCHELLIN: Yes. Chairman Hood, absent. Vice  
19 Chair Miller?

20 VICE CHAIR MILLER: Yes.

21 MS. SCHELLIN: Commissioner Shapiro.

22 COMMISSIONER SHAPIRO: Yes.

23 MS. SCHELLIN: Commissioner May.

24 COMMISSIONER MAY: Yes.

25 MS. SCHELLIN: Commissioner Turnbull.

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1 COMMISSIONER TURNBULL: Yes.

2 MS. SCHELLIN: The motion carries.

3 VICE CHAIR MILLER: Okay. Thank you, Ms.  
4 Schellin. Is there any other preliminary matters?

5 MS. SCHELLIN: No, sir.

6 VICE CHAIR MILLER: Do you call the case or I do  
7 just go right to it?

8 MS. SCHELLIN: However you want to do it.

9 VICE CHAIR MILLER: I would prefer you to call the  
10 case.

11 MS. SCHELLIN: Okay, sure. So the first case  
12 under determination and scheduling of modifications of  
13 consequence, case number 08-34J, Capitol Crossing IV, LLC,  
14 PUD modification of consequence at square 566.

15 Here the applicant is seeking a modification of  
16 consequence to decision A4 of the PUD order in order to allow  
17 hotel and/or college or university educational uses in  
18 addition to the already approved ground floor office and  
19 retail uses for the commercial building in the center block  
20 of the PUD.

21 At exhibit 3 the OP report agrees that this  
22 modification -- or that this request is a modification of  
23 consequence and they recommend approval.

24 And if the commission agrees this is a  
25 modification of consequence ANC 6C did contact staff and

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1 advise that they would take this case up at their regular  
2 June 12 meeting and ask for a scheduling after that date.  
3 Thank you.

4 VICE CHAIR MILLER: Thank you, Ms. Schellin. So  
5 my colleagues, you've heard Ms. Schellin say that the  
6 commission must determine if this application is a  
7 modification of consequence.

8 Office of Planning has recommended as such, but  
9 I think there may be issues that you may want to discuss.  
10 There is a change in use even though it's a matter of right  
11 use. It's actually not a change in use, it's allowing  
12 flexibility for a hotel or college university uses instead  
13 of the office building use which to me actually seems like  
14 maybe an improved use which may have actually less impact on  
15 traffic and parking.

16 I'll open up to my colleagues for any comments  
17 that they might have about what kind of modification this  
18 should be. Commissioner May.

19 COMMISSIONER MAY: So, I don't think that we can  
20 consider a change of use and this technically is a change of  
21 use of this significance very easily.

22 I mean, I think if it were something that were  
23 smaller in scale it might be a different thing. And I don't  
24 know what we might hear from the ANC.

25 So I guess I would be okay with considering it as

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1 a modification of consequence, but knowing that depending on  
2 what we hear from the ANC if they think there are issues to  
3 bring to the commission that we would -- we could very easily  
4 wind up going into a modification of significance.

5 If that's the case we might save ourselves some  
6 time by just calling this a modification of significance.  
7 I certainly wouldn't have any trouble doing that at this  
8 point myself, but I'm interested in what the rest of the  
9 commission has to say.

10 VICE CHAIR MILLER: I think I might be inclined  
11 to agree with your last comment, but I call on Commissioner  
12 Shapiro.

13 COMMISSIONER SHAPIRO: Thank you, Mr. Chair. I  
14 would agree too with where Commissioner May ended up.

15 This is a change in use or potentially a change  
16 in use and I think that it's not just about the specifics of  
17 this case. It's also about the precedent that we set around  
18 being clear about what is considered a modification of  
19 consequence, what's a modification of significance.

20 So I think that that's where -- I think it's  
21 healthier for our process to take this up as a modification  
22 of significance.

23 VICE CHAIR MILLER: Commissioner Turnbull.

24 COMMISSIONER TURNBULL: Thank you, Vice Chair.  
25 I would concur with the comments of my colleagues.

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1 I think what's happening is really shoving this  
2 into a modification of significance. I think the scope  
3 involved in this. And I believe this really is a change in  
4 use and would be better served as a modification of  
5 significance.

6 VICE CHAIR MILLER: Well, I think there's  
7 consensus on that point. Do we need to vote on that?

8 MS. SCHELLIN: No. If you're going to direct the  
9 -- they don't need to vote on that, right? It's consensus.

10 VICE CHAIR MILLER: It's a modification of  
11 significance.

12 MS. SCHELLIN: Right. So the applicant will be  
13 directed to file a new case, a modification of significance.

14 VICE CHAIR MILLER: Thank you. I think that will  
15 save the applicant time actually. I think that's part of the  
16 consideration here. So thank you.

17 The next case, Ms. Schellin. We'll wait for the  
18 file.

19 MS. SCHELLIN: Right. We'll direct the applicant  
20 to file a modification of significance.

21 VICE CHAIR MILLER: Okay, thanks.

22 MS. SCHELLIN: So the next case is case number 04-  
23 14F, Riverfront Holdings II, LLC. Another request for PUD  
24 modification of consequence at square 708.

25 The applicant seeks a modification in consequence

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1 in order to make changes to the building signage. At exhibit  
2 4 the OP report states it has no objection to the request as  
3 a modification of consequence or with the approval of the  
4 request.

5 And the applicant did advise that the ANC put this  
6 matter on their administrative meeting agenda last week and  
7 approved it and are supposed to have it on their consent  
8 calendar this evening. And we should hear from the ANC later  
9 this week so it will be ready in time hopefully if the  
10 commission finds this as a modification of consequence in  
11 time for their next meeting which would be June 10.

12 VICE CHAIR MILLER: Thank you. Well, I'm inclined  
13 to keep this as a modification of consequence and wait for  
14 the ANC comments. But I'll ask my colleagues if they have  
15 any comments on this matter, particularly the new information  
16 that's been provided on the signage and the other issue,  
17 whatever that was.

18 COMMISSIONER SHAPIRO: I concur, Mr. Chair. I  
19 think that this does fit in with the standard review for  
20 modification of consequence. So yes.

