

GOVERNMENT
OF
THE DISTRICT OF COLUMBIA

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ZONING COMMISSION

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SPECIAL PUBLIC MEETING

+ + + + +

THURSDAY

APRIL 18, 2013

+ + + + +

The Special Public 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 6:21 p.m., Anthony J. Hood,
Chairman, presiding.

ZONING COMMISSION MEMBERS PRESENT:

ANTHONY J. HOOD, Chairman

MARCIE COHEN, Vice Chair

MICHAEL G. TURNBULL, FAIA,
Commissioner (AOC)

PETER G. MAY, Commissioner (NPS)

ROBERT MILLER, Commissioner

OFFICE OF ZONING STAFF PRESENT:

SHARON S. SCHELLIN, Secretary

D.C. OFFICE OF THE ATTORNEY GENERAL PRESENT:

JACOB RITTING, ESQ.

The transcript constitutes the minutes from the Special Public Meeting held on April 18, 2013.

T-A-B-L-E O-F C-O-N-T-E-N-T-S
 Call to Order, Chairman Anthony Hood.5
 PRELIMINARY MATTERS

Z.C. Case No. 13-02 of Jemal's Hecht's
 Authorization to Continue the May 23rd
 Hearing to June 3rd and to Advertise
 for 38 days vs. 40 days5
 Vote to Approve (5-0-0)6

CORRESPONDENCE

Z.C. Case No. 12-17 (Text Amendment to
 Reed-Cooke Overlay)
 Motion for Waiver to File
 Reconsideration for Rehearing of
 Relevant Questions and Reconsideration
 of the Comprehensive Plan Submitted by
 Theresa Lopez7
 Vote to Deny (5-0-0).8
 Request for Reconsideration Submitted by
 Blanca Aquino (no Motion for Waiver
 attached)8
 Vote to Deny (5-0-0).9
 Z.C. Case No. 11-17 (Adams Morgan Church
 Hotel, LLC)

(1) Motion for Waiver to File
 Reconsideration for Rehearing of
 Relevant Questions and
 Reconsideration of Comprehensive
 Plan Submitted by Theresa Lopez (a
 non-party) and Applicant's
 Opposition Thereto. 10
 Vote to Deny (5-0-0) 11

(2) Request for Reconsideration
Submitted by Blanca Aquino (a
non-party) and Applicant's
Opposition Thereto. 12
Vote to Deny (5-0-0) 13

(3) Motion for Leave to Accept Late
Filing and Request for
Reconsideration Submitted by
Ronald Gluck (a non-party) and
Applicant's Opposition Thereto. . 13
Vote to Deny (5-0-0) 14

(4) Motion to Amend & Supplement the
Request for Reconsideration,
Re-Argument and/or Re-Hearing of
Order 11-17 submitted by Champlain
St. Neighbors and Applicant's
Opposition Thereto & Request to
Strike Motion 14
Vote to Deny (5-0-0) 16

(5) Applicant's Request to Strike
Attachments and Exhibits to
Request Reconsideration submitted
by Champlain St. Neighbors. . . . 17
Vote to Grant Request (5-0-0). 18

(6) Request for Reconsideration
submitted by Champlain St.
Neighbors and Applicant's
Opposition Thereto. 18
Vote to Deny (5-0-0) 19

Adjourn, Chairman Hood. 20

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

2 6:21 p.m.

3 CHAIRMAN HOOD: This is a special
4 public meeting 1,361 of 2013, Thursday, April
5 18, 2013. Joining me are Vice Chair Cohen,
6 Commissioner Miller, Commissioner May, and
7 Commissioner Turnbull.

8 For the sake of this meeting, we
9 are also joined by Office of Zoning Staff Ms.
10 Sharon Schellin and Office of Attorney General
11 Mr. Ritting. I will introduce everyone else
12 at the regular hearing for tonight.

13 Preliminary matters. Zoning
14 Commission Case No. 13-02. Ms. Schellin.

15 MS. SCHELLIN: Yes, sir. Staff
16 would just like to ask the Commission for
17 authorization to continue the May 23rd hearing
18 that's been scheduled in this case to June
19 3rd. Due to a staff error the hearing did not
20 get advertised in the D.C. Register so we
21 would just like permission to reschedule this
22 to June 3rd and to be able to advertise this.

1 It would be a 38-day period instead of 40 days
2 if the Commission would just authorize that.
3 I think we would need you to vote on that if
4 you would.

