

GOVERNMENT OF
THE DISTRICT OF COLUMBIA

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ZONING COMMISSION

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REGULAR PUBLIC MEETING

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IN THE MATTER OF: :

:

BXP 2100 Penn, LLC : Case No. 06-11V/06-12V
PUD Modification :
of Consequence :
at Square 75 :

:

Office of Planning : Case No. 20-21
Text Amendment :
to create :
the Barry Farm Zone :

:

Office of Planning : Case No. 20-24
Map Amendment :
at Square (5862, 5865, :
5866 and 5867) :

:

Westminster : Case No. 20-12
Presbyterian Church, :
et al. Consolidated PUD :
& Related Map Amendment :
at Square 499 :

Howard University - : Case No. 20-08A
Interim University :
Use of Washington :
Metropolitan School :
Building at 300 Bryant :
Street, N.W. :

:

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The Institute of	:	Case No. 21-07
Urban Living -	:	
Consolidated PUD	:	
& Related Map Amendment	:	
at Square 5876	:	
	:	
Office of Planning -	:	Case No. 21-05
Text Amendment	:	
to Subtitle C, IZ-XL	:	
Phase 2,	:	
Applying Inclusionary	:	
Zoning to Conversion	:	
of Non-Residential	:	
Buildings	:	
to Residential Use	:	
	:	
Gallaudet University	:	Case No. 15-24B
& JBG/6th Street	:	
Associates, LLC -	:	
First Stage PUD	:	
Modification	:	
of Significance.	:	
Second Stage	:	
and Consolidated PUD	:	
& Related Map Amendments	:	
at Square (3591,	:	
Lots 4 & 6);	:	
and Squares (3593	:	
and Lots 5 and 6).	:	
	:	
Offices of Zoning	:	Case No. 20-26B
Text Amendment	:	
to Subtitle Y and Z	:	
to continue	:	
administrative	:	
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due to COVID-19.	:	
	:	
Congress Park Community	:	Case No. 21-17
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Map Amendment	:	
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	:	

Dance Loft Ventures, LLC : Case No. 21-18
Consolidated PUD :
& Related Map Amendment :
at Square 2704. :
-----:

THURSDAY

DECEMBER 16, 2021

+ + + + +

The Regular Public 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
- PETER SHAPIRO, Commissioner
- PETER MAY, Commissioner
- JOSEPH IMAMURA, Commissioner

OFFICE OF ZONING STAFF PRESENT:

- SHARON SCHELLIN, Secretary
- PAUL YOUNG, Zoning Data Specialist

OFFICE OF PLANNING PRESENT:

- MAXINE BROWN-ROBERTS
- JENNIFER STEINGASSER
- STEPHEN MORDFIN

OFFIE OF ZONING LEGAL DIVISION STAFF PRESENT:

- HILLARY LOVICK, ESQ.
- JACOB RITTING, ESQ.

The transcript constitutes the minutes from the Public Hearing held on December 16, 2021.

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

2 (4:00 p.m.)

3 CHAIRPERSON HOOD: Good afternoon, ladies and
4 gentlemen. We are convening and broadcasting this public meeting
5 by videoconferencing. Today's date is December the 16th, 2021.
6 My name is Anthony Hood. Joining me are Vice Chair Miller,
7 Commissioner Shapiro, Commissioner May, and Commissioner Imamura.
8 We also joined by Office of Zoning staff, Ms. Sharon Schellin,
9 as well as Mr. Paul Young, who will be handling all of our virtual
10 operations. The Office of Zoning Legal Division, Ms. Lovick and
11 Mr. Ritting. I think I have everyone covered.

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

19 For hearing action items, the only documents before us
20 this evening are the application, the ANC set down report, and
21 the Office of Planning report. All other documents in the record
22 will be reviewed at the time of the hearing.

23 Again, we do not take any public testimony at our
24 meetings unless the Commission requests someone to speak.

25 If you experience difficulty accessing Webex or with

1 | your phone call-in, then please call our OZ hotline number at
2 | 202-727-5471 for Webex login or call-in instructions.

3 | First, does the staff have any preliminary matters?

4 | MS. SCHELLIN: Yes, sir. I have two.

5 | The first one is regarding closed meetings for 2022,
6 | unless you want to do your preliminary matter first.

7 | CHAIRPERSON HOOD: No, I opened it -- what you said,
8 | the follow up, so we are good with that preliminary matter, so
9 | we can do that one first.

10 | MS. SCHELLIN: Okay. All right. So we can go ahead
11 | and do the 2022 closed meetings.

12 | CHAIRPERSON HOOD: Okay. So please note everyone, in
13 | accordance with 405(c) of the Open Meetings Act, DC Official Code
14 | 2-575(c), I move that the Zoning Commission hold closed meetings
15 | on each Monday and Thursday that it is scheduled to hold a public
16 | meeting or public hearing for the calendar year of 2022. The
17 | closed meetings will begin at 3:15 p.m. and are for the purpose
18 | of obtaining legal advice from our counsel on all cases and to
19 | deliberate upon but not voting on the contested cases scheduled
20 | on the Commission's agendas.

21 | Is there a second?

22 | COMMISSIONER MAY: Second.

23 | CHAIRPERSON HOOD: Thank you. Will the Secretary
24 | please take a roll call vote on the motion before us now that it
25 | has been seconded?