21 VICE CHAIR MILLER: Commissioner?

22 COMMISSIONER MAY: I agree.

23 VICE CHAIR MILLER: Commissioner Turnbull?

24 COMMISSIONER TURNBULL: It can remain as a  
25 modification of consequence.

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1 VICE CHAIR MILLER: Okay. So again, two for two.  
2 We have consensus that it's a modification of consequence.  
3 Would you be doing the scheduling then on that?

4 MS. SCHELLIN: Yes. So, no comments. The commission  
5 is not looking for any additional information on this case?

6 VICE CHAIR MILLER: Other than the ANC.

7 MS. SCHELLIN: Other than the ANC report. Then  
8 we will allow the ANC since we're expecting them to respond.  
9 They're going to meet this evening.

10 So if we could just get their report, we'll just  
11 say give them until 3 o'clock on the 24th and we'll ask the  
12 applicant to coordinate with them to provide that and we'll  
13 put it on for June 10.

14 VICE CHAIR MILLER: Okay, thank you. Sounds good.

15 MS. SCHELLIN: Okay. The next case is case number  
16 14-14A, another consideration. Case number 14-14A, Jemal's  
17 CDC, LLC. Another modification of consequence request at  
18 square 833.

19 The applicant is seeking this modification in  
20 order to permit office space -- office use, I'm sorry, on the  
21 second floor in place of retail use and to install four glass  
22 windows on the south and east facades of the mixed use  
23 building.

24 Exhibit 4 is an OP report stating it agrees this  
25 request is a modification of consequence and recommends

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1 approval.

2           And this is also ANC 6C which meets June 12 so  
3 we'll keep that in mind for scheduling purposes if the  
4 commission does find this as a modification of consequence.  
5 Thank you.

6           VICE CHAIR MILLER:     Okay.     Thank you, Ms.  
7 Schellin.     So, although this would be a change in use  
8 allowing approximately 9,000 of the 24,000 square feet of  
9 retail to be converted to office use.     So it is a change in  
10 use which technically would qualify as a modification of  
11 significance I think the information we have does show that  
12 the applicant has worked diligently to try to get retail use  
13 into that second floor and been unsuccessful, and has worked  
14 with the neighbors and the ANC to -- has been responsive to  
15 their concerns on frosting those windows in terms of the  
16 neighbor.     And we'll hear from the ANC comments.

17           So I for one would be okay with -- it's kind of  
18 a de minimis square footage although it is one-third of the  
19 retail use that would be converted, or a little less than  
20 one-third of the retail use which would be converted to  
21 office.

22           I'd be comfortable with the modification of  
23 consequence if my colleagues are.     But I'll call on  
24 Commissioner Shapiro.

25           COMMISSIONER SHAPIRO:     Thank you, Mr. Chair.     I

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1 would agree with you. It's worthy of our discussion about  
2 how we're defining de minimis in this context, but I would  
3 look at this in the context of the overall project.

4 And when I look at the square feet as a part of  
5 that overall project it does feel de minimis. I'm  
6 comfortable with having this go forward as a modification of  
7 consequence.

8 VICE CHAIR MILLER: Thanks. And of course if we  
9 hear something from the ANC that it's a concern we can always  
10 -- that would require a public hearing. I don't see that  
11 right now, but we could always go that route down the road.

12 COMMISSIONER SHAPIRO: Yes, sir.

13 VICE CHAIR MILLER: Does anyone else have any  
14 comments? Commissioner Turnbull.

15 COMMISSIONER TURNBULL: I would agree with your  
16 comments. I mean, I guess I'm -- you struggle with what's  
17 de minimis and what isn't de minimis.

18 But as long as with your caveat depending upon how  
19 the ANC reviews this and looks at it that this could always  
20 be changed to a modification of significance if it warrants  
21 it -- if the concerns from the ANC.

22 So, on that I will agree to go ahead with the  
23 modification of consequence for now.

24 VICE CHAIR MILLER: Commissioner May.

25 COMMISSIONER MAY: I think it's all been said.

1 It's interesting that these two cases would come up the same  
2 night so we can try to explain the rationale between why one  
3 is probably a modification of significance and the other one  
4 even though it's also a change of use could be considered as  
5 a modification of consequence.

6 And then of course the caveat that if we hear  
7 something from the ANC that gives us pause we can change  
8 course then. Thanks.

9 VICE CHAIR MILLER: Okay. So Ms. Schellin, I  
10 guess we're determining at this juncture that it is a  
11 modification of consequence and we can go with scheduling  
12 that allows time for the ANC.

13 MS. SCHELLIN: Yes. So there was nothing  
14 requested from the applicant so it's just the ANC who has  
15 stated that they meet on June 12. So we will have to put  
16 this on for the second meeting in June which is June 24.

17 And we can give the ANC since they meet on the  
18 12th, give them until the 17th of June to submit their  
19 report.

20 VICE CHAIR MILLER: Okay.

21 MS. SCHELLIN: Okay?

22 VICE CHAIR MILLER: Thank you.

23 MS. SCHELLIN: All right. Then the next case is  
24 up for deliberations. And that is Zoning Commission case  
25 number 16-02B, DC Stadium, LLC which is a PUD modification

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1 at square 665.

2 At exhibit 7 is the supplemental submission from  
3 the applicant that provides a parking lot layout and an  
4 update on how the transportation operations and parking plan  
5 is working.

6 Exhibit 8 is ANC 6D's report in opposition to the  
7 request citing four reasons for their opposition.

8 Exhibit 9 is a memo from DDOT's Planning and  
9 Sustainability Division advising that the applicant has  
10 completed the necessary steps to fund the installation and  
11 operation of a Capital Bikeshare station.

12 The delay is due to a DDOT internal process that  
13 they are working on resolving and their delay should not  
14 impact the applicant's ability to move forward with this  
15 request.

16 Exhibit 10 is a motion from the applicant to  
17 reopen the record to accept their response to the ANC's  
18 report which was approved and their response to the ANC is  
19 at exhibit 11.

20 And then this afternoon at exhibit 12 the ANC had  
21 seven days to respond to the applicant's response to their  
22 report and they made their submission this afternoon at  
23 exhibit 12.