5 CHAIRMAN HOOD: Commissioners, any
6 objections? Any conversation? Okay. I would
7 move that we grant the request so noted by Ms.
8 Schellin, our Zoning Secretary, and ask for a
9 second.

10 VICE CHAIR COHEN: Second.

11 CHAIRMAN HOOD: It's been moved
12 and properly seconded. Any further
13 discussion? All those in favor aye.

14 COMMISSIONERS: Aye.

15 CHAIRMAN HOOD: Any opposition?
16 So ordered.

17 Staff, would you record the vote.

18 MS. SCHELLIN: Staff records the
19 vote five to zero to zero to authorize
20 continuation of the May 23rd hearing scheduled
21 for Case No. 13-02 to June 3rd and advertise
22 for a 38-day advertisement period.

1 Commissioner Hood moving, Commissioner Cohen
2 seconding, Commissioners Turnbull, May, and
3 Miller in support.

4 CHAIRMAN HOOD: Okay. Next under
5 Correspondence we have Zoning Commission Case
6 No. 12-17. It's a text amendment to the Reed-
7 Cooke Overlay.

8 Ms. Schellin.

9 MS. SCHELLIN: Yes, sir. We have
10 a Motion for Waiver to File Reconsideration
11 for Rehearing of Relevant Questions and
12 Reconsideration of the Comprehensive Plan
13 Submitted by Theresa Lopez.

14 CHAIRMAN HOOD: Colleagues, our
15 regulations state a Motion for Reconsideration
16 with a final order in a rulemaking case shall
17 not be accepted and considered. I would move
18 -- we have reviewed. I'm sure we have all
19 reviewed Mrs. Lopez' request for leave to file
20 a reconsideration motion in Case 12-17.

21 Because the Commission's rules are
22 clear that a Motion for Reconsideration shall

1 not be accepted in a rulemaking case, I would
2 move that we deny leave to file for
3 reconsideration motion and ask for a second.

4 VICE CHAIR COHEN: Second.

5 CHAIRMAN HOOD: It's been moved
6 and properly seconded. Any further
7 discussion? All those in favor aye.

8 COMMISSIONERS: Aye.

9 CHAIRMAN HOOD: Any opposition?
10 Staff, would you record the vote.

11 MS. SCHELLIN: Staff records the
12 vote five to zero to zero to deny the Motion
13 for Waiver filed for reconsideration submitted
14 by Theresa Lopez. Commissioner Hood moving,
15 Commissioner Cohen seconding, Commissioners
16 Turnbull, Miller, and May in support of
17 denial.

18 CHAIRMAN HOOD: Ms. Schellin,
19 let's go to number two under Correspondence.

20 MS. SCHELLIN: Yes, sir. The
21 office received a Request for Reconsideration
22 submitted by Blanca Aquino. There was no

1 Motion for Waiver attached with the submittal.
2 However, staff did want to make the Commission
3 aware of it.

4 CHAIRMAN HOOD: Commissioners, any
5 discussion? Would someone like to make a
6 motion? Okay. I will do that. Again,
7 because the Commission's rules are clear that
8 a Motion for Reconsideration shall not be
9 accepted in a rulemaking case, I move that we
10 deny leave to file for reconsideration.

11 I know the request was not for
12 leave but the assumption is that was the
13 request and that's my motion. I would like to
14 get a second.

15 COMMISSIONER MAY: Second.

16 CHAIRMAN HOOD: It's moved and
17 properly seconded. Any further discussion?
18 All those in favor aye.

19 COMMISSIONERS: Aye.

20 CHAIRMAN HOOD: Not hearing any
21 opposition, Ms. Schellin, would you record the
22 vote.

1 MS. SCHELLIN: Yes. Staff records
2 the vote five to zero to zero to deny leave to
3 file a Request for Reconsideration by Blanca
4 Aquino. Commissioner Hood moving,
5 Commissioner May seconding, Commissioners
6 Turnbull, Miller, and Cohen in support of
7 denial.

8 CHAIRMAN HOOD: Okay. Ms.
9 Schellin, if we could go to Zoning Commission
10 Case No. 11-17, Adams Morgan Church Hotel,
11 LLC.

12 MS. SCHELLIN: Yes. We have a
13 Motion for Waiver to File Reconsideration that
14 was submitted by Theresa Lopez. We also have
15 the Applicant's Opposition Thereto.

