

GOVERNMENT
OF
THE DISTRICT OF COLUMBIA

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ZONING COMMISSION

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REGULAR MEETING

+ + + + +

THURSDAY

OCTOBER 15, 2020

+ + + + +

The Regular Meeting of the District of Columbia Zoning Commission convened via Videoconference, pursuant to notice at 4:00 p.m. EDT, Anthony J. Hood, Chairman, presiding.

ZONING COMMISSION MEMBERS PRESENT:

- ANTHONY J. HOOD, Chairperson
- 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
- PAUL YOUNG, Zoning Data Specialist

OFFICE OF PLANNING STAFF PRESENT:

- MAXINE BROWN-ROBERTS

D.C. OFFICE OF THE ATTORNEY GENERAL PRESENT:

- MAXIMILIAN TONDRO, ESQ.

The transcript constitutes the minutes from the Regular meeting held on October 15, 2020.

I-N-D-E-X

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Adjourn	

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

4:06 p.m.

1
2
3 CHAIRMAN HOOD: Good afternoon, ladies and
4 gentlemen. We are convening and broadcasting this public
5 meeting by video-conferencing. My name is Anthony Hood.
6 Joining me are Vice Chair Miller, Commissioner Shapiro,
7 Commissioner May, and Commissioner Turnbull. We're also
8 joined by the Office of Zoning staff Ms. Sharon Schellin, as
9 well as Mr. Paul Young, who handles all of our virtual
10 operations.

11 I will ask, if we call somebody up, that you
12 introduce yourself at the appropriate time.

13 Copies of today's meeting agenda are available on
14 the Office of Zoning's website. Please be advised that this
15 proceeding is being recorded by a court reporter and is also
16 webcast live, Webex, and YouTube Live. The video will be
17 available on the Office of Zoning's website shortly after the
18 meeting. Accordingly, all those listening on Webex or by
19 phone will be muted if we call you up on the meeting, unless
20 the Commission suggests otherwise.

21 For hearing action items, the only documents for
22 this evening's applications -- oh, I'm sorry, for hearing
23 action items, the only documents before us this evening are
24 the application, the ANC setdown report, and the Office of
25 Planning report. All other documents are in the record and

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1 will be reviewed at the time the hearing if set down.

2 Again, we do not take any public testimony at our
3 meetings unless the Commission requests someone to come
4 forward or to speak.

5 If you experience difficulty accessing Webex or
6 your phone call-in, then please call OZ hotline number at
7 202-727-5471. Again, any problems, please call 202-727-5471
8 for Webex login or call-in instructions.

9 Does the staff have any preliminary matters?

10 MS. SCHELLIN: No, sir. No preliminary matters.

11 CHAIRMAN HOOD: Okay, give me one moment. I
12 thought that was Vice Chair Miller. Could you -- could we
13 let him?

14 MS. SCHELLIN: I'm checking to see if by chance
15 he's in the other room, the holding room, but I do not see
16 him.

17 (Simultaneous speaking.)

18 MS. SCHELLIN: Maybe he's just taking a minute to
19 get in. You may have to --

20 CHAIRMAN HOOD: No, he's there. He's asking me
21 to send him another meeting -- can Sharon send me another
22 meeting invite. Could you send it to him again?

23 MS. SCHELLIN: Yes, I will.

24 (Pause.)

25 MS. SCHELLIN: Sorry about that. If you guys want

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1 to go ahead and start the first case, I can --

2 CHAIRMAN HOOD: I think we can wait, yeah, because
3 he may have something to add to this, even though it's --

4 MS. SCHELLIN: Okay, sure. Sorry. I'm sending
5 that right now.

6 Okay, that's been sent.

7 (Pause.)

8 CHAIRMAN HOOD: Okay, let's go ahead and get
9 started. Our first case is Zoning Commission Case No. 20-11,
10 Office of Zoning's Text Amendments to Subtitles Y and Z.
11 This is our virtual hearings and meetings. Ms. Schellin.

12 MS. SCHELLIN: Yes, sir. If you'll recall, the
13 Notice of Second Emergency and Proposed Rulemaking was
14 approved by the Commission. And that was published in the
15 D.C. Register on August 21st. We've received no public
16 comment, so we've asked the Commission to proceed with final
17 action this evening.

18 CHAIRMAN HOOD: Thank you, Ms. Schellin.

19 Commissioners, I think we have virtually really
20 accomplished this. Our virtual hearings and meetings seem
21 to go pretty well. As we continue, I'm sure there will be
22 some fine-tuning, but let me open it up and see if there's
23 any discussion. Commissioner May.

24 COMMISSIONER MAY: Yes, Mr. Chairman, I would just
25 like to state, for the record, that I have reviewed the

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1 record, since I was not in the hearing on July 30th. I
2 watched the hearing subsequently, and I am prepared to
3 participate in the final decision-making.

4 And, based on what I read in the final version of
5 the text, it seems like the final version reflected the
6 comments of the Commission at the hearing and the concerns
7 generally. I mean, I still think that the one section about
8 justifying late submissions is a bit excessive, but I'm not
9 -- you know, I'm okay. I can go along with the language as
10 it is. So I'm prepared to move forward with it.

11 CHAIRMAN HOOD: Okay. Thank you, Commissioner
12 May. And if we see a way that we can tweak that, I'm sure
13 we will as we move forward.

14 COMMISSIONER MAY: We'll see how it goes. I mean,
15 if it winds up being an onerous burden, then I think it's
16 worth changing. Maybe my concerns are unfounded. It
17 certainly is not a regular thing that people need to justify
18 making these submissions late as it is.

19 CHAIRMAN HOOD: True. Okay. Commissioner
20 Shapiro, anything to add?

21 COMMISSIONER SHAPIRO: Mr. Chair, the only thing
22 I would add is that counsel has suggested one typographical
23 -- one small change in Sections 206.3 and 206.7, which they
24 feel like are not substantive enough to require republishing,
25 but it's to remove -- to note that this is only to be

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1 introduced at a public hearing -- to remove "or meeting" from
2 both those sections.

3 CHAIRMAN HOOD: All right, so noted. Commissioner
4 Turnbull?

5 COMMISSIONER TURNBULL: Mr. Chair, I would agree
6 with Commissioner Shapiro. I think that, at the hearing, we
7 went through any issues that we had. I think, other than
8 OAG's two minor corrections, as Commissioner Shapiro has
9 said, I'm in support and ready to move forward on it.