24 So I'd ask the commission to consider taking final  
25 action on this case. Thank you.

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1           VICE CHAIR MILLER: Thank you, Ms. Schellin. So,  
2 in this case we have -- although we have Office of Planning  
3 recommendation of approval of this modification of  
4 consequence which is to allow the temporary use of parcel B  
5 adjacent to the soccer stadium, Audi Field, for surface  
6 parking for up to 18 months.

7           We have some pretty strong unanimous letters, two  
8 letters as of today from ANC 6D recommending denial of the  
9 modification of consequence and expressing both  
10 transportation -- mostly transportation and parking, traffic  
11 concerns about the existing operations of the soccer stadium  
12 and questions about compliance with existing conditions of  
13 the zoning order for the soccer stadium.

14           And so, in this case I would -- I think it might  
15 be worth having a public hearing. It might be changing our  
16 initial determination about this and having a public hearing  
17 where DDOT can testify and DOEE can testify or can be here  
18 on the dais with us and answer questions about the concerns  
19 that I think are legitimate that have been raised by ANC 6D.

20           So, again, I don't mean to lean in and try to lead  
21 the debate on this. I guess I should sometimes be the last  
22 person, but since I have the mike and I usually am the last  
23 person.

24           I'd be inclined to support changing this to a  
25 modification of significance and requiring a public hearing

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1 on this matter. And encouraging the applicant to work with  
2 the ANC on maybe what they would want this site, this vacant  
3 site which is waiting for mixed use development down the  
4 road, what they might want to see there instead of surface  
5 parking, or if this is going to be temporary surface parking  
6 how that jives with the whole, all the transportation  
7 operations plan that was previously approved and the  
8 applicant's letter makes general observations is working.

9 I haven't been down to the stadium but I know  
10 Commissioner May has. I don't know if he wants to testify  
11 to that at this point. You come by a different mode of  
12 transportation.

13 I saw, I think the 20 percent use of public  
14 transportation if that is pretty pathetic for this type of  
15 use in a congested area that a lot of us were skeptical about  
16 whether those parking lots were really going to -- offsite  
17 parking lots were going to be sufficient.

18 Anyway, that's my rambling comments.

19 COMMISSIONER MAY: So, I have to say I had some  
20 concerns about the way the transportation management program  
21 was being managed and how people were getting to the stadium  
22 and raised some of those concerns when we first scheduled  
23 this for deliberations.

24 And I'm glad to have heard something on this  
25 topic. I was hoping for more information from DDOT about

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1 what they have found in terms of the monitoring of it, but  
2 we got relatively little on that from DDOT.

3 We got a lengthy response from the ANC, however.  
4 Frankly, that was just really hugely disappointing on several  
5 counts.

6 One is that there doesn't seem to be clear  
7 evidence that they are following -- the applicant is  
8 following the requirements of the zoning order with regard  
9 to how transportation should be managed.

10 But it also seems to indicate that the applicant  
11 has done relatively little, or has been relatively  
12 unsuccessful in trying to be a good neighbor. That's what  
13 it really comes down to.

14 And we've had many cases in the past where large  
15 institutions that have substantial impacts on the surrounding  
16 neighborhood sort of seem to be a bit blind to the impacts  
17 that they're having. And I hate to see that this is one of  
18 those cases, but it surely appears that way based on what  
19 we've gotten from the ANC.

20 So, I have to say it was really very, very  
21 disappointing.

22 Now, I will also say that the reason I was  
23 concerned about this is again from my own experience having  
24 gone down there for many games at this point.

25 And most of the time I ride my bicycle and I don't

1 have any trouble getting there. There is not sufficient  
2 bicycle parking around the stadium, but I've never gone to  
3 the valet which is located at the opposite end of the  
4 building from the stadium where it should be.

5 And I made that point. Maybe other people use it  
6 but I don't go that far.

7 That's my -- I think that there are a lot of  
8 people who are coming, who are approaching from the northeast  
9 and they're clearly either parking in lots that are there for  
10 that purpose that are used according to the plan, or they're  
11 coming from the Metro. But it is not very clear.

12 What is clear is that there is a lot of vehicular  
13 traffic in the neighborhood. And so it's a lot of people who  
14 are driving there and parking in the neighborhood, and there  
15 are a lot of people who are getting dropped off in the  
16 neighborhood. And so there are a lot of vehicles and it's  
17 very slow for vehicles coming in and out of the neighborhood.

18 If I lived there I would be unhappy about having  
19 to deal with that.

20 I think that a pretty thorough discussion of this  
21 is appropriate at this point if we're going to consider  
22 making any changes to the order at this stage. So I would  
23 like to hear all about it.

24 VICE CHAIR MILLER: Commissioner Turnbull.

25 COMMISSIONER TURNBULL: I would agree. I think

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1 that there's -- with both yourself and Commissioner May. I  
2 think there's been enough issues raised by the ANC.

3 I think there's enough issues out there that this  
4 needs to be vetted in a public hearing. And I would be  
5 totally in agreement with changing this to a modification of  
6 significance so that we have the opportunity for the public  
7 and the ANC to get into a dialogue on this here with the  
8 applicant, with the stadium and talk over these issues and  
9 see how we go forward with this.

10 I'm in favor of going to a modification of  
11 significance.

12 VICE CHAIR MILLER: Commissioner Shapiro.

13 COMMISSIONER SHAPIRO: I would associate myself  
14 with all the remarks of my colleagues. I agree.

15 VICE CHAIR MILLER: So, Ms. Schellin, there's  
16 consensus that the commission wants to -- I guess would wait  
17 for the applicant to see if they would file a modification  
18 of significance.

19 MS. SCHELLIN: No, actually --

20 VICE CHAIR MILLER: We have to turn down the  
21 modification of consequence?

22 MS. SCHELLIN: No. If the commission has decided  
23 it's a modification of significance --

24 VICE CHAIR MILLER: Yes, we have.

25 MS. SCHELLIN: -- that's all that has happened.

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1 So to the applicant to make that filing. This case is over  
2 as a modification of consequence.

3 VICE CHAIR MILLER: Of significance. And then you  
4 would --

5 MS. SCHELLIN: They would have to file a whole new  
6 application.

7 VICE CHAIR MILLER: And then you would schedule  
8 the hearing after that.

9 MS. SCHELLIN: No, it will have to be set down --

10 VICE CHAIR MILLER: It will go on the --

11 MS. SCHELLIN: For setdown.

12 VICE CHAIR MILLER: A future meeting agenda.

13 MS. SCHELLIN: A future meeting, yes.

14 VICE CHAIR MILLER: Okay. For us to schedule.  
15 Okay, got it. Does everyone get that? Okay, thank you. So  
16 we'll move on to the next one.