1 You're on mute, Ms. Schellin.

2 MS. SCHELLIN: Sorry about that. I was switching
3 screens. And let me get over here.

4 Commissioner Hood?

5 CHAIRPERSON HOOD: Yes.

6 MS. SCHELLIN: Commissioner Miller?

7 VICE CHAIR MILLER: Yes.

8 MS. SCHELLIN: Commissioner Shapiro?

9 COMMISSIONER SHAPIRO: Yes.

10 MS. SCHELLIN: Commissioner May?

11 COMMISSIONER MAY: Yes.

12 MS. SCHELLIN: Commissioner Imamura?

13 COMMISSIONER IMAMURA: Yes.

14 MS. SCHELLIN: The vote is 5-0-0 to hold closed meetings
15 at 3:15 during the calendar year 2022 prior to a public meeting
16 or public hearing as needed.

17 CHAIRPERSON HOOD: Okay. Ms. Schellin, give me one
18 moment. Let me find my file here. Yeah. I have it. No matter
19 how much prep you do at the beginning, when it's time -- when
20 the lights show and there's action, you can never find it, but I
21 do have it. Okay.

22 This is in reference to a text amendment or text
23 amendments of a press release that was mentioned publicly, and I
24 just want to comment on it.

25 Normally, the Zoning Commission is not in the practice

1 of updating the public on the status of a newly filed text
2 amendment. However, it is unusual for us to be notified of a
3 filing by press release, especially when it comes to -- our legal
4 counsel, at the time, who have advised us over the years. So
5 I'm very taken back, not just as a Commissioner, but as a resident
6 on how we are operating. So I feel that we should inform the
7 public that the cases filed by the Office of Attorney General
8 have been referred to the Office of Planning. And as the normal
9 practice -- this is normal practice; this is nothing new -- that
10 we will consider amendments for set down at a future public
11 meeting after we receive the Office of Planning set down reports.

12 Also, dependent upon our -- unfortunately, the text
13 amendment was set without any backup data or any analyst --
14 analyzation. So I would, Ms. Schellin, I ask that you send it
15 back to the petitioners who have sent it to us and ask them if
16 this is appropriate time. I will work it out with Ms. Lovick
17 and our legal folks, but I would like to see at some point their
18 analysis.

19 I don't know if this is a time or it's up to the Office
20 of Planning, I'm not sure the sequence. But the reason I'm taken
21 back and kind of perplexed is because they have worked with us
22 for years, and I'll just leave it at that. So we are -- I think
23 a lot of what's being discussed, this Commission has already
24 tried to incrementally get to, so it's nothing new. I'm not sure
25 or what the -- what kind of pitch, but as one of my aunts used

1 to say, "a thing occurred," so I'll leave it at that.

2 Ms. Schellin, is there anything else I need to respond
3 on that or --

4 MS. SCHELLIN: Yes, sir. I think the appropriate time
5 will be once OP takes a look at it to see if they feel there's
6 anything needed.

7 CHAIRPERSON HOOD: Okay. So that again, that's the
8 statement when it comes to the issue that was presented to us
9 and it was a press release. Normally, I don't usually see a lot
10 of stuff in the press presented to us in that fashion. So anyway,
11 we will continue to do what we do for the best interest of the
12 city as a whole.

13 Anything else on that, Ms. Schellin?

14 MS. SCHELLIN: No, sir.

15 CHAIRPERSON HOOD: Okay.

16 Let me ask my colleagues, any comments on any of that?
17 Vice Chair Miller?

18 VICE CHAIR MILLER: I don't know if you wanted me to
19 comment. I think you probably did not.

20 CHAIRPERSON HOOD: Go ahead.

21 VICE CHAIR MILLER: The way you asked but -- so I'll
22 keep it quick. I concur with everything you said. I think it
23 was important to acknowledge, even though we don't always
24 acknowledge immediately when we receive text amendments. Even
25 though it's on our -- I think it's on our printed agenda that

1 | this case has been filed as a petition for cases, for inclusionary
2 | zoning cases to expand inclusionary zoning by the Office of
3 | Attorney General, who as you said, up until October 1 were our
4 | legal counsel. And it is disconcerting, as you have indicated,
5 | during this transitional period, we all knew was coming based on
6 | the Mayor and council direction of having our own legal division
7 | within the Office of Zoning versus the Office of Attorney General,
8 | and some of the attorneys from OAG did comment to our OZ staff,
9 | which we appreciate.

10 | But it is somewhat disconcerting that there wasn't a
11 | little bit more collaboration, coordination, communication, not
12 | agreement. It never is agreement. They're an independent agency,
13 | we're an independent agency. Executive is independent from --
14 | but communication before finding out about this from a press
15 | release, especially about items that we've asked, at least some
16 | of us, if not all of us, individually over the past year or two
17 | or three to find ways to -- both of OAG and of OZ and of Office
18 | of Planning to find ways to increase -- expand the scope and
19 | reach of inclusionary zoning, which is just one of very many
20 | tools that the city has at its -- in its toolbox to try to expand
21 | affordable housing in the city.

22 | And so we've been asking for some of the very analysis
23 | that has resulted in these OAG text amendments. OP, we know,
24 | has been looking at these issues as well, and we are going to
25 | look at them. We are going to look at it, and we do need more

1 economic analysis from the petitioner, OAG in this case, that we
2 would normally get from an outside petitioner on these issues.
3 I think I can speak -- I'll just speak for myself. I'm favorably
4 inclined. I want the Office of Planning analysis. I want
5 economic analysis from OAG, who's proposed these, because the IZ
6 is a very delicately balanced program. It's only really designed
7 -- it's not designed to get to deeply affordable house, even
8 though we pushed for that. And we've enacted deeply, more deeply
9 affordable housing and greater set asides than the original
10 program, but it's a delicate balance. It was designed to be
11 workforce or housing. There are other programs that require --
12 this is the only -- one of the only programs that is -- doesn't
13 require a subsidy from the city.