10 CHAIRMAN HOOD: Okay. Vice Chair Miller?

11 VICE CHAIR MILLER: No comments, Mr. Chairman.

12 CHAIRMAN HOOD: So, I did the round this time, but
13 next time, like we normally do in our meetings, if you have
14 something, just make a note, a movement with your hand and
15 I will call on you. That may save us a little time.

16 Okay, it's been -- did somebody make the motion?
17 Okay, I'll make the motion. I move that we approve Zoning
18 Commission Case No. 20-11, as discussed, and ask for a
19 second.

20 VICE CHAIR MILLER: Second.

21 CHAIRMAN HOOD: Thank you, Vice Chair Miller.
22 It's been moved and properly seconded. Any further
23 discussion?

24 Not seeing any hands, Ms. Schellin, would you do
25 a roll call vote?

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1 MS. SCHELLIN: Commissioner Hood.

2 CHAIRMAN HOOD: Yes.

3 MS. SCHELLIN: Commissioner Miller.

4 VICE CHAIR MILLER: Yes.

5 MS. SCHELLIN: Commissioner May.

6 COMMISSIONER MAY: Yes.

7 MS. SCHELLIN: Commissioner Shapiro.

8 COMMISSIONER SHAPIRO: Yes.

9 MS. SCHELLIN: Commissioner Turnbull.

10 Commissioner Turnbull?

11 COMMISSIONER TURNBULL: I'm sorry, I was -- yes.

12 MS. SCHELLIN: Okay. The vote's 5-0-0 to approve
13 Final Action Zoning Commission Case No. 20-11.

14 CHAIRMAN HOOD: Okay, thank you, Ms. Schellin.
15 Let's move right along, go into proposed action, Zoning
16 Commission Case No. 20-06, 1333 M Street, LLC, first stage
17 and consolidated PUD and related map amendment at Square
18 1025-E and 1048-S and Residential 129 and 299. Ms.
19 Schelling?

20 MS. SCHELLIN: Yeah, I just want correct. That
21 should be Felice Development. 1333 M Street is actually the
22 owner, and they gave Felice Development the permission to
23 bring this case as the applicant. That was a mistake by
24 myself.

25 CHAIRMAN HOOD: Okay. Let me just say this. I'm

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1 looking at something else, but on the agenda it was not a
2 mistake by you. I'm using something else. So, it does say,
3 on the agenda, Felice Development. I thought I was being
4 smart not having to open up two files, but obviously --

5 MS. SCHELLIN: No, I think that the one I sent you
6 did have -- it does have 1333. I had it correct on one
7 document and incorrect on the other. It is the owner, but
8 just to correct who the actual applicant is, it is Felice
9 Development.

10 But, on this one, in exhibits 70 through 70F, 71,
11 72, and 75, those are applicant's post-hearing submissions.
12 Exhibit 73 is the report from ANC 6B. Exhibit 74 is the
13 supplemental report from OP. And on this one Staff asks the
14 Commission to consider proposed action this evening -- or
15 this afternoon.

16 CHAIRMAN HOOD: Okay, thank you. Commissioners,
17 we have a number of moving parts in this case. Phase 1,
18 Phase 2, we have the design flexibility request.

19 One of the things that I will say -- and I'm not
20 sure how others have interpreted the ANC letter. We can have
21 that discussion as we move forward. It looks like a lot of
22 work was done to work with the ANC. I took it as support.
23 I know there's still some outstanding issues that they're
24 working on. I know they have an MOU. But I took that letter
25 as support. And hopefully, this is proposed. If it's not,

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1 I'm sure we can be corrected.

2 But let me open it up. Who would like to start
3 us off? Any comments or what they see as far as this case
4 goes?

5 COMMISSIONER SHAPIRO: Mr. Chair, I just have a
6 few brief ones. I just want to appreciate the responses that
7 we had addressed, particularly the new exhibits around the
8 fencing, where the rail is, where the rail line is, showing
9 the buffering, the landscaping in front of the first-floor
10 units, coming up with additional options for that zig-zag
11 walkway. All that was quite helpful. So, those were some
12 of the minor issues that I had concerns about. I'm sure
13 other colleagues will have others, but I don't have any other
14 concerns.

15 CHAIRMAN HOOD: Okay. Commissioner May.

16 COMMISSIONER MAY: Yeah, I went through the list
17 of things that I thought were outstanding, and I do believe
18 the applicant, in their submissions, have made changes that
19 were responsive. I mean, in some cases, they might have gone
20 a little bit further to make improvements, but I think what
21 they've done is sufficient.

22 They dealt with the sort of cut-out section and
23 the design improvements there. I suggested adding street
24 trees along Water Street, and I still think that's a good
25 idea, but they've elected not to do that, and I understand

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1 why. And it will be interesting, and certainly helps to have
2 the illustration of the view from across the river. So, that
3 was done.

4 They also addressed the issue of the brick façade
5 wrapping around on the west side, or wrapping from the west
6 side onto the south side. And I think that's an improvement,
7 although there's not a really great view of that. I can see
8 that they have done it, and the written response explains
9 that they did.

10 Let's see. There were a few other open issues
11 that were raised by other members of the Commission. I won't
12 go through those. I'll allow folks to speak to their own
13 concerns. But it seemed to me like they were addressing all
14 the concerns that had been raised by the Commission.

15 I would also note the ANC's revised report. I
16 appreciate them sending a second report with updates on, you
17 know, not just one or two issues. I mean, hey sort of went
18 through a recap of a lot of them. And I think we will -- I
19 agree with you, I take it as a letter expressing support for
20 the project, with some concerns and issues, some of which can
21 be addressed by the Commission and how the report is worded
22 or what conditions are included. Others, not so much. I
23 think they would like us to do more on the subject of Water
24 Street improvements. I don't believe that we have the means
25 of compelling that. And I think that what the applicant has

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1 proffered in the way of their contribution to trying to make
2 Water Street into a greenway or some version of that I think
3 is beneficial and acceptable, and maybe not quite as much as
4 what the ANC wants, but good nonetheless.

5 So, I think we have to pay attention to their
6 concerns, but I don't know that we could do that much more
7 on that particular issue. And I appreciate a number of the
8 other concerns that were addressed, but I'll let others talk
9 about those concerns as they might have them.