17 MS. SCHELLIN: Yes. So Zoning Commission case  
18 number 80-07B, Jemal's Darth Vader, LLC, PUD modification of  
19 consequence at square 563.

20 If you'll recall when this came up for  
21 determination there was already a report from one of the  
22 ANCs, the ANC 6E. So now there's also a report from ANC 6C  
23 in support at exhibit 7.

24 So I'd ask the commission to consider deliberating  
25 and taking final action on this case this evening.

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1           VICE CHAIR MILLER: All right, colleagues. I  
2 think this is fairly straightforward. We now have in the  
3 record both ANCs in support.

4           And as I stated the last time I think all the  
5 modifications actually were improvements to the design which  
6 one of them has the corresponding benefit of triggering an  
7 affordable housing requirement. So that was the penthouse  
8 habitable space.

9           So I'll open it up for my colleagues to comment.  
10 Commissioner Shapiro.

11           COMMISSIONER SHAPIRO: The only comment I would  
12 add is considering what we've been talking about for the past  
13 half hour that this, what I'm hearing you saying, what I  
14 agree with is that the standard review here, what is being  
15 requested fits in with a modification of consequence.  
16 Certainly don't see any reason to change that. And I'm fine  
17 with taking final action.

18           VICE CHAIR MILLER: Commissioner May. Anything?

19           COMMISSIONER MAY: Nothing to add.

20           VICE CHAIR MILLER: Okay.

21           COMMISSIONER TURNBULL: I have no issues.

22           VICE CHAIR MILLER: Okay. So Ms. Schellin, would  
23 we take action? I would then move that the commission take  
24 final action to approve Zoning Commission case number 80-07B,  
25 Jemal's Darth Vader, LLC, PUD modification of consequence at

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1 square 563 and ask for a second.

2 COMMISSIONER MAY: Second.

3 VICE CHAIR MILLER: All those in favor say aye.

4 (Chorus of ayes)

5 VICE CHAIR MILLER: All those opposed. Ms.

6 Schellin.

7 MS. SCHELLIN: Staff records the vote 4-0-1 to  
8 approve final action, Zoning Commission case number 80-07B.  
9 Commissioner Miller moving, Commissioner May seconding,  
10 Commissioners Shapiro and Turnbull in support, Commissioner  
11 Hood not present, not voting.

12 If I could have the applicant provide a draft  
13 order. And I'm assuming the commission will allow a summary  
14 order? Yes.

15 I'm sorry. So the next case is final action,  
16 Zoning Commission case number 04-33I, Office of Planning text  
17 amendment regarding inclusionary zoning, Subtitles A through  
18 H and K.

19 The proposed rulemaking was published in the DC  
20 Register on April 12. Comments were received from the  
21 Committee of 100 at exhibit 20 and from Marilyn Simon at  
22 exhibit 21.

23 So I would ask the commission to consider final  
24 action on this case.

25 VICE CHAIR MILLER: Okay. Thank you, Ms.

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1 Schellin. So I would agree with the Office of Planning that  
2 these are mostly clarifying and technical amendments.

3 I think there are some errors that the Committee  
4 of 100 might have identified in their last filing which I  
5 would ask if we move forward with -- that the OAG work with  
6 OP to address any technical errors that the Committee of 100  
7 identified in their filing.

8 But I'll open up to my fellow commissioners.  
9 There may be a broader IZ discussion that I think OP is  
10 constantly looking at as that program evolves.

11 We did one major change in a previous case and I'm  
12 sure there will be other changes in the future. But I'll  
13 open up to my colleagues for comments on this particular  
14 case.

15 COMMISSIONER SHAPIRO: Mr. Chair, the only thing  
16 I would add is that I agree with you. The only thing I would  
17 add is that there were some arguably inadvertent errors by  
18 the Committee of 100 as -- noted by the Committee of 100 as  
19 well as the letter by Ms. Simon. So I would ask OAG and OP  
20 to work on both those. And I'm ready to move forward on  
21 this.

22 VICE CHAIR MILLER: Commissioner May.

23 COMMISSIONER MAY: I just have one question of the  
24 Office of Planning if I might which is one of the issues that  
25 was raised was the lack of a definition of studio and the

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1 fact that it's used frequently. I'm wondering if that's  
2 something that should be addressed at this moment.

3 MR. RODGERS: We work very closely with DCRA and  
4 the Zoning Administrator and the issue of the definition of  
5 a studio has never come up as a major one.

6 It was the definition of what constitutes a  
7 bedroom. And so that was defined in the definition section.

8 COMMISSIONER MAY: Right. So the fact that if it  
9 ever became an issue, the fact that it's defined in the  
10 dictionary is sufficient.

11 MR. RODGERS: Correct.

12 COMMISSIONER MAY: Okay. So, yes, I'm fine and  
13 I agree with the previous comments.

14 I do regard this case as largely a series of more  
15 technical corrections, admittedly substantive technical  
16 questions. And some of them have to do with recognizing the  
17 way the regulations have been interpreted.

18 And I think that's perfectly fine because I think  
19 these proposed changes make necessary clarifications and ones  
20 that are consistent with the Zoning Commission's initial  
21 intentions when it came to the regulations.

22 That's not to say that everything is perfect in  
23 the IZ regulations. I think -- I don't know how long we go  
24 before we want to go back and make more tweaks to the  
25 inclusionary zoning regulations.

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1           But that may be coming soon, or may be needed  
2 soon. In any case I do think that this case is fine as it  
3 has been written with those minor changes, minor corrections.

4           VICE CHAIR MILLER: Thank you. Commissioner  
5 Turnbull.

6           COMMISSIONER TURNBULL: Thank you, Mr. Vice Chair.  
7 I would agree with all the comments. I think the current  
8 state with all the listings and various sections got to be  
9 confusing and I think there's -- going from one section to  
10 another section and trying to duplicate got to be a little  
11 bit of a mess.