16 CHAIRMAN HOOD: Let me open up
17 discussion or a motion. Anyone?

18 Commissioner May.

19 COMMISSIONER MAY: Mr. Chairman, I
20 have reviewed the request for leave to file
21 for reconsideration motion and the opposition
22 filed by the attorneys for the Adams Morgan

1 Church Hotel. I believe the rest of the
2 Commission has done the same. For the reasons
3 stated in the opposition, I would move that we
4 deny leave to file the reconsideration motion.

5 CHAIRMAN HOOD: It's been moved.

6 VICE CHAIR COHEN: I'll second it.

7 CHAIRMAN HOOD: Moved and properly
8 seconded. Any further discussion? All those
9 favor aye.

10 COMMISSIONERS: Aye.

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

14 MS. SCHELLIN: Staff records the
15 vote five to zero to zero to deny the Motion
16 for Waiver to File Reconsideration submitted
17 by Theresa Lopez. Commissioner May moving,
18 Commissioner Cohen seconding, Commissioners
19 Hood, Miller, and Turnbull in support of
20 denial.

21 CHAIRMAN HOOD: Okay, Ms.
22 Schellin. Let's move right to the next

1 request.

2 MS. SCHELLIN: Yes. Next we have
3 a Request for Reconsideration submitted by Ms.
4 Blanca Aquino again. There was no Request for
5 Leave to File and we do have the Applicant's
6 Opposition Thereto.

7 CHAIRMAN HOOD: Okay. Any
8 discussion? Would somebody like to make a
9 motion?

10 COMMISSIONER MAY: Mr. Chairman,
11 if I might again, we note that Ms. Aquino
12 filed a reconsideration motion but has not
13 requested leave to file such a motion.

14 We have also reviewed the
15 opposition filed by the attorneys for the
16 Adams Morgan Church Hotel, LLC. For the
17 reasons stated in the opposition, I would move
18 that we deny leave to file the reconsideration
19 motion.

20 CHAIRMAN HOOD: Second. It's been
21 moved properly seconded. Any further
22 discussion? All those favor aye.

1 COMMISSIONERS: Aye.

2 CHAIRMAN HOOD: Any opposition?

3 So ordered.

4 Staff, would you record the vote.

5 MS. SCHELLIN: Staff records the
6 vote five to zero to zero to deny Leave to
7 File a Request for Reconsideration by Blanca
8 Aquino. Commissioner May moving, Commissioner
9 Hood seconding, Commissioners Turnbull,
10 Miller, and Cohen in support of denial of
11 Leave to File.

12 CHAIRMAN HOOD: Okay. Ms.
13 Schellin, proceed.

14 MS. SCHELLIN: Yes. Next we have
15 a Motion for Leave to Accept a Late Filing and
16 Request for Reconsideration submitted by
17 Ronald Gluck and the Applicant's Opposition
18 Thereto.

19 CHAIRMAN HOOD: Okay. We have a
20 request by Mr. Gluck who is a non-party. Let
21 me open it up for comments. Any comments?

22 Would somebody like to make a

1 motion?

2 VICE CHAIR COHEN: Mr. Chairman, I
3 have reviewed Mr. Gluck's Motion for Leave to
4 File a Reconsideration motion and I reviewed
5 the opposition filed by the attorneys for the
6 Adams Morgan Church Hotel, LLC. For the
7 reasons stated in the opposition, I move that
8 we deny leave to file the reconsideration
9 motion.

10 CHAIRMAN HOOD: It's been moved.

11 COMMISSIONER MAY: Second.

12 CHAIRMAN HOOD: Moved and properly
13 seconded. Any further discussion? All those
14 in favor aye.

15 COMMISSIONERS: Aye.

16 CHAIRMAN HOOD: Not hearing any
17 opposition, Ms. Schellin, would you record the
18 vote?

19 MS. SCHELLIN: Yes. Staff records
20 the vote five to zero to zero to deny the
21 Motion for Leave to Accept Filing and Request
22 for Reconsideration submitted by Ronald Gluck.

1 Commissioner Cohen moving, Commissioner May
2 seconding. Commissioners Hood and Miller and
3 Turnbull in support of denial.

4 Next we have a Motion to Amend and
5 Supplement the Request for Reconsideration
6 submitted by Champlain Street Neighbors and
7 Applicant's Opposition Thereto and Request to
8 Strike the Motion from the Record.

9 CHAIRMAN HOOD: Okay.

10 Commissioners, we have a request from the
11 Champlain Street Neighbors. What is your
12 pleasure? Is there a motion?

13 Commissioner May.

14 COMMISSIONER MAY: Mr. Chairman,
15 the order requiring the filings by a specific
16 date was very clear so, therefore, I would
17 move that we deny the Motion for Leave as
18 requested by the Champlain Street Neighbors.