14 And so there are other programs that need -- of the
15 city that are in place, devoted hundreds of millions of dollars
16 to providing subsidized deeply affordable levels of housing. We
17 need affordable housing at all levels of the city as the Mayor
18 indicated today at a press conference that I haven't seen them
19 reporting and there are things that are being done. So we
20 acknowledge that this has come in. We want more analysis from
21 OP. I want to hear these cases going forward in the near future
22 and maybe they should be probably consolidated.

23 I think we're going to have more discussion about that
24 at our January meeting when they would normally be on our agenda.
25 They wouldn't normally be on our agenda tonight, but you brought

1 | them up because of the public profile of them, so I appreciate
2 | you doing that, Mr. Chairman. And I'm sorry I went on as long
3 | as I did. I hope we can have a constructive dialogue going
4 | forward.

5 | CHAIRPERSON HOOD: Thank you, Vice Chair. I'm sure we
6 | will. I appreciate your comments. I'm sure we will definitely
7 | have constructive conversation. And I have more to add, but I
8 | just figure I'll leave it right there because I'm trying to still
9 | understand the process. I know our legal folks that did this
10 | knew the process.

11 | So anyway, let me -- any other questions or any comments
12 | from any colleagues, Commissioners? Okay. All right.

13 | Give Ms. Schellin a moment and we will get started.
14 | Let me do this. Let me just tee it up. We're going to go right
15 | with our agenda. Modification of consequence set for
16 | deliberation. Zoning Commission Case No. 06-11V/06-12V; BXP 2100
17 | Penn, LLC, PUD modification of consequence at Square 75.

18 | Ms. Schellin?

19 | MS. SCHELLIN: Yes, sir. On this one, we have two new
20 | exhibits that came in. The Commission decided at the prior
21 | meeting that this was indeed a modification of consequence, so
22 | it is now up for deliberations. The party, Foggy Bottom
23 | Association, submitted a letter in support of Exhibit 9. And at
24 | Exhibit 10, ANC 2A submitted a report in support, 8-0-0. So this
25 | is ready for your deliberations.

1 CHAIRPERSON HOOD: Thank you, Ms. Schellin.

2 As Ms. Schellin mentioned, I think the reason we held
3 off is because ANC 2A did not give us a report, Foggy Bottom did.
4 And the other parties that -- well, others did. But I think the
5 initial change in language is the applicant shall also
6 demonstrate that it has contributed \$100,000 to the Foggy Bottom
7 Association to fund future watering needs in the park, a green
8 wall along the sidewalk of 26th and I Streets, and/or additional
9 landscaping in either location.

10 And again, my colleagues, remember, this was a letter
11 about a public water submission and the landscaping barrier have
12 been removed from the project benefits. And this is the
13 replacement that has been worked out from the applicant and also
14 those parties involved. Any other questions or comments? And
15 we do have the letter from ANC 2A, which we were waiting for. We
16 wanted to hear from them.

17 Any other questions or comments?

18 (No audible response.)

19 CHAIRPERSON HOOD: So with that, no other questions or
20 comments, I will move that we approve as specified in Zoning
21 Commission Case No. 06-11V and 06-12V with the added language,
22 which I just read, as a PUD modification of consequence at Square
23 75 and ask for a second.

24 COMMISSIONER SHAPIRO: Second.

25 CHAIRPERSON HOOD: It's been moved and properly

1 seconded. Any further discussion?

2 (No audible response.)

3 CHAIRPERSON HOOD: And before I forget, I know Mr.
4 Imamura is not participating in this case because he did not hear
5 it. Okay. So with that -- well, anyway -

6 MS. SCHELLIN: I think he did participate on the
7 modification of consequence.

8 COMMISSIONER IMAMURA: I did participate on the
9 modification of consequence.

10 MS. SCHELLIN: Yes, he can do that.

11 CHAIRPERSON HOOD: So that's the one time I remembered,
12 so I don't remember anything else.

13 MS. SCHELLIN: Yeah. It's final actions that -- that
14 you're thinking about that he --

15 CHAIRPERSON HOOD: Okay.

16 MS. SCHELLIN: -- (indiscernible) about.

17 CHAIRPERSON HOOD: So strike my comment.

18 MS. SCHELLIN: Mixed them up.

19 CHAIRPERSON HOOD: Strike my last comment. So I messed
20 it up.

21 MS. SCHELLIN: Yeah.

22 CHAIRPERSON HOOD: Okay. So moving -- perhaps, any
23 further discussion?

24 (No audible response.)

25 CHAIRPERSON HOOD: Okay. Ms. Schellin, can you do a

1 roll call vote, please?

2 MS. SCHELLIN: Yes.

3 Commissioner Hood?

4 CHAIRPERSON HOOD: Yes.

5 MS. SCHELLIN: Commissioner Shapiro?

6 COMMISSIONER SHAPIRO: Yes.

7 MS. SCHELLIN: Commissioner May?

8 COMMISSIONER MAY: Yes.

9 MS. SCHELLIN: Commissioner Imamura?

10 COMMISSIONER IMAMURA: Yes.

11 MS. SCHELLIN: The vote is 5-0-0 to approve final action
12 in Zoning Commission Case No. 06-11V/06-12V and the --

13 VICE CHAIR MILLER: The vote -- so I'm not sure I got
14 a roll call, but I vote yes.

15 MS. SCHELLIN: Oh. I'm sorry, Commissioner Miller. I
16 thought I called you second. Sorry.

17 All right. Well, I voted for you anyway, so you were
18 voted in. Again, 5-0-0. And we'd asked the applicant to provide
19 an order within two weeks, and I believe that can be a summary
20 order.

21 CHAIRPERSON HOOD: Yes, it's a summary order.

22 Okay, moving right along. Let's go to Zoning
23 Commission Case No. 20-21: Office of Planning text amendment to
24 create the Barry Farm Zone.