10 CHAIRMAN HOOD: Thank you. Commissioner Turnbull.

11 COMMISSIONER TURNBULL: Thank you, Mr. Chair. I
12 would agree with my colleagues and with the comments they
13 had. I think that the submissions that we got from the
14 applicant architecturally satisfied my comments that I made
15 at the time. So I'm pleased that they went back and looked
16 at the issues and made some changes.

17 The only thing -- I'm looking at the OP report.
18 One of the items that OP has is the applicant should come up
19 with a timeline for the delivery and study of a report that
20 would be compliant with Section 305.3, benefits shall be
21 measurable to be completed. I think the applicant's still
22 got to go back and give us something about -- as to what OP
23 is talking about right here.

24 OP's supplemental report clarified a few items.
25 I think there's nothing in the report, other than the

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1 timeline, that OP wants that is outstanding for them.

2 I guess the only thing, really, is to maybe talk
3 about the map amendment, itself. And the proposed map
4 amendment for -- to MU-9 is not -- the way it reads is sort
5 of inconsistent, if you look at it on the face of it, with
6 the FLUM. But if you really get into what they're doing,
7 it's not. And it goes back to looking at the framework plan.
8 Basically, MU-9 is deemed consistent with a high-density
9 commercial FLUM category, but the way the applicant is using
10 it, I mean, despite the requested MU zone, the project is not
11 a high-density commercial project.

12 First of all, of the proposed 6.17 FAR, only .35
13 FAR is devoted to non-residential use. So it's clearly not
14 a high-density commercial project. And I think that by the
15 way they've sited the buildings on the site they're able to
16 achieve over 60 percent to free up the land for parks and
17 enjoyment by the residents of the buildings.

18 So, in fact, the density of the project is just
19 above the matter of right which we allowed in the MU-1 and
20 MU-10 zones. So I think on the surface it may look like it's
21 not compliant, but I think that, because of what they're
22 doing, they do satisfy. And I think granting the map
23 amendment was not really an issue for me. So, that's about
24 all I have right now. Thanks.

25 CHAIRMAN HOOD: Thank you, Commissioner Turnbull,

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1 especially for covering the map amendment. Vice Chair
2 Miller.

3 VICE CHAIR MILLER: Thank you, Mr. Chairman. I
4 concur with all of the comments of my colleagues and
5 appreciate the responsiveness of the applicant to the
6 concerns expressed, particularly by ANC 6B, but also by the
7 Zoning Commission itself, and Office of Planning.

8 In particular, I appreciate, as ANC 6B does, the
9 increased inclusionary zoning proffer that includes four
10 two-bedroom units at 50 percent median family income that's
11 part of the overall, I think, 79 IZ units that are part of
12 this project.

13 At the hearing, the applicant had increased the
14 proffer in response to the ANC's concerns about the senior
15 adult care contribution, and the ANC believes they've
16 satisfied their request. There had to be some tweaking
17 because of District agency requirements in terms of having
18 to accept these kinds of contributions, but I think they've
19 all -- that's been worked out. If not, that can be worked
20 out between our counsel and the applicant's counsel as an
21 order is written, if we approve this.

22 On the architecture, I won't reiterate what my
23 other colleagues have said, but I think there were increased
24 balconies, which I like. I think my colleagues let me say
25 that, rather than they say that. So, I think there were 64

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1 additional balconies added since the hearing, which brings
2 it up to, I think, almost a third or more of the -- 184 out
3 of the 496 units have balconies. So that's the more the
4 better. Everybody needs their private outdoor space always,
5 but especially in these times where that kind of space is at
6 a premium, for obvious reasons.

7 And, yeah, I agree with Commissioner Turnbull that
8 the map amendment -- certainly, the overall density is
9 consistent with the medium density on the Future Land Use Map
10 because there's a lot of open space being provided. And
11 we've seen this in other projects, where you crowd the
12 density into one area, so, in this case, not only to create
13 the open space, but also to have the views toward the river
14 and have the connectivity between the river and the water
15 views and the rest of the landscape there.

16 That applies to the height, which is, on its face,
17 somewhat above this particular medium density, because
18 they've got the highest height you can possibly put on the
19 site. But that higher height is necessitated by the need,
20 which is supported by other Comprehensive Plan policies, for
21 that connectivity with the river, the open space, the views,
22 the vistas, and providing the program of all this housing,
23 and affordable housing, which is a civic priority in the
24 Comprehensive Plan.

25 So I think, on balance, the applicant made a very

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1 good argument, recognizing the D.C. Court of Appeals'
2 comments to us on how that potential inconsistency should be
3 acknowledged and balanced, and then we should articulate why
4 it's okay in this case. And I think the applicant made a
5 very good case, particularly at the hearing, in describing
6 that whole balancing process and the Comprehensive Plan
7 consistencies, which I agree with the applicant's statements,
8 both in the written record and in the hearing transcript.

9 So, I think that's all I have. I just appreciate
10 the applicant working with the ANC so much on this project
11 and that it's come -- that it's really made a lot of progress
12 since its initial application. Thank you, Mr. Chairman.

13 CHAIRMAN HOOD: Thank you, Vice Chair. I would
14 agree with everything I've heard. Phase 1, we've already
15 talked about the map amendment. Phase 2, we talked about
16 building on the 1A, subject to the first stage PUD approval
17 and application in the future second stage PUD approval.
18 Building 2, the subject of the first stage PUD approval
19 application and the future second stage PUD and the design
20 flexibility.

21 What's noted in the application, and I appreciate
22 this point being pointed out, is the applicant has standard
23 design flexibility from the final plans. And those are
24 Exhibit 17. But it notes that while the flexibility for the
25 final (audio interference) the applicant has agreed to

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1 maintain the number of two-bedroom units proposed in Phase
2 1, 64 units of the PUD.

3 So, I think there were a number of moving parts
4 in this whole project. I also believe that the ANC, like I
5 opened up my comments, the ANC had really worked -- and I'm
6 hoping that was a letter of support. It sure seems like it.
7 I know there's outstanding issues, some concerns about the
8 boathouse and some other things, but I think, as this thing
9 evolves, I'm sure, with the coordination that we've seen thus
10 far, that will continue.

11 So, with that, I don't think I have anything to
12 add. I think the record speaks for itself. OP report, DDOT
13 report, ANC report, and the merits of this case, I think I
14 will be voting in support of it.