12           So I think the simplification and the corrections  
13 are needed. And I would agree with the changes.

14           VICE CHAIR MILLER: Thank you. I guess I would --  
15 just following up on Commissioner May's comment maybe ask the  
16 Office of Planning.

17           I thought I saw somewhere in your supplemental  
18 report in response to some of Ms. Simon's concerns that  
19 issues, some of the issues, a couple of the issues she was  
20 raising were policy issues that went beyond really the way --  
21 beyond what the original intent of the IZ program was and the  
22 way it's been administered by the Zoning Administrator.

23           But that you all were looking in the context of  
24 the comprehensive plan and perhaps in the context also of the  
25 Mayor's affordable housing initiative as to ways to

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1 strengthen the program in the future. Am I remembering  
2 correctly that there was some reference in your report that  
3 the next comp plan amendment cycle might provide an  
4 opportunity to look at how to build on if possible this --  
5 what finally is becoming a successful private sector non-  
6 public subsidized affordable housing program in the city  
7 which I think it had record numbers of units actually come  
8 online the last three years in a row.

9 MS. STEINGASSER: Thank you for that positive  
10 advertisement. You are correct. We are looking at ways to  
11 enhance IZ through the comp plan so it will be available to  
12 turn into regulations in the future.

13 VICE CHAIR MILLER: Thank you. Does somebody want  
14 to make a motion?

15 COMMISSIONER SHAPIRO: Mr. Chair, I move that we  
16 take final action on Zoning Commission case number 04-33I,  
17 Office of Planning text amendment regarding inclusionary  
18 zoning, Subtitles A through H and K. Move for a second.

19 VICE CHAIR MILLER: Second. All those in favor  
20 say aye.

21 (Chorus of ayes)

22 VICE CHAIR MILLER: All those opposed. Ms.  
23 Schellin, would you record the vote.

24 MS. SCHELLIN: Yes. Staff records the vote 4-0-1  
25 to take final action on Zoning Commission case number 04-33I.

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1 Commissioner Shapiro moving, Commissioner Miller seconding,  
2 Commissioners May and Turnbull in support, Commissioner Hood  
3 not present, not voting.

4 Moving onto the next case that's up for final  
5 action is Zoning Commission case number 18-20, Forest City  
6 SEFC, LLC. It's a design review case of parcel 1 at square  
7 744.

8 Exhibits 27 through 27B are the applicant's post  
9 hearing submissions and exhibit 28 is the applicant's draft  
10 findings of fact and conclusions of law. I ask the  
11 commission to consider final action on this case.

12 VICE CHAIR MILLER: Thank you, Ms. Schellin. So,  
13 at the conclusion of the April hearing we did -- the  
14 commission did request the applicant to make revisions to the  
15 signage plans which I think they did simplify and reduce  
16 that.

17 And then we asked them to look at the rooftop  
18 mechanical space and see if they can reduce the extent of the  
19 penthouse.

20 So I'll look to our signage expert and our  
21 penthouse expert in whatever order you want to speak. I'll  
22 go to signage first since I brought that up, Commissioner  
23 Turnbull.

24 COMMISSIONER TURNBULL: Thank you, Mr. Vice Chair.  
25 I think the revised proposal -- I have no issues now with the

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1 signage. I'm okay with it.

2 VICE CHAIR MILLER: Okay, great. Mr. Penthouse.

3 COMMISSIONER MAY: Why, thank you. A term of  
4 honor.

5 VICE CHAIR MILLER: Mr. Reduced Penthouse.

6 COMMISSIONER MAY: I think that the explanation  
7 that was provided was, you know, they answered the question  
8 that I asked. They did not give me a very good answer.

9 I'm not going to stand in the way of the project  
10 moving forward at this moment, but I get very frustrated when  
11 there is so little effort put into trying to make this --  
12 make improvements based on the suggestions that came from the  
13 commission.

14 Because we've certainly seen many cases where on  
15 a per square foot basis the amount of area that's needed for  
16 a penthouse like this is much smaller. And whoever has  
17 designed this is not doing well enough to try to keep it to  
18 a minimum.

19 It's disappointing, but it is what it is. It's  
20 not like we're granting relief from setback requirements.  
21 It just -- it could have been better. So I will accept it.

22 VICE CHAIR MILLER: Any other comments from our  
23 other general experts? Does anybody want to make a motion?

24 COMMISSIONER TURNBULL: Mr. Chair, I would move  
25 that we take final action on Zoning Commission case number

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1 18-20, Forest City SEFC, LLC, design review at parcel 1 --  
2 parcel I at square 744. I look for a second.

3 COMMISSIONER SHAPIRO: Second.

4 VICE CHAIR MILLER: All in favor say aye.

5 (Chorus of ayes)

6 VICE CHAIR MILLER: All opposed. Ms. Schellin,  
7 would you record the vote?

8 MS. SCHELLIN: Staff records the vote 4-0-1 to  
9 approve final action in Zoning Commission case number 18-20.  
10 Commissioner Turnbull moving, Commissioner Shapiro seconding,  
11 Commissioners May and Miller in support, Commissioner Hood  
12 not present, not voting.

13 Moving onto the next case. This would be a time  
14 extension. Case number 06-04H, Florida and Q Street, LLC.  
15 They are asking for a two-year PUD time extension at square  
16 3100.

17 They cite the reason for the two-year PUD time  
18 extension as needing more time to complete the HPRB review  
19 process which is a new layer of review for the project that  
20 was added with the approval of the new Bloomingdale Historic  
21 District.

22 There have been a few extensions previously  
23 approved for this PUD so the applicant has asked for a waiver  
24 of Subtitle Z Section 705.5 which limits the extensions to  
25 two. That's the first waiver.

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1           And the second one being that the second PUD --  
2 I'm sorry, the second extension being only for one year and  
3 they are asking for two years.

4           So those are the two waiver requests. Then at  
5 exhibit 4 there's an OP report that recommends approval of  
6 the extension.

7           And exhibit 5 is the ANC 5E report in support of  
8 the extension. So if the commission would consider the time  
9 extension and the waivers before them this evening I'm sure  
10 the applicant would appreciate it.