25 Ms. Schellin.

1 MS. SCHELLIN: Yes, sir. The proposed rulemaking was
2 published on November 12. We received no comments. And this is
3 ready for the Commission to consider final action, and this one,
4 Mr. Imamura did not participate on.

5 CHAIRPERSON HOOD: All right. I was making sure I
6 called the right case. I thought I might have jumped, but I
7 didn't.

8 Okay. So let me open it up. Again, colleagues, we
9 have heard the Barry Farm issues for a while. And I think --
10 hopefully, we've gotten some resolve to move forward, so the
11 residents can again increase the quality of life in their
12 neighborhood. So I think it's very important that this get
13 moving. I think this is a win-win for everybody and I'm looking
14 forward to it. I'm hoping that it moves along soon.

15 But let me open it up and ask my colleagues. Any
16 questions or things you were looking for in this particular case?
17 Anything you want to add? I don't know if there's anything to
18 add. So let me --

19 Commissioner May, anything?

20 COMMISSIONER MAY: Nothing more to say about this.

21 CHAIRPERSON HOOD: Commissioner Shapiro?

22 COMMISSIONER SHAPIRO: No, sir.

23 CHAIRPERSON HOOD: And Vice Chair Miller?

24 VICE CHAIR MILLER: No, except just to acknowledge all
25 of the work that -- and the testimony that we've received on this

1 and to incorporate in this final action all of the comments that
2 we each made at proposed action and during the public -- extensive
3 public hearing process. It's a long time coming. And it's long
4 overdue to have this quality replacement affordable housing at
5 Barry Farm.

6 CHAIRPERSON HOOD: And I want to thank all those who
7 increased this. This, to me, was the most important piece. The
8 issues that were raised by some of those who were in opposition.
9 And I think this is an important piece. This goes through this
10 text amendment as well as the map amendment as far as I'm
11 concerned. It says, at the recommendation the Commission, we add
12 a new Subtitle K, 1105.4(c), requiring the replacement unit
13 report to be submitted to the ZA and ZC in the Zoning Commission
14 Case 20-24, the companion map amendment case to map of the BF
15 Zone. Each time an application for building permit is requested
16 for residential use, the Commission agreed with the OP's
17 recommendation and include the new Subtitle K 1105.4 in the
18 amendments as proposed action.

19 So I think, we had talked about this. We talked about
20 it in 2014. And that same issue carries along with us so we can
21 monitor it and make sure those who want to return have a right
22 and that's where we are -- that's where we were then and that's
23 where we are now, so we're consistent.

24 Anything else? Any other comments?

25 (No audible response.)

1 CHAIRPERSON HOOD: Okay. I would move that we approve.
2 I'll do this one. This one (indiscernible). I will move that
3 we approve Zoning Commission Case No. 20-21, Office of Planning
4 text amendment to create the Barry Farm Zone and ask for a second.

5 VICE CHAIR MILLER: Second.

6 CHAIRPERSON HOOD: Moved and properly seconded. Any
7 further discussion?

8 (No audible response.)

9 CHAIRPERSON HOOD: Not hearing any.

10 Ms. Schellin, would you please do a roll call vote?

11 MS. SCHELLIN: Commissioner Hood?

12 CHAIRPERSON HOOD: Yes.

13 MS. SCHELLIN: Commissioner Miller?

14 VICE CHAIR MILLER: Yes.

15 MS. SCHELLIN: Commissioner Shapiro?

16 COMMISSIONER SHAPIRO: Yes.

17 MS. SCHELLIN: Commissioner May?

18 COMMISSIONER MAY: Yes.

19 MS. SCHELLIN: Commissioner Imamura?

20 COMMISSIONER IMAMURA: Not voting.

21 MS. SCHELLIN: Okay. So the vote is 4-0-1 to approve
22 final action Zoning Commission Case No. 20-21. The minus one
23 being Commissioner Imamura, who did not participate in the case.

24 CHAIRPERSON HOOD: Okay. Thank you, Ms. Schellin.

25 Let's go to Zoning Commission Case No. 20-24. This is

1 the Office of Planning map amendment at Square 5862, 5865, 5866
2 and 5867.

3 Ms. Schellin.

4 MS. SCHELLIN: On this case, the proposed rulemaking
5 was also published on November 12th. And again, no comments were
6 received, so it is ready for the Commission to consider final
7 action.

8 CHAIRPERSON HOOD: I would just pretty much move my
9 same comments from the first text amendment to this case.

10 And let me open it up. Any further questions or
11 comments?

12 (No audible response.)

13 CHAIRPERSON HOOD: Not seeing any.

14 Would somebody like to make a motion?

15 COMMISSIONER SHAPIRO: Mr. Chair, I move that we take
16 final action on Zoning Commission Case No. 20-24: Office of
17 Planning map amendment at Squares 5862, 5865, 5866 and 5867, and
18 look for a second.

19 CHAIRPERSON HOOD: It was second -- I'll second it.

20 It's been moved and properly seconded. Any further
21 discussion?

22 (No audible response.)

23 CHAIRPERSON HOOD: Ms. Schellin, would you do a roll
24 call vote, please.

25 MS. SCHELLIN: Commissioner Shapiro?

1 COMMISSIONER SHAPIRO: Yes.

2 MS. SCHELLIN: Commissioner Hood?

3 CHAIRPERSON HOOD: Yes.

4 MS. SCHELLIN: Commissioner Miller?

5 VICE CHAIR MILLER: Yes.

6 MS. SCHELLIN: Commissioner May?

7 COMMISSIONER MAY: Yes.

8 MS. SCHELLIN: And Commissioner Imamura, I believe is
9 recusing himself?

10 COMMISSIONER IMAMURA: Yes, I'm not voting.

11 MS. SCHELLIN: Yes. So the vote is 4-0-1 to approve
12 final action in Case No. 20-24. Again, Commissioner Imamura
13 being the minus one as he did not participate.