15 Let me see if somebody would like to make a
16 motion. Okay, I would move, as discussed, that we approve --
17 let me get this one right -- Zoning Commission Case No.
18 20-06, as discussed, and ask for a second.

19 COMMISSIONER TURNBULL: Second.

20 VICE CHAIR MILLER: Second.

21 CHAIRMAN HOOD: It's been moved and seconded
22 twice, so this must be good. Any further discussion?

23 (No response.)

24 CHAIRMAN HOOD: Ms. Schellin, would you do roll
25 call, please?

1 MS. SCHELLIN: Commissioner Hood.

2 CHAIRMAN HOOD: Yes.

3 MS. SCHELLIN: Commissioner Miller.

4 VICE CHAIR MILLER: Yes.

5 MS. SCHELLIN: Commissioner May.

6 COMMISSIONER MAY: Yes.

7 MS. SCHELLIN: Commissioner Shapiro.

8 COMMISSIONER SHAPIRO: Yes.

9 MS. SCHELLIN: Commissioner Turnbull.

10 COMMISSIONER TURNBULL: Yes.

11 MS. SCHELLIN: Staff records the vote 5-0-0 to
12 approve proposed action in Zoning Commission Case No. 20-06.

13 CHAIRMAN HOOD: Thank you. Our next case is
14 Zoning Commission Case 19-30. This is an ANC 5D map
15 amendment at Squares 4494, 4495, 4506, and 4705, and Parcels
16 160/22 and 160/38. Ms. Schellin.

17 MS. SCHELLIN: Yes, sir. At Exhibit 37, the
18 Commission left the record open to allow Kathy Henderson to
19 provide a follow-up letter. And then, at Exhibit 38, there's
20 an OP supplemental report. We'd ask the Commission to
21 consider proposed action this afternoon on this case.

22 CHAIRMAN HOOD: Okay, thank you, Ms. Schellin.

23 Commissioners, anyone like to get us started?
24 Commissioner May.

25 COMMISSIONER MAY: Sure. I think this is a pretty

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1 thoroughly vetted map amendment. And I would commend the ANC
2 for their work in moving this forward and the outreach that
3 they did. I mean, I understand it's not universally beloved,
4 but I do think that it was thoroughly considered.

5 I'm not concerned about some of the opposition
6 that we have heard, either for notification reasons or
7 because of impacts on particular properties. I mean, think
8 this is the right move because there is a net -- a slight net
9 increase in density that results, and it helps to preserve
10 the existing neighborhood.

11 I would note my own support for OP's
12 recommendation that the property at 805 19th Street be
13 excluded from the map amendment. So, a slight change to how
14 the lines are drawn. And I don't think that really has a
15 substantive effect on the original application from the ANC.
16 So I'm prepared to vote in favor of this.

17 CHAIRMAN HOOD: Okay.

18 (Simultaneous speaking.)

19 COMMISSIONER MAY: I just would also note, and
20 maybe Commissioner Miller, or Vice Chair Miller, will talk
21 to this, but the apartment building count was also helpful
22 information from OP, so I appreciated that.

23 CHAIRMAN HOOD: Okay, any other comments?

24 COMMISSIONER SHAPIRO: I agree with Commissioner
25 May. The only thing I would say is just to address -- I

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1 would also support acting on this and adopting OP's
2 recommendation related to Lot 66, and just to note the ANC's
3 concerns that one thing to keep in mind is that there's
4 already an existing apartment building on the square, that
5 Lot 66, Square 4495. That may be helpful to note. But I'm
6 in favor of this, as well, with OP's recommended approach.

7 CHAIRMAN HOOD: Okay. Commissioner Turnbull.

8 COMMISSIONER TURNBULL: I would also agree with
9 Commissioner May's proposal, or putting forth the proposal
10 to go along with this, with the exclusion, as recommended by
11 OP. I would concur with that.

12 CHAIRMAN HOOD: Okay. Any other questions or
13 comments?

14 Okay, I would agree with everything that's been
15 said and the exclusion of Lot 66. We did get some
16 opposition. And I would hope -- we do want to stay within
17 confines of what we're supposed to do. I realize what goes
18 on in neighborhoods, but I'm hoping that community can
19 continue to work together and work through those
20 opportunities, misunderstandings, or however anybody wants
21 to characterize it. I'll leave that in another arena.

22 As far as our concerns, the ANC, who is the
23 elected body, they did vote in support, and that's what we're
24 bound to go by from the Commission. I believe that this is
25 ready, and I'll be voting in favor of it.

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1 Let's see, Vice Chair Miller, do you have
2 anything?

3 VICE CHAIR MILLER: Yeah, thank you, Mr. Chairman.
4 I concur with my colleagues' comments. I mean, the reason
5 why OP recommended the exclusion of that 805 19th Street,
6 Northeast property, Lot 66, was because it was the only lot
7 in the rezoning area, the RA-2 rezoning area, that is
8 designated currently on the Future Land Use Map as medium
9 density residential. So the apartment building that's there
10 is appropriate in terms of Comp Plan consistency.

11 I appreciate OP responding to my request to
12 identify -- and apparently it wasn't easy to identify -- the
13 number of apartment buildings that would be affected in the
14 rezoned area to R-4 that would, I guess, essentially become
15 non-conforming and be grandfathered in. OP identified seven
16 apartment houses with four or more dwelling units, five
17 existing and two in the process of conversion, in the area
18 proposed to be rezoned to R-4. I guess that's seven. The
19 five existing, I guess, includes the one that we're going to
20 exclude.

21 I mean, I always have some concern when we are
22 downzoning, which is what we're doing here, in conformance
23 with the Comp Plan, although the existing zoning was in
24 conformance with the Comp Plan, too. That was acknowledged
25 by OP. I had some concern about creating non-conforming

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1 buildings, but the predominant use, which is what the comp
2 plan is identifying, is moderate density rowhouse development
3 in this area. And so I guess I can live with those. It's
4 probably some of the conversions that have gone on that have
5 led to the concern by the neighborhood to create this new,
6 more restrictive zoning category. So I understand where
7 they're coming from, and I support the map amendment, with
8 that one exception of Lot 66. And I'm prepared to move
9 forward, as my colleagues are.