11           VICE CHAIR MILLER: Thank you, Ms. Schellin. So,  
12 I would be inclined to support the waiver requests both for  
13 what would now be the fifth request for an extension of the  
14 PUD when we have a limit of two time extensions under our  
15 current ZR '16 regulations.

16           And a waiver also of the one-year allowing a two-  
17 year time extension instead of one year. I think the HPRB  
18 review process which they're currently undergoing is a  
19 legitimate request for the delay.

20           And they've indicated that they'll probably have  
21 to come back for a modification of the PUD as a result of the  
22 approval that they end up getting from HPRB.

23           But especially in light of the fact that they have  
24 the ANC support, that they've worked with the ANC and the  
25 support of the Bloomingdale Civic Association and it's the

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1 Bloomingdale Historic District which has been recently  
2 designated which has required them to go before HPRB for this  
3 project.

4           Because we have that approval and the ANC letter  
5 indicates that they're close to finalizing an MOU which will  
6 ensure the timely delivery of all of the PUD's benefits and  
7 amenities even before we may next see it I think that that  
8 all leads to my being able to support the two waiver requests  
9 and the request for a two-year time extension for  
10 construction.

11           Because they already I think have filed for the  
12 building permit. But they're going to probably have to  
13 modify that because of HPRB.

14           But I'll open it up to my colleagues for any  
15 comments.

16           COMMISSIONER TURNBULL: Mr. Vice Chair, did I hear  
17 you say fifth and final time extension?

18           VICE CHAIR MILLER: You heard me say fifth. I  
19 don't know if I can trust that this would be the final.

20           COMMISSIONER MAY: Did we say fourth and final  
21 because we certainly talked that way last time around.

22           VICE CHAIR MILLER: That's a precedent that we  
23 haven't kept, another one.

24           COMMISSIONER MAY: If I could talk about this for  
25 a second. This particular case and one other which we

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1 actually dealt with something on tonight, the Florida Rock  
2 case, were the PUDs that wound up being extended over and  
3 over again, and actually I think Florida Rock is what led to  
4 the rule of extensions, limiting extensions.

5 And this was sort of the poster child for it once  
6 it started happening. I mean it just kept going on over and  
7 over and over again.

8 And I think that if what we were hearing was that  
9 oh, they just hadn't gotten financing or something like that  
10 I would not be inclined to approve another extension.

11 In this circumstance I think the two mitigating  
12 factors are the establishment of the Bloomingdale Historic  
13 District and the second one, the extensive cooperation with  
14 the ANC and the fact that that's demonstrated in the record.

15 So -- and I would not want to kill a project that  
16 may be very close to being completed. But if we are here in  
17 two years and it hasn't gotten over the finish line because  
18 there isn't money or some other complication then I sure hope  
19 at that point we are just able to say no more and see this  
20 go a different direction.

21 Because the site's been tied up with this for --  
22 '06. So 13 years since the application was filed. That's  
23 a really long time. All right, thanks.

24 VICE CHAIR MILLER: Maybe 13 is the lucky number.  
25 Any other comments from my colleagues? Does -- I'll make a

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1 motion that the Zoning Commission approve case number 06-04H

2 --

3 COMMISSIONER SHAPIRO: Mr. Chair, before we do  
4 that I think we might want to take up the waivers.

5 VICE CHAIR MILLER: Can I make a consolidated  
6 motion? A nod from OAG. So I would make a consolidated  
7 motion to waive the zoning regulations to permit a fifth time  
8 extension on this PUD and a two-year one at that instead of  
9 the one-year that's required under the rules. And with that  
10 move to -- in addition to that move to approve case number  
11 06-04H, Florida and Q Street, LLC, two-year PUD time  
12 extension at square 3100 and ask for a second.

13 COMMISSIONER TURNBULL: Second.

14 VICE CHAIR MILLER: Thank you. All those in favor  
15 say aye.

16 (Chorus of ayes)

17 VICE CHAIR MILLER: All those opposed. Ms.  
18 Schellin, will you record the vote?

19 MS. SCHELLIN: Yes. Staff records the vote 4-0-1  
20 to approve Zoning Commission case number 06-04H for a two-  
21 year PUD time extension as well as approving the waiver of  
22 Subtitle Z Section 705 which limits the time extensions to  
23 two with the second one being for one year.

24 Commissioner Miller moving, Commissioner Turnbull  
25 seconding, Commissioners May and Shapiro in support,

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1 Commissioner Hood not present, not voting. And if we could  
2 also get a draft order on that case. Thank you.

3 VICE CHAIR MILLER: Thank you.

4 MS. SCHELLIN: So the next case is for proposed  
5 action, Zoning Commission case number 19-04, Office of  
6 Planning text amendment to establish community renewable  
7 energy facilities, CREF.

8 And we got exhibit 29 which is an OP supplemental  
9 report. At the April 29 public meeting the commission asked  
10 OP to provide some alternatives for consideration which  
11 they've done in section 3 of this report.

12 OP has also recommended that the commission extend  
13 the emergency rulemaking to ensure that any pending cases may  
14 be able to proceed with applying for permits under the  
15 pending text amendment.

16 So we'd ask the commission to consider taking  
17 proposed action and consider the request for the emergency  
18 rulemaking extension. Thank you.

19 VICE CHAIR MILLER: Thank you, Ms. Schellin. So  
20 I think I'll just open it up to my colleagues and not speak  
21 first on this particular matter. Commissioner May.

22 COMMISSIONER MAY: Thanks. I'm happy to speak  
23 first.

24 So, I was very disappointed in the report that we  
25 got back from the Office of Planning because I don't feel

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1 like any of the concerns that I had raised at the previous  
2 meeting were addressed.

3           There was no change to the acreage and no  
4 explanation why the acreage is correct. The two-acre limit,  
5 or the two-acre, yes, limit for matter of right and above  
6 that special exception.

7           It did I think for the first time clarify that it  
8 was two acres of panel size which means that the actual  
9 property that it's on is quite a bit larger. And the way  
10 these things are displayed is it would be seeming to be even  
11 more massive than if it were just two acres of land with  
12 solar panels on it.

13           I appreciate some of the information that was  
14 provided, knowing that there were 55 projects in the pipeline  
15 and only 4 are ground-mounted.

16           But no information about how big they are and to  
17 what extent they require a special exception. Or what would  
18 be -- which ones would require a special exception if the  
19 limit were, say, half an acre instead of two acres.