14 CHAIRPERSON HOOD: Okay. Thank you, Ms. Schellin.

15 Let's go to Zoning Commission Case No. 20-12. This is
16 the Westminster Presbyterian Church, et al. consolidated PUD and
17 related map amendment at Square 499.

18 Ms. Schellin.

19 MS. SCHELLIN: There were two new exhibits to come in.
20 At Exhibit 56 is the applicant's post-hearing submissions. And
21 Exhibit 57 is the ANC 6D's response thereto. So I would ask the
22 Commission to consider final action on this case.

23 CHAIRPERSON HOOD: Okay. Let me open this up for
24 discussion. We do have, as Ms. Schellin has already mentioned,
25 the applicant's Exhibit 56 and also, the supplemental post-

1 hearing submissions to us as well as ANC 6D's responses. I'm
2 still remembering outstanding issues dealing with the light
3 tower, the bedroom issue, which I don't believe was addressed;
4 the curbside management plan, which I believe has been resolved.
5 And some of the other issues that -- the IZ requirement, which I
6 think the ANC still thinks is not up to par.

7 But anyway, let's open it up for any questions or
8 comments here. I'm really curious about the -- well, let me just
9 see how this goes and then I'll -- any questions or comments?

10 (No audible response.)

11 CHAIRPERSON HOOD: Commissioner Imamura, are you -- I
12 got confused now. I don't know what -- are you on the --

13 COMMISSIONER IMAMURA: I was not on this. I did not
14 participate in this hearing.

15 CHAIRPERSON HOOD: All right. Commissioner May?

16 COMMISSIONER MAY: Yeah. I am still not very supportive
17 of the light feature. I find that ANC's final submission on this
18 to be persuasive. And that it's not really a good idea to have
19 these kind of light features. Again, I know there are a number
20 of them in Southwest and many of them were done as a matter right,
21 and I don't think any of them are very good. And I think they
22 are, you know, they can be disruption to the neighbors. So, you
23 know, other than that, I think they've answered the questions
24 that they can. I don't find the other arguments from the ANC to
25 be persuasive to the other topics. I think that the applicant

1 | has adequately answered them. That's the one part of it that
2 | still troubles me.

3 | CHAIRPERSON HOOD: Again, Commissioner May, I'm glad
4 | you -- that's where I was going, so I'm glad you started the
5 | discussion there.

6 | I hear what the ANC is saying about they don't have a
7 | problem with the cross. As I mentioned at the hearing or when
8 | we did the -- you know, it was at the first time we spoke about
9 | this. I'm always nervous when we start tampering with religious
10 | symbols. And I know there's federal law out there, which
11 | protects, and I mentioned this. But I see what the ANC is saying
12 | about pulling it back. But when I look at this -- I often wonder
13 | when talk about embellishments and certain things that we look
14 | in architectural design -- I wonder if -- and I look at the way
15 | things are evolving, and the way people are going to newer things.
16 | I'm wondering this, you know, I'm looking at how my kids operate
17 | versus how I operate. I don't always agree with it, but sometimes
18 | that's the new way. And I may be wrong in my way of thinking,
19 | but sometimes, some of the -- I think they call them progressives
20 | or what is it -- younger folks or whatever they are, millennials.

21 | But is this the new architecture that we have to get
22 | used to? And I've said this before and I'm just wondering, and
23 | I know I have -- and I'm saying that with no qualifications other
24 | than learning here on the Zoning Commission and start paying
25 | attention to it. I'm wondering if that is the new way. That's

1 all I want to say on this, so I will leave that alone and go to
2 others.

3 I understand where Commissioner May, and I respect
4 Commissioner May's -- especially his architecture abilities
5 because I've worked with him for years. And most of them have
6 come out, I think all the ones that I remember have come out
7 correct. So I don't, you know -- but I don't want to take from
8 the religious institutions, so I really am -- I know I'm flipping
9 -- I'm sounding like some windshield wipers, and I'll leave it
10 at that.

11 Commissioner Shapiro?

12 COMMISSIONER SHAPIRO: Thank you, Mr. Chair.

13 Yeah. I'm a little bit more where you are on this.
14 And respectfully, Commissioner May's, his aesthetic and his
15 experience with design, but I don't have a problem with it. I'm
16 not worried about the precedent. It feels gentle to me. And I
17 certainly wouldn't want this to hold up this very important
18 project either. So I'm more inclined to suggest that we let the
19 plans go forward and, you know, I hope we can support it as is.
20 So that's where I'm at Mr. Chair.

21 CHAIRPERSON HOOD: Thank you, Commissioner Shapiro.

22 Vice Chair Miller?

23 VICE CHAIR MILLER: Thank you, Mr. Chairman.

24 On the light feature, I think I said -- are we at
25 proposed action or final -- we're at final action, right?

1 (No audible response.)