10 CHAIRMAN HOOD: Thank you, Vice Chair. Before you
11 mute would you like to make the motion?

12 VICE CHAIR MILLER: Sure. I move Zoning
13 Commission take proposed action on Case No. 19-30, with the
14 -- well, as proposed by ANC 5D, a map amendment at Squares
15 4494, 4495, 4506, 4507, and Parcels 160/22 and 160/38, with
16 the exception of Lot 66 that we have repeatedly referred to,
17 which would be excluded from the map amendment, and ask for
18 a second.

19 COMMISSIONER TURNBULL: Second.

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

22 Not seeing any, Ms. Schellin, would you do a roll
23 call vote?

24 MS. SCHELLIN: Yes. Commissioner Miller.

25 VICE CHAIR MILLER: Yes.

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1 MS. SCHELLIN: Commissioner Turnbull.

2 COMMISSIONER TURNBULL: Second. Yes.

3 MS. SCHELLIN: Commissioner Hood.

4 CHAIRMAN HOOD: Yes.

5 MS. SCHELLIN: Commissioner May.

6 COMMISSIONER MAY: Yes.

7 MS. SCHELLIN: Commissioner Shapiro.

8 COMMISSIONER SHAPIRO: Yes.

9 MS. SCHELLIN: The vote is 5-0-0 to approve
10 proposed action in Zoning Commission Case No. 19-30, as
11 discussed, minus Lot No. 66, per OP's recommendation. Thank
12 you.

13 CHAIRMAN HOOD: Okay, thank you. Let's go to
14 hearing action, Zoning Commission Case No. 20-24, Office of
15 Planning map amendment at Square 5862, 5865, 5866, and 5867,
16 Barry Farms.

17 So, Ms. Brown-Roberts, we'll turn it over to you.

18 MS. BROWN-ROBERTS: If Paul could put up the
19 PowerPoint, I'd appreciate it. Thank you.

20 Again, good afternoon, Mr. Chairman and members
21 of the Commission. Maxine Brown-Roberts representing the
22 Office of Planning on Zoning Commission Case 20-24.

23 On September 14th, the Commission set down a text
24 amendment proposal, Case 20-21, for a new BF zone. The
25 proposal this afternoon is for that zone to be mapped on the

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1 former Barry Farm Wade Road Development, also known as Barry
2 Farm. The proposal would rezone the property from the RA-1
3 to the BF zone with a number of sub-zones. Next.

4 The BF zone applied to the northwestern portion
5 of the site, and as shown on the map on the left, is a
6 moderate density mixed use zone that would allow residential
7 use in apartments and ground-floor neighborhood retail and
8 service uses at a maximum height of 65 feet and FARs of up
9 to 6.0.

10 The remainder of the property, which is the map
11 on the right, would be in the BF-2 zone, which is a moderate
12 density residential zone that would allow row dwellings,
13 semi-detached units, and flats at a maximum height of 40
14 feet. Within the BF-2 zone would also be the area designated
15 for community park and historic landmark. Next.

16 The Future Land Use Map indicates moderate density
17 residential for the entire site. The moderate density
18 residential category is intended for neighborhood with
19 rowhouses and low-rise apartment buildings and some
20 single-family homes, as well as older multi-story apartments,
21 typical zones being the RF-3, RF, and RA-2 zones, although
22 it also states that other zones may apply. It also suggests
23 that those uses are not exclusively the types of uses
24 appropriate to moderate density residential uses and allows
25 an FAR of up to 1.8.

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1 When considered in the broad context, a large
2 portion of the property, except for the western portion,
3 would not be inconsistent with the map designation. However,
4 the identified inconsistencies of the proposed map amendment
5 could be overcome, as this is a District-owned property which
6 has requirements for the provision of increased density due
7 to the high amounts of affordable housing, a set number of
8 units for prior residents, designated areas with limited
9 development potential, large open space area, and the
10 provision of retail uses.

11 The newly approved framework plan encourages a
12 provision of neighborhood retail uses to enhance residential
13 areas. As demonstrated in our setdown report, the proposal
14 is not inconsistent with many of the city-wide elements of
15 the Comprehensive plan; in particular, the land use, housing,
16 economic development, and historic preservation elements.

17 While the map amendment on a portion of the
18 property may not fully comport with the existing
19 Comprehensive Plan description of a moderate density
20 residential land use, the Comprehensive Plan amendments
21 currently before Council recommended amending the FLUM to
22 show a portion of the site as being appropriate for a mix of
23 medium density residential, medium density commercial, and
24 the remainder for moderate density residential uses should
25 be considered. If the proposal is set down, OP will further

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1 expound and demonstrate that the inconsistencies can be
2 overcome under both the existing and the proposed FLUM.
3 Next.

4 The Generalized Policy Map indicates that the site
5 is designated as a neighborhood enhancement area. The
6 framework plan recommends that new development to these areas
7 should support neighborhood and city-wide housing and attract
8 complementary uses and services to better serve future
9 residents. The proposed BF zone would not be inconsistent
10 with this designation.

11 Barry Farm is identified in the far southeast and
12 southwest area element as a policy focus area and recommends
13 additional density at a moderate range and allow for the
14 incorporation of retail and service uses to serve the daily
15 needs of residents. It also goes on to recommend rezoning
16 to promote desired housing types, provide opportunities for
17 increased density within the area, especially near Metro
18 areas, and with more retail services. Next.

19 The proposal would implement the recommendation
20 of the Barry Farm, Park Chester, Wade Road Redevelopment
21 Plan, which is also known as the Small Area Plan, to create
22 a vibrant mixed income neighborhood, with a mix of housing
23 types to accommodate a mix of replacement public housing,
24 affordable, and market rate units.

25 In summary, the proposed text amendment -- sorry,

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1 the proposed map amendment would generally not be
2 inconsistent with the moderate density mixed use development
3 anticipated by the Comprehensive Plan map, policies, and
4 goals, and would implement the vision of the Barry Farm Small
5 Area Plan anticipated by residents of the area. The Office
6 of Planning therefore recommends that the Zoning Commission
7 set down for public hearing the proposed map amendment as a
8 rulemaking case. Thank you, Mr. Chairman, and I'm available
9 for questions.

10 CHAIRMAN HOOD: Thank you, Ms. Brown-Roberts. Let
11 me see if my colleagues have any questions or comments of
12 you. Commissioner May.