20           So I do still strongly believe that the acreage  
21 should be much more limited. Again I had suggested a half  
22 an acre, but if it's something a little bit more, or maybe  
23 something a little bit less than that based on some  
24 examination of where these things could possibly go or what  
25 projects are in the pipeline would make much more sense.

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1 I also believe that the change to the screening  
2 requirements, essentially eliminating guidance for the BZA  
3 on what would be necessary in terms of screening for larger  
4 systems doesn't make any sense to me whatsoever.

5 I mean, we don't want the BZA to make the call  
6 every single time about what it is. I think that it's  
7 important for the Zoning Commission to provide guidance to  
8 the BZA about what an appropriate method for screening should  
9 be.

10 Furthermore I would be interested in seeing  
11 specific requirements for ground-mounted systems even when  
12 they are matter of right.

13 Now, maybe below a certain size there is no need  
14 for it, or if it's shielded from view because it's on the  
15 back of a property, or backing up to alleys, or something  
16 like that.

17 I think that it makes perfect sense that we would  
18 want to try to provide some screening because this is not  
19 something that everybody is going to want to see right there  
20 in their face.

21 I also think that the height limit -- I like the  
22 idea of introducing a height limit, but I don't know that 20  
23 feet is the right limit and I don't know why they came up  
24 with 20 feet.

25 So, these all raise serious questions for me and

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1 certainly as it is right now I could not vote for it. And  
2 I would urge my fellow commissioners not to vote for it as  
3 it is because I think it should be refined.

4 VICE CHAIR MILLER: Commissioner Shapiro.

5 COMMISSIONER SHAPIRO: Thank you, Mr. Chair. I  
6 share some of Commissioner May's concerns. I think some  
7 guidance around screening and buffering standards would be  
8 helpful.

9 I'm also curious about the rationale for the heigh  
10 limit. I think OP has provided some lowered size  
11 requirements. Commissioner May's point is well taken, at  
12 some level this arguably makes it a little bit bigger.

13 All those things I think I'm fine to hear more  
14 information about. And I am also concerned about the  
15 projects in the pipeline.

16 In general I think this is something I would like  
17 to see move forward. I think, I imagine we're a bit split  
18 right now and I believe it would be more helpful if we took  
19 this up with Chairman Hood here as well.

20 So, my suggestion would be that we take this back  
21 up and take it up in a timely enough fashion so that we're  
22 mindful of when the extension would need to be for the  
23 emergency rulemaking if we needed to extend the emergency  
24 rulemaking.

25 VICE CHAIR MILLER: Thank you, Commissioner

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1 Shapiro. Commissioner Turnbull.

2 COMMISSIONER TURNBULL: Thank you, Mr. Vice Chair.  
3 I would agree with both Commissioner May and Commissioner  
4 Shapiro.

5 I think we can't take up a vote tonight until we  
6 have the chair here to actually go through and we have all  
7 five of us talking about this.

8 I think Commissioner May brings up a lot of good  
9 points the OP report didn't go far enough to address.

10 I think getting back to Commissioner May's  
11 original point about how big of land as he says that two  
12 acres is for the solar panels, but how does that -- how is  
13 that compared to the overall land that's going to be used or  
14 needs to be used for this.

15 But I would just say let's put this off until we  
16 can get everybody here to talk about it. And the same thing  
17 with the emergency action also.

18 But if OP could revisit a lot of those questions  
19 that Commissioner May brought up I think it would be very  
20 good for all of us to hear.

21 VICE CHAIR MILLER: Thank you, Commissioner  
22 Turnbull. I personally don't share the level of discomfort  
23 that Commissioner May has. I think I didn't share that the  
24 last time when we didn't have deliberations, but we were  
25 talking about the issue to a great extent.

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1           And I think we were somewhat split, you could see  
2 then 3-2. So I think it does -- I think Commissioner  
3 Shapiro's suggestion that we defer this till Chairman Hood  
4 is back is a good one.

5           We can't lose sight of the comment that Chair Hood  
6 did make last time about the balancing of various goals here,  
7 the very important goal of trying to facilitate community  
8 solar for those who can't afford it. And that's what this  
9 is all about and meeting this District ambitious renewable  
10 energy net zero goals.

11           So I think there's some usefulness to deferring  
12 this, but being very mindful to make sure that we take this  
13 up prior to the emergency that's in place expiring which I  
14 believe is June 11 so that we can take action prior to that,  
15 both proposed action and maybe emergency action that conforms  
16 with whatever proposal -- revised proposal that we take up.

17           And as long as we have -- in terms of the  
18 specifics of the OP proposal as I said I didn't have as big  
19 a concern with it, but I understand the sensitivity to  
20 adjacent residential neighborhoods for such a large array of  
21 panels which might suddenly appear next to them.

22           As I mentioned in our previous discussion the  
23 matter of right development in most of these zones would be  
24 much more impactful both visually and on parking and traffic  
25 certainly whether it's a rowhouse development of 35 feet on

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1 two acres, or whether it's a mixed use development project.

2 And so I think it's worth keeping those balancing  
3 issues in mind. And maybe -- I brought up last time maybe  
4 it's too complicated to allow the more permissive  
5 facilitation of these solar array panels where it isn't  
6 adjacent to -- within a certain feet or proximity to  
7 residential homes.

8 You know, if it's -- I realize you have the  
9 exception for the PDR zones which I think is good. But maybe  
10 other commercial zones it would be useful to have a more  
11 matter of right kind of provision for these types of -- for  
12 this type of development that we want to encourage and which  
13 many people of modest means need to have renewable energy.

14 So, I guess I would look to -- I think there is  
15 consensus on deferring this and so I would look to Ms.  
16 Schellin to maybe come up with a date prior to June 11 when  
17 the emergency -- current emergency in place will expire so  
18 that we can take this up with a full compliment of our  
19 commission with Chairman Hood as well.

20 MS. SCHELLIN: That would -- talking with OAG we  
21 could still do that at our next meeting June 10. Because  
22 when you take emergency action if that's needed it's  
23 effective that night that you take it and not when it's  
24 published. So it goes into effect immediately.

25 So if that's necessary that will be taken care of

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1 that evening.