2 VICE CHAIR MILLER: Yeah. So I think I said a proposed
3 action. I thought that the light feature was distinctive for the
4 church. It's one of the few things that you would know or might
5 symbolize that this is a church as part of this mixed-use,
6 affordable housing, mixed income development. And I agree with
7 Commissioner May that there are plenty of matter of right and
8 other projects that have light features that have really
9 detracted from the nation's capital vistas and they're -- and I
10 think they are -- I'm not sure that we've approved any of them.
11 I think they were matter of right. And I think at the White
12 House, that one at the White House, when I first saw that when I
13 was walking on Constitution Avenue maybe --

14 COMMISSIONER MAY: Going to (indiscernible).

15 VICE CHAIR MILLER: -- enlighten me on that.

16 COMMISSIONER MAY: Yeah. But you're talking about the
17 penthouse that changes colors and all that sort of stuff?

18 VICE CHAIR MILLER: I was shocked when I saw the White
19 House being illuminated that way when I first saw that, I don't
20 know, 15 years ago --

21 COMMISSIONER MAY: Yeah.

22 VICE CHAIR MILLER: -- 10 years ago, whatever it was.
23 But I think this -- so I don't think this is a precedent. I
24 think it's distinctive for this very (indiscernible) project by
25 this very worthwhile church, who wants to -- who has done so much

1 good works in the neighborhood, for the community, for the city
2 for so many decades. And then now is partnering with the
3 developer to do a market rate and affordable housing development
4 to support their being able to stay and continue their good works
5 for the city, so I'm okay. And I think they -- in response to
6 -- I think Commission and other -- and ANC concerns, they have
7 adopted controls, timing wise and otherwise, that will be part
8 of the order that moderate the light when it's shown and all of
9 that.

10 So I feel -- other than that on the affordable housing
11 part of it, I just would incorporate what I said and proposed
12 action. And it's an important project going forward that's going
13 to provide a lot of housing that's needed in the city, both market
14 rate and affordable in a high opportunity neighborhood. So I
15 think it will be -- and I think the public's benefits that are
16 involved here, the public amenities and the public benefits help
17 balance out all of the -- any Comprehensive Plan land use issues,
18 although there was a change since when this (indiscernible) file
19 to increase the density, but there's still issues that some people
20 have raised about the density, but I think the balancing out of
21 those public benefits, the housing benefits most importantly,
22 which are all emphasized in the most recent Comprehensive Plan
23 amendment cycles that the Mayor and the council have approved.
24 So I think it's an important project that should move forward
25 tonight. I'm ready to vote for it.

1 CHAIRPERSON HOOD: Okay. Thank you.

2 Have all of us -- Commissioner May?

3 COMMISSIONER MAY: Yeah. I'm not going to keep beating
4 this. But there are certain things about this that I just want
5 to repeat. First of all, the applicant in their submission says
6 they do not think any sort of restriction on the timing of when
7 it's going to be lit is necessary. So there is no agreement that
8 it's going to shut off at 11 o'clock at night or anything like
9 that. You know, they may well do it, but they're not agreeing
10 to stipulate.

11 The second thing I would point out is that the ANC, I
12 think, rightly notes that if this were just a matter of a cross
13 feature that was backlit, they wouldn't have a problem with it.
14 It's the fact that it is, you know, right next to it, there's
15 this entire glass tower that will also be lit. And lit at a very
16 low level if you can trust the renderings (indiscernible). But
17 it's that component of that very large glass, lit glass that
18 they're mostly concerned about. And, you know, I can count votes
19 as the Chairman says, so it seems like even if I were to vote
20 against it, the thing would be approved. So I hope that in the
21 end, the lighting level is very subtle and not so visible, not
22 so bright.

23 I will say, I also agree, or rather I believe, based
24 on the renderings that I've seen and based on sort of the
25 visibility in that area, I don't really know that this is going

1 to be perceivable as a cross because of its height of that
2 feature. I think it's going to get lost. And what people will
3 see is just, you know, I mean, your normal field of vision just
4 doesn't go up that high. And so they're not really going to see
5 it. I think it's -- I think they're losing an opportunity to
6 increase the visibility of the church by going with this
7 gargantuan venture. So I think from an architectural
8 perspective, it's not going to be very effective.

9 As for whether this is sort of the newest thing or
10 something that, you know, is more current in architecture, I
11 don't think so. I think most things in -- most sort of
12 innovations in architecture and changes in contemporary design,
13 I mean, it's somewhat cyclical. Things go into fashion and out
14 of fashion. I think it is a sort of a modernist approach that
15 is reminiscent of much of the other modern architecture in that
16 part of the city.

17 Yeah. I mean, there are aspects about it that are new
18 and different ends because of the technology of LED lighting and
19 the fact that it can be more affordable to light things up more
20 with less energy. I think that yeah, there's a little bit of
21 innovation that's associated with it, but it's not like it's a
22 brand-new thing. And I hope it's not because I hope we don't
23 see a whole lot more sort of glowing towers in the city.

24 All that being said, I think I'm inclined at this moment
25 to go along with the majority. I still don't like the feature.

1 | But I think what makes it feasible from my perspective is that
2 | to the north directly across the street is a school and to the
3 | east, directly across the street is a church. And neither of
4 | those are going to be -- they're not going to have people in
5 | apartment buildings that are, you know, eight floors up looking
6 | out of their window and seeing, you know, this glowing thing as
7 | you might see on portions of I Street and other parts, like in
8 | Southeast we're aligned with big buildings that have been built
9 | with weird lighting and glowing features and so on. So it's not
10 | going to be really disruptive to somebody who's living across the
11 | street.

12 | Diagonally across, there's an apartment building, but
13 | it is set back from a corner. So I think it's far enough away
14 | that it's not really going to be too adverse and it's not going
15 | to be limiting there. But again, my sympathies are with the ANC.
16 | I don't believe -- you know, in terms of our actions, I don't
17 | believe anything sets a precedent because we consider everything
18 | individually. And the real damage that comes with things like
19 | this come out of matter of right projects not ones that we value.
20 | So I don't see the real downside there but -- so I will
21 | reluctantly vote in favor, noting objections of this.