13 COMMISSIONER MAY: Certainly. Thank you very
14 much. Thank you, Ms. Brown-Roberts. I appreciate your
15 presentation, and I'm glad to see this particular project or
16 this neighborhood coming back before the Commission, as we
17 have a long history of trying to address the future
18 development of this area.

19 And I will say, off the bat, I'm fine with setting
20 this down. I do have some discomfort in what is being
21 presented, in terms of the potential inconsistencies with the
22 Comprehensive Plan. And my only observation of this is that
23 what I would prefer to do is that, while we set this down now
24 and we tee it up for consideration, we actually not schedule
25 it for a hearing until we have greater certainty about

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1 Council action one way or another. Because, you know, who
2 knows how the Council may act? They may support the proposed
3 FLUM. They may take a different direction on it. I wouldn't
4 want to make the assumption that they're going to go one way
5 or another, and I wouldn't want to wind up with a greater
6 inconsistency after the Council takes action.

7 So, again, I'm happy to set it down so we're teed
8 up and ready to go, but I would like to wait -- certainly
9 wait on decision-making until after Council has made
10 decisions, but not even schedule a hearing until there's some
11 level of clarity. So I would suggest we go ahead and set it
12 down, but then ask OP to provide an update on the status of
13 the Council's progress on the Comprehensive Plan in two or
14 three months, you know, when we know when it might be taken
15 up and, hopefully, eventually acted on.

16 And I'm hopeful that the Council will act quickly
17 because I know there's a lot that is riding on this. The
18 Council has taken some action. And I know that they need to
19 -- they have a lot on their plate, obviously, but this would
20 be -- it's important for them to move the Comprehensive Plan
21 forward. So, that's it for my suggestions.

22 CHAIRMAN HOOD: Okay, thank you. Commissioner
23 Shapiro, any follow-up questions or comments?

24 COMMISSIONER SHAPIRO: I don't. I think what
25 Commissioner May articulated feels like the right path to me,

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1 as well.

2 CHAIRMAN HOOD: Commissioner Turnbull, any
3 follow-up questions?

4 COMMISSIONER TURNBULL: Well, having sat on or
5 been involved with the old Barry Farm plan, I'm glad to see
6 it has come back. I mean, I'm glad that we're back on this
7 property and we're trying to move forward and accomplish
8 something that we all know is needed for there.

9 But I also agree with Commissioner May that,
10 before we go too far, we should wait until the Council's
11 actually come to terms with it and ruled on it. But I am
12 very much in favor in setting down this very needed project.
13 So I would be in favor of setting down this map amendment.
14 Thank you.

15 CHAIRMAN HOOD: All right. Vice Chair Miller.

16 VICE CHAIR MILLER: Thank you, Mr. Chairman.
17 Yeah, I support -- certainly support setting this down for
18 a public hearing to map an area, Barry Farm, to help
19 implement the 16-year-old Small Area Plan, which was
20 introduced by the Mayor and approved by the Council 16 years
21 ago. And we did a PUD, which the court vacated, to try to
22 implement that plan, as well.

23 I recognize that there is a land use map amendment
24 pending that the Mayor proposed an that's before the Council
25 for this area that would have made the PUD work that we did

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1 a little bit easier and would make this mapping easier in
2 terms of Comp Plan consistency. However, I would note that
3 the OP report does recognize that the mapping -- that there
4 are overlapping Comprehensive Plan policies, as there always
5 are, and that there are, in this case, different areas of the
6 Barry Farm area that would get different zones, so there
7 would be lower density and open space in one area and higher
8 density in another. And I believe that the overall capacity
9 of the proposed mapping would result in a less dense project
10 if it were fully maximized under this rezoning than the PUD
11 provided for. So I think there's less concern about the
12 Comprehensive Plan consistency with the mapping than there
13 was with the -- there would be less concern with the mapping
14 than there was with the PUD that we considered.

15 I wouldn't have a problem personally, but I don't
16 think there's support among my colleagues, necessarily, for
17 this, with having a hearing. I agree that we shouldn't make
18 a decision, necessarily, until the Council acts on the Comp
19 Plan map amendment. But I know their hearing is scheduled
20 in mid-November. It's possible they may take action by the
21 end of the year. There's no guarantee of that, of course.

22 But I wouldn't have a problem with us at least
23 scheduling a hearing sometime after the Council hearing, in
24 January, for example, so that we can then -- so that we
25 really can be teed up to proceed if there's an indication

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1 that the Council's going to move forward, which I believe
2 that they will because I think that the mapping -- because
3 I believe that the land use map, the Future Land Use Map
4 change that's being proposed by the Mayor is actually more
5 consistent with the Small Area Plan that the Council and
6 Mayor adopted 16 years ago than the existing land use map,
7 if you understand what I'm saying.

8 This is a case where it's taken almost 16 years,
9 and more now, for the land use map in the Comprehensive Plan
10 to catch up with the Small Area Plan that called for exactly
11 this kind of redevelopment of a mixture of high and low and
12 medium and moderate density uses and open space, to get a new
13 community and replacement of dilapidated, now mostly vacant
14 and in bad shape, public housing with one-for-one quality
15 housing, as well as other affordable housing in a range of
16 medium incomes and market rate housing, as well, plus all the
17 amenities for a neighborhood that all of us want to see in
18 a neighborhood, neighborhood-serving retail uses, parks and
19 recreation, and that kind of thing.

20 So, I wouldn't have a problem, personally, with
21 our scheduling a hearing sometime after the Council's
22 hearing, and agree that we should wait on any proposed action
23 until the Council takes action. But I think that it's clear
24 that this is the direction that Small Area Plan 16 years ago
25 called for in terms of a change to the overall land use map.

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1 So, that's where I am, Mr. Chairman. I'm glad
2 this has come forward, I'm glad there's a creative way that
3 we can try to keep this implemented after so many years and
4 so many fits and starts, for a community that's long awaited
5 redevelopment.

6 CHAIRMAN HOOD: Thank you, Vice Chair. I'm going
7 to take a different approach, even though I agree with what
8 I heard from all my colleagues, especially with Commissioner
9 May, and even Commissioner Miller. We can balance that. For
10 me, and let me go to Ms. Brown-Robinson, to see if I remember
11 the PUD. If I'm not mistaken, these homes, this facility of
12 Barry Farms, now, is it 80 years old? It was built in the
13 '40s, I believe. You're on mute.