19 CHAIRMAN HOOD: Okay. Let me just
20 ask this. Does that also include the Motion
21 to Strike?

22 COMMISSIONER MAY: No. I mean,

1 there is no real reason to strike it from the
2 record. We will just move on the motion.

3 CHAIRMAN HOOD: Okay. It's been
4 moved.

5 VICE CHAIR COHEN: And I'll second
6 that.

7 CHAIRMAN HOOD: It's been moved
8 and properly seconded. Any further
9 discussion? All those in favor aye.

10 COMMISSIONERS: Aye.

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

14 MS. SCHELLIN: Yes. Staff records
15 the vote five to zero to zero to deny the
16 Motion to Amend and Supplement that was filed
17 by Champlain Street Neighbors and to deny the
18 Motion to Strike that was submitted by the
19 Applicant. Commissioner May moving,
20 Commissioner Cohen, Commissioners Hood,
21 Miller, and Turnbull in support of denial.

22 CHAIRMAN HOOD: Okay. Ms.

1 Schellin, can we go to the next request?

2 MS. SCHELLIN: Yes. Next we have
3 the Applicant's Request to Strike Attachments
4 and Exhibits to Request for Reconsideration
5 submitted by Champlain Street Neighbors.

6 CHAIRMAN HOOD: Okay. Let me open
7 it up for any comments. Would somebody like
8 to make a motion?

9 VICE CHAIR COHEN: I make a motion
10 to grant Adams Morgan Church, LLC's Request to
11 Strike Exhibits and Attachments to the
12 Champlain Street Neighbors Reconsideration
13 Motion. Is that okay?

14 CHAIRMAN HOOD: I'm sorry. I
15 didn't follow you. I'm sorry. Can you just
16 say it again?

17 VICE CHAIR COHEN: For the reasons
18 stated by the attorneys of the Applicant I
19 move that we strike the attachments and
20 exhibits from the record.

21 CHAIRMAN HOOD: Okay. It's been
22 moved and seconded. Any further discussion?

1 All those in favor aye.

2 COMMISSIONERS: Aye.

3 CHAIRMAN HOOD: Not hearing any
4 opposition, Ms. Schellin, would you please
5 record the vote.

6 MS. SCHELLIN: Yes. Staff records
7 the vote five to zero to zero to grant the
8 Applicant's Request to Strike the Attachments
9 and Exhibits to Request for Reconsideration
10 submitted by Champlain Street Neighbors.
11 Commissioner Cohen moving, Commissioner Miller
12 seconding, Commissioners Hood, Turnbull, and
13 May in support of granting.

14 CHAIRMAN HOOD: Ms. Schellin, can
15 we take the last one?

16 MS. SCHELLIN: Yes. The last one
17 is a Request for Reconsideration submitted by
18 Champlain Street Neighbors and the Applicant's
19 Opposition Thereto.

20 CHAIRMAN HOOD: Okay. Again, we
21 have another request. We have reviewed the
22 submission as stated. I will also move for

1 the reasons stated in the opposition that we
2 deny Champlain Street Neighbors' Motion for
3 Reconsideration submission and ask for a
4 second.

5 COMMISSIONER TURNBULL: Second.

6 CHAIRMAN HOOD: It's been moved
7 and properly seconded. Any further
8 discussion? All those in favor aye.

9 COMMISSIONERS: Aye.

10 CHAIRMAN HOOD: Any opposition?
11 So ordered.

12 Staff, would you record the vote.

13 MS. SCHELLIN: Staff records the
14 vote five to zero to zero to deny the Request
15 for Reconsideration submitted by Champlain
16 Street Neighbors. Commissioner Hood moving,
17 Commissioner Turnbull seconding, Commissioners
18 May, Miller, and Cohen in support of denial.

19 Mr. Ritting, is there anything
20 else, any other action?

21 Ms. Schellin, do we have anything
22 else before us?

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MS. SCHELLIN: No, sir.

CHAIRMAN HOOD: Okay. We'll be starting -- I don't know what time it is but we'll be starting in about five minutes. Thank you. This Special Public Meeting is closed. Adjourned.

(Whereupon, at 6:32 p.m. the Special Public Meeting was adjourned.)

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C E R T I F I C A T E

This is to certify that the foregoing transcript

In the matter of: Special Public Meeting

Before: DCZC

Date: 04-18-13

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.



Court Reporter

NEAL R. GROSS

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