22 | CHAIRPERSON HOOD: So Commissioner May, what I was
23 | going to do was just take a vote on the tower and then vote on
24 | the whole case. If that would give you a comfort level, you can
25 | vote against the tower, so you'd be on record?

1 COMMISSIONER MAY: I think I've gone on record as being
2 against the tower.

3 CHAIRPERSON HOOD: Okay.

4 COMMISSIONER MAY: But there's enough good things about
5 the project that I should be voting for it.

6 CHAIRPERSON HOOD: Okay.

7 COMMISSIONER MAY: So, on balance, I will vote for it.

8 If anybody else was more inclined to go my way, maybe
9 I'd keep talking and try to get people to go along, but like I
10 said, I can count votes too.

11 CHAIRPERSON HOOD: Okay. All right. I would also ask,
12 in this case, that we give our counsel the authority to modify
13 the conditions of the order to ensure that all proffers are
14 reflected in the conditions. So we will give that authority to
15 our counsel. Hopefully, that's legally sufficient for him to do
16 what he needs to do as stated.

17 Any further comments or questions?

18 (No audible response.)

19 CHAIRPERSON HOOD: Okay. So would someone like to make
20 a motion?

21 COMMISSIONER SHAPIRO: I remember that we --

22 CHAIRPERSON HOOD: Before we make the motion, let me
23 just say, I'm hoping that the applicant will consider everything
24 that we've heard from Commissioner May. And also consider that
25 the ANC continue to work with them and evolve because I have a

1 little more comfort level when this church -- I have a comfort
2 level when people give me their word, but this is a church. And
3 I know you -- all of the great work, as the Vice Chair has
4 mentioned, that we already know that you all have been doing --
5 that has come out during this proceeding, I think that great work
6 will continue. So I'm sorry.

7 Commissioner Shapiro.

8 COMMISSIONER SHAPIRO: Mr. Chair, thank you.

9 I move that we take final action on Zoning Commission
10 Case No. 20-12: Westminster Presbyterian Church, et al.,
11 consolidated PUD and related map amendment at Square 499, and ask
12 for a second.

13 CHAIRPERSON HOOD: I'll second it.

14 Is it nobody likes to reach for their mute and unmute
15 on their computer?

16 I'll second it.

17 Ms. Schellin, would you do a roll call vote, please?

18 MS. SCHELLIN: Commissioner Shapiro?

19 COMMISSIONER SHAPIRO: Yes.

20 MS. SCHELLIN: Commissioner Hood?

21 CHAIRPERSON HOOD: Yes.

22 MS. SCHELLIN: Commissioner Miller?

23 VICE CHAIR MILLER: Yes.

24 MS. SCHELLIN: Commissioner May?

25 COMMISSIONER MAY: Reluctant yes.

1 MS. SCHELLIN: And Commissioner Imamura, recused.

2 COMMISSIONER IMAMURA: Yes.

3 MS. SCHELLIN: All right.

4 COMMISSIONER IMAMURA: Recusing, yes.

5 MS. SCHELLIN: Yes. The vote is 4-0-1 to approve final
6 action in Zoning Commission Case No. 20-12. Again, Commissioner
7 Imamura not voting having not participated.

8 CHAIRPERSON HOOD: Does anybody need a 10- or 15-minute
9 break? If not -- just let me know. 10 or 15. You can take the
10 10 or you take the 15.

11 VICE CHAIR MILLER: You think this is the BZA?

12 CHAIRPERSON HOOD: I'm really having fun right now.

13 Okay. Let's go to Zoning Commission Case No. 20-08A
14 Howard University, Interim University use of the Washington
15 Metropolitan School building at 300 Bryant Street, Northwest.

16 Ms. Schellin.

17 MS. SCHELLIN: Yes, sir. The record was left open so
18 that ANC 1B could submit their report and they've done that.
19 They voted 8-0-0 to support the application and the Commission
20 can now consider final action.

21 CHAIRPERSON HOOD: Okay. I think this was pretty
22 straightforward. I know a couple of my colleagues had questions
23 or comments of things they wanted to see, and I'll just open it
24 up for any discussion.

25 Commissioner May?

1 COMMISSIONER MAY: I don't think I have anything that
2 I need to see on this.

3 CHAIRPERSON HOOD: Okay.

4 COMMISSIONER MAY: I think we're -- now, I'm a little
5 bit confused because I think it was just the ANC report. Yeah,
6 we got the ANC report, that was the only thing that was
7 outstanding.

8 CHAIRPERSON HOOD: Okay. I thought somebody had asked
9 for something. I guess not. Okay. Well, let me just go around
10 and make sure.

11 Commissioner Shapiro?

12 COMMISSIONER SHAPIRO: No, sir. Straightforward as can
13 be.

14 CHAIRPERSON HOOD: Now, I know I'm going getting this
15 wrong.

16 Commissioner Imamura, didn't you hear this one?

17 COMMISSIONER IMAMURA: I did hear this one. Yes, sir.

18 CHAIRPERSON HOOD: Okay. I'll get on my
19 (indiscernible), Mr. Chair.

20 CHAIRPERSON HOOD: Okay. And Vice Chair Miller.

21 VICE CHAIR MILLER: Is this -- are we on Gallaudet?

22 COMMISSIONER SHAPIRO: No.

23 VICE CHAIR MILLER: No, we're not on Gallaudet, okay.

24 CHAIRPERSON HOOD: Howard.

25 VICE CHAIR MILLER: Howard, okay. I'm fine with Howard.

1 COMMISSIONER SHAPIRO: Vice Chair Miller, don't you
2 want a light tower on this one?

3 VICE CHAIR MILLER: It's always a light of hope and I
4 -- within blocks of the National Cathedral's light of
5 inspiration, the bells that ring at all hours, I don't care. I
6 love it. I think -- anyway.