14 MS. BROWN-ROBERTS: Sorry about that. Yes, they
15 were pretty old.

16 CHAIRMAN HOOD: As I said -- and I don't know what
17 legal --

18 (Simultaneous speaking.)

19 MS. BROWN-ROBERTS: I should say that a majority
20 of the houses have been demolished, though.

21 CHAIRMAN HOOD: Okay. I do know that work is
22 still going on. Even though this is a rulemaking, for me,
23 it's about making sure that folks who live over there and
24 folks who want to come over there, that they live in some
25 housing that helps increase the quality of life, like others.

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1 When I heard they were built in 1940, my thing is, everybody
2 who doesn't live over there is commenting on that. And we
3 want to make sure that we put housing in place. As we do
4 this rulemaking, I'm still going to be asking some of those
5 same questions. I'm concerned about residents coming back.
6 The courts have told us -- as far as I'm concerned, it's
7 still in my jurisdiction. Gentrification, I'm still going
8 to ask those questions. And I still want to know how we are
9 meeting the needs of the tenants and residents who live in
10 Barry Farms.

11 Let me ask you, have there been discussions, Ms.
12 Brown-Roberts, about the residents in Barry Farms yet? Is
13 there any interaction with them?

14 MS. BROWN-ROBERTS: On this particular case? Are
15 you talking about this particular case? Department of
16 Housing is -- the Housing Authority is the one who has been
17 coordinating with them and keeping them up to date on what's
18 going on. The Office of Planning hasn't had any direct
19 communications with them.

20 CHAIRMAN HOOD: We don't want to end up like
21 Temple Courts. We want to make sure that we follow -- at
22 least some of the same attributes, for me, will follow this
23 in this rulemaking. I'm sorry, Ms. Brown-Roberts. I see you
24 saying --

25 MS. BROWN-ROBERTS: I'm sorry. If you remember,

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1 when we had the text amendment set down, those are some of
2 the same questions you had asked us that you're going over
3 now. Those are some of the same questions. We will provide
4 those to you when we have the public hearing in December on
5 the text amendment.

6 CHAIRMAN HOOD: Thank you very much. I won't
7 belabor that. You already got them. I won't belabor that.
8 That's funny. I actually don't remember doing that. We have
9 so many cases, I didn't remember, but I just know that's how
10 I believe that I'm going to -- the path going forward for me.

11 Let me go back to the setting down and the
12 comprehensive plan. I appreciate what both -- all my
13 colleagues have said, especially Commissioner May.
14 Sometimes, you have to have the tools to work in the toolbox.
15 Regardless of what it is, just give me the toolbox and let
16 us work with it. So I think that's where we are.

17 But I will add this. And I can open it up. It
18 sounds like the Vice Chair is saying we won't have any
19 action, but we could have the hearing. But also what I'm
20 hearing from Commissioner May, that we need to know whichever
21 direction they're going in.

22 So, I don't necessarily want to say put it off for
23 months, because, for me, it's folks' lives at stake. But
24 let's see if we can maybe get an update from the Office of
25 Planning after the Council do their due diligence, which will

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1 probably be, I guess -- I know they have a schedule November
2 11 and 12. And I know Vice Chair Miller knows about this
3 than I do, but if we can start having deliberations or
4 considerations the month after, even though that's the
5 holiday time, so it'll probably be something like January or
6 February, as, I think, was mentioned by Commissioner May
7 already.

8 I'm not really asking, I'm just saying let's get
9 an update from OP, maybe, at our next meeting, whenever that
10 is, and then see the path going forward, instead of saying
11 three, four, five months later. We have people's lives and
12 the quality of life. So, let me hear from Commissioner May
13 on my comments.

14 COMMISSIONER MAY: I just wanted to say that the
15 -- I had suggested an update from OP in two or three months.
16 If the Council does go ahead and have complete hearings in
17 November and there's something to report after that, I mean,
18 certainly we'd want to hear from the Office of Planning as
19 soon as they have something to report at our immediately
20 subsequent meeting.

21 And that's really all I'm suggesting, is that we
22 put off the scheduling of a date until we have greater
23 certainty about the Council's direction on this. A hearing
24 is not going to be a decision-making for them, but it will
25 give us a sense of when they're going to take it up for

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1 decision-making, hopefully, and we'll have a better sense of
2 things. I just don't want to get too far ahead of them.

3 I mean, we may get to the point where we want to
4 go ahead with a hearing absent their action. I mean, there
5 is a case to be made that this proposal is consistent with
6 the current Comprehensive Plan. But I'd rather -- I think
7 it will be a smoother road for us, and more likely a
8 sustainable decision, if we have further guidance from
9 Council before we get too far along.

10 CHAIRMAN HOOD: Maybe we can get an update. Let
11 me go to Commissioner Shapiro.

12 COMMISSIONER SHAPIRO: Yeah, I appreciate the
13 conversation, and I agree. I was thinking of the way we did
14 this -- I hate to bring this up, Mr. Chair, but short-term
15 rental, where perhaps this is the kind of thing where at
16 every meeting we need to hear the status. And then we'll
17 decide based upon what we hear.

18 CHAIRMAN HOOD: I wish you would have found
19 another case to bring up, but that's fine. Do we have any
20 other questions or comments from our colleagues?

21 Okay, Vice Chair Miller.

22 VICE CHAIR MILLER: Yeah, I'm comfortable with
23 getting a status report following the public hearing. And
24 maybe we'll get a response from -- maybe there'll be an
25 indication from the Council Chairman as to when they will be

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1 taking up the Comprehensive Plan, whether it's in December
2 or in the next Council period that begins in January.

3 I would note, just from an historical perspective,
4 as someone who's worked on the Council staff, staffing five
5 Comprehensive Plan enactments, I believe every single one of
6 them was enacted by the Council in December, in two readings
7 in December of the end of a Council period. They may not
8 have been, though, so tightly scheduled after the last public
9 hearing as this one would be from a November hearing.

10 I know there was -- I can clearly recall a
11 September or October hearing in at least one of the
12 Comprehensive Plan enactments, but I don't know about a
13 mid-November to incorporate all of the hearing record and for
14 the Chairman to make his recommendation to the Council.

15 But it is -- from an historical perspective, each
16 of the ones I worked on with the Councils at the time, were
17 done in December. So, I hope it's done in December, because
18 this update, as others have indicated, has been awaited by
19 the public and stakeholders for a long time.