2 VICE CHAIR MILLER: Okay. That seems like a  
3 reasonable course of action as long as we do take it up.

4 MS. SCHELLIN: And you want OP to come back with  
5 something else?

6 VICE CHAIR MILLER: Yes, I think that's the  
7 general consensus as well. If there are options that they  
8 can put forward to us based on the comments we've made  
9 tonight that might be helpful. Yes.

10 MS. SCHELLIN: Okay.

11 MR. TONDRO: Vice Chair Miller? I just wanted to  
12 clarify within the context of the concern about the emergency  
13 and the permit and the various different applications that  
14 are going through the permitting process was it your intent  
15 to ask OP to provide you with an update?

16 I know Commissioner May addressed that issue that  
17 he wanted to find out more about the four particular, but was  
18 it also your intent to ask OP to provide an update as to  
19 which would be affected in terms of where they are in the  
20 pipeline vis-a-vis the emergency rule?

21 VICE CHAIR MILLER: Yes, I think that would be  
22 helpful. I think that was part of Commissioner May's  
23 question. I think that would be helpful.

24 MS. SCHELLIN: Okay.

25 VICE CHAIR MILLER: Thank you.

1 MS. SCHELLIN: So are you ready to move onto the  
2 next case? It's a correspondence item, case number 16-29,  
3 Poplar Point RBBR, LLC.

4 They have filed a motion to extinguish the PUD.  
5 Exhibits 68 through 68A is the applicant's motion to do that,  
6 to extinguish the PUD. We'd ask the commission to consider  
7 the request that's before you this evening.

8 VICE CHAIR MILLER: Thank you, Ms. Schellin. I  
9 guess I would open this up to my colleagues as well. And  
10 while they're contemplating just say that maybe this should  
11 be one that we defer as well as we consider how we're  
12 proceeding with the related text and map amendments for the  
13 Howard Road/Poplar Point area.

14 So it might be premature. I know the applicant  
15 is somewhat responding to our own request maybe in one of  
16 those hearings to ask for this extinguishment of the PUD, but  
17 I think we need more contemplation of that whole issue.

18 COMMISSIONER SHAPIRO: Thank you, Mr. Chair. I  
19 would agree. I think this also may be one where it's not  
20 just as simple as what is before us right here.

21 I think it would be more helpful to have a full  
22 compliment here with our chair as well. So I think for that  
23 reason alone I would encourage us to postpone this. Take  
24 this up at a later date.

25 VICE CHAIR MILLER: Thank you. Anyone else?

1 Commissioner May.

2 COMMISSIONER MAY: I would just say we didn't  
3 really ask for this to be extinguished. I mean, I think we  
4 basically laid it out that we were having trouble proceeding  
5 on two tracks with the same development.

6 And one option was to extinguish and that's what  
7 they elected to do.

8 But I understand that a little bit more thought  
9 is necessary on our part. And I certainly would be very  
10 happy to make sure that we have the chairman involved in that  
11 discussion as well.

12 VICE CHAIR MILLER: Commissioner Turnbull.

13 COMMISSIONER TURNBULL: I would concur with all  
14 the comments. I think that this is a little bit more complex  
15 than we originally thought when we first talked about it.

16 So I think it needs a little bit more thought as  
17 we go forward. So I think before agreeing or acquiescing to  
18 the applicant's demand I think we need to think about this  
19 a little bit more before we go forward.

20 VICE CHAIR MILLER: Thank you. Ms. Schellin, when  
21 does that map amendment and text amendment come up next? Is  
22 that date set? Maybe that's the date we should --

23 MS. SCHELLIN: I think it's June 10.

24 VICE CHAIR MILLER: June 10. Maybe that's the --

25 MS. SCHELLIN: June 6. We set a special public

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1 meeting for that one. Yes.

2 VICE CHAIR MILLER: So that's the meeting I think  
3 that it might make sense to put this on for discussion.

4 MS. SCHELLIN: The same meeting?

5 VICE CHAIR MILLER: Yes.

6 MS. SCHELLIN: Okay. June 6.

7 VICE CHAIR MILLER: Do my colleagues agree? Just  
8 it's all related.

9 MS. SCHELLIN: Okay. That makes sense.

10 VICE CHAIR MILLER: Thanks. Do we have anything  
11 else on our agenda specifically? Does OP have any reports  
12 for the commission?

13 MS. STEINGASSER: No, sir.

14 VICE CHAIR MILLER: Well, I would be remiss if I  
15 did not ask Chairman Hood's standard status for a question  
16 on --

17 MS. STEINGASSER: There's no --

18 VICE CHAIR MILLER: Let me get it out for the  
19 record. Is there any status -- can you report to us on the  
20 status of Office of Planning's submission of a report on the  
21 Airbnb zoning regulation case that we set down seven months  
22 ago?

23 MS. STEINGASSER: We do not have an update on the  
24 status of that report.

25 VICE CHAIR MILLER: Is the report -- has the

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1 report been drafted as I heard the Chairman of the Council  
2 state at a press conference today?

3 MS. STEINGASSER: I'm unaware of the report he was  
4 referencing. No, sir. We're still working on it.

5 VICE CHAIR MILLER: Keep us posted. I understand  
6 that that might be a discussion item at tomorrow's Council  
7 legislative meeting, or was at least mentioned by -- not  
8 mentioned, it was proposed by the Chairman of the Council to  
9 tie government building permits -- to not allow government  
10 building permits until the issuance of that report to the  
11 Zoning Commission which seems like a draconian kind of a  
12 provision.

13 Do you have any comment on that?

14 MS. STEINGASSER: No, sir.

15 VICE CHAIR MILLER: I probably have commented too  
16 much on it. If I ever have a confirmation hearing again in  
17 front of him he'll probably comment negatively.

18 Is there anything else further from the Office of  
19 Planning or from the Office of Zoning or the Office of  
20 Attorney General?

21 MS. SCHELLIN: No.

22 VICE CHAIR MILLER: Or my colleagues? Okay. With  
23 that this meeting is adjourned.

24 (Whereupon, the above-entitled matter went off the  
25 record at 8:09 p.m.)

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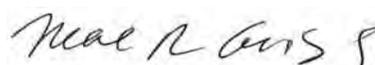
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