20 CHAIRMAN HOOD: Okay, thank you. Commissioner
21 Turnbull.

22 COMMISSIONER TURNBULL: If the Council is meeting
23 on the 11th or 12th of November, I would guess, somewhere
24 around there, we have a hearing on the 16th of November.
25 Maybe OP could give us an update at that point.

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1 CHAIRMAN HOOD: I would agree, Commissioner
2 Turnbull. I was going to ask for it. I didn't know what
3 hearing or meeting -- I don't know if it's a meeting or a
4 hearing, but I would like an update, they can let us know the
5 proceedings that will be going on the 11th and 12th. And
6 hearing from Vice Chair Miller, it sounds like they're going
7 to be taking this up in December. I'm not holding you to it.

8 VICE CHAIR MILLER: I have no idea when this
9 Council will be taking this Comp Plan up. I just was
10 indicating that, in the past, they've been done in December.
11 It's theoretically possible.

12 CHAIRMAN HOOD: Okay, so we can probably get that
13 update in December, I think you said. Is it a meeting, do
14 we have on the 16th, or is it a hearing?

15 COMMISSIONER TURNBULL: The only calendar that
16 I've got --

17 MS. SCHELLIN: Our meeting is December 17th.

18 COMMISSIONER TURNBULL: Right, December 17th is
19 a meeting.

20 MS. SCHELLIN: At 4:00.

21 CHAIRMAN HOOD: Okay, so why don't we ask the
22 Office of Planning to give us an update? Hopefully, we'll
23 have more fine information by that. Then whatever goes on
24 November 11th and 12th, if it holds true to what's happened
25 with the past practice, maybe we might have even more. Who

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1 knows what we'll get back. Let's plan for that from the
2 Office of Planning on December 17th.

3 Any other questions or comments?

4 COMMISSIONER TURNBULL: I just want to say, Ms.
5 Brown-Roberts, you have a wonderful little cat there.

6 MS. BROWN-ROBERTS: He doesn't want to move.

7 (Laughter.)

8 MS. SCHELLIN: Are you going to defer action?

9 CHAIRMAN HOOD: No, we're going to set it down,
10 but we're going to defer scheduling -- we want you to defer
11 -- the way I understand it, we want you to defer our
12 scheduling a hearing.

13 MS. SCHELLIN: Okay, so I should put it on the
14 agenda. Maybe OP will just do a status update that evening.

15 CHAIRMAN HOOD: Status update December 17th.
16 Hopefully, we'll have more information by then.

17 Okay, any other questions or comments? Okay, so
18 we have the -- this is a rulemaking. We have the rulemaking
19 in front of us. Would somebody like to make a motion to set
20 it down? If not, I will set that since I have my mic
21 unmuted. I will set down -- let me go to it. I will set
22 down Zoning Commission Case No. 20-24, as discussed, and ask
23 for a second.

24 VICE CHAIR MILLER: Second.

25 CHAIRMAN HOOD: It's been moved and properly

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1 seconded. Any additional discussion?

2 VICE CHAIR MILLER: Mr. Chairman, I just have a
3 question. I'm sorry. We don't have a meeting between
4 mid-November and December 17th? December 17th is our first
5 meeting after November 12th?

6 MS. SCHELLIN: We have one November 19th. I was
7 just going to ask if --

8 VICE CHAIR MILLER: I'd like ask my colleagues if
9 we could have an update at the November 19th status.

10 MS. SCHELLIN: Right, that's what I was going to
11 ask..

12 CHAIRMAN HOOD: That's fine.

13 MS. SCHELLIN: Yeah, if they could do their update
14 that evening, instead. If they have one, they could do it
15 that night; if not, then the next one.

16 VICE CHAIR MILLER: Right. Right.

17 CHAIRMAN HOOD: Okay. That's fine. They can
18 actually do both. I don't know how much information they're
19 going to have. They may still be having hearings on the 19th
20 of November. Who knows.

21 COMMISSIONER MAY: It's like Shapiro suggested:
22 every meeting, let's get an update.

23 CHAIRMAN HOOD: Okay, let's get an update.

24 MS. SCHELLIN: Commissioner Hood.

25 CHAIRMAN HOOD: Yes.

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1 MS. SCHELLIN: Commissioner Miller.

2 VICE CHAIR MILLER: Yes.

3 MS. SCHELLIN: Commissioner May.

4 COMMISSIONER MAY: Yes.

5 MS. SCHELLIN: Commissioner Shapiro.

6 COMMISSIONER SHAPIRO: Yes.

7 MS. SCHELLIN: Commissioner Turnbull.

8 COMMISSIONER TURNBULL: Yes.

9 MS. SCHELLIN: Staff records the vote 5-0-0 to set
10 down Zoning Commission Case No. 20-24 as a rulemaking case.

11 CHAIRMAN HOOD: Okay. I think that's it. Oh, no,
12 we have correspondence item. We have to find that. We have
13 a correspondence item. Let me pull this up.

14 Okay, we have a letter from the Committee of 100,
15 request for permission to withdraw his letter to the Council
16 on re: the comp plan. So noted. Does anybody have any
17 discussion?

18 (No response.)

19 CHAIRMAN HOOD: Okay, thank you, so noted.

20 All right, Ms. Schellin, do we have anything else?

21 MS. SCHELLIN: Nothing else.

22 CHAIRMAN HOOD: All right. I want to thank
23 everyone for their participation in this meeting tonight, and
24 this meeting is adjourned.

25 Oh, wait a minute, the Zoning Commission, we're

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1 meeting again -- I like to do this, those who are listening,
2 if you care to join us, October 19th, Zoning Commission Case
3 20-16, it's Office of Planning Map Amendment from the ARTS-2
4 to ARTS-4, 1707 7th Street, Northwest, Parcel 2, Square 442,
5 Lot 106. This is in Ward 6. And this is this coming Monday,
6 at 4:00 p.m.

7 Do we have anything else?

8 MS. SCHELLIN: No, sir.

9 CHAIRMAN HOOD: Not hearing anything, thank you,
10 everyone, for your participation in this meeting. This
11 meeting is adjourned. Goodnight.

12 (Whereupon, the above-entitled matter went off the
13 record at 5:13 p.m.)

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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: Regular Meeting

Before: DCZC

Date: 10-15-20

Place: teleconference

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



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