7 CHAIRPERSON HOOD: Well, I have some other uses that I
8 can move out of my neighborhood up to your neighborhood, but
9 anyway. It sounds very pleasurable what you're talking about.

10 VICE CHAIR MILLER: That I'm sorry about -- I'm sorry
11 about that.

12 CHAIRPERSON HOOD: All right. So there were no comments
13 from any of us, so would somebody like to make a motion?

14 COMMISSIONER MAY: Mr. Chairman, I would move that the
15 Zoning Commission approve Case 20-08A: Howard University, interim
16 university use of the Washington Metropolitan School Building at
17 300 Bryant Street, Northwest.

18 COMMISSIONER IMAMURA: I'll second it.

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

21 (No audible response.)

22 CHAIRPERSON HOOD: Not hearing any.

23 Ms. Schellin, would you do a roll call vote, please?

24 MS. SCHELLIN: And were just to confirm that's for a
25 four-year interim use period, right?

1 COMMISSIONER MAY: Correct.
2 CHAIRPERSON HOOD: Four years.
3 MS. SCHELLIN: Okay.
4 Commissioner May?
5 COMMISSIONER MAY: Yes.
6 MS. SCHELLIN: Commissioner Imamura?
7 COMMISSIONER IMAMURA: Yes.
8 MS. SCHELLIN: Commissioner Hood?
9 CHAIRPERSON HOOD: Yes.
10 MS. SCHELLIN: Commissioner Miller?
11 VICE CHAIR MILLER: Yes.
12 MS. SCHELLIN: Commissioner Shapiro?
13 COMMISSIONER SHAPIRO: Yes.
14 MS. SCHELLIN: And the vote is 5-0-0 to approve final
15 action in Zoning Commission Case No. 20-08A.
16 CHAIRPERSON HOOD: Okay. Our next case is Zoning
17 Commission Case 21-07. Do I have the right -- let me see
18 something. Yeah. That is the right one. Zoning Commission Case
19 No. 21-07: The Institute of Urban Living, consolidated PUD and
20 related map amendment at Square 5876.
21 Ms. Schellin.
22 MS. SCHELLIN: The applicant's post-hearing submissions
23 are at Exhibits 26 through 26E. And all five of you heard this
24 one, so it is ready for your consideration this evening for final
25 action.

1 CHAIRPERSON HOOD: Thank you. And thank you, Ms.
2 Schellin, for letting us know that everybody is on this case, so
3 I won't get that messed up.

4 So anyway, let me open it up for questions or comments.
5 I know we do have some submissions about the facade color, the
6 truck turning diagrams, and I think Commissioner May might have
7 tree preservation and the updated landscaping plan and other
8 issues we may have. Let me open it up.

9 Commissioner May.

10 COMMISSIONER MAY: No. I think they submitted the
11 information that we requested from the hearing, so I'm ready to
12 move forward.

13 CHAIRPERSON HOOD: Okay.

14 Commissioner Shapiro?

15 COMMISSIONER SHAPIRO: I concur, Mr. Chair.

16 CHAIRPERSON HOOD: Okay.

17 Commissioner Imamura?

18 COMMISSIONER IMAMURA: I'm pleased with the
19 preservation plan, the prepared and the detailed landscape plan,
20 so I'm prepared to move forward as well, Mr. Chairman.

21 CHAIRPERSON HOOD: Okay. And Vice Chair Miller.

22 VICE CHAIR MILLER: Ready to move forward.

23 CHAIRPERSON HOOD: Okay. So with that, I'm ready to
24 move forward. Would somebody like to make a motion -- here's
25 the thing. In history, I don't want my name to be the only one

1 down who's making motions or the one person being the only one
2 down to second it, so that's why I opened it up.

3 Would somebody like to make a motion?

4 COMMISSIONER IMAMURA: Mr. Chairman --

5 CHAIRPERSON HOOD: Yes.

6 COMMISSIONER IMAMURA: Mr. Chairman, I move that the
7 Zoning Commission approve Case No. 21-07: The Institute of Urban
8 Living, consolidated PUD and related map amendment at Square
9 5876, and ask for a second.

10 COMMISSIONER SHAPIRO: Second.

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

13 (No audible response.)

14 CHAIRPERSON HOOD: Not hearing any discussion.

15 Ms. Schellin, would you do a roll call vote, please?

16 MS. SCHELLIN: Sorry, my dogs are going crazy because
17 UPS just arrived.

18 Commissioner Imamura?

19 COMMISSIONER IMAMURA: Yes.

20 MS. SCHELLIN: Commissioner Shapiro?

21 COMMISSIONER SHAPIRO: Yes.

22 MS. SCHELLIN: Commissioner Hood?

23 CHAIRPERSON HOOD: Yes.

24 MS. SCHELLIN: Commissioner Miller?

25 CHAIRPERSON HOOD: Yes.

1 MS. SCHELLIN: And Commissioner May?

2 COMMISSIONER MAY: Yes.

3 MS. SCHELLIN: The vote is 5-0-0 to approve final action
4 in Zoning Commission Case No. 21-07.

5 CHAIRPERSON HOOD: Okay. Thank you.

6 Next. Let's go to Zoning Commission Case No. 21-05.
7 This is the Office of Planning text amendment to Subtitle C, IZ-
8 XL, Phase No. 2, applying inclusionary zoning to conversions of
9 non-residential buildings to residential use.

10 Ms. Schellin.

11 MS. SCHELLIN: At Exhibit 20, there's an NCPC report
12 of delegated action finding that the text amendment would not be
13 inconsistent with federal elements. And at Exhibit 21, there is
14 one comment from the Committee of 100. So this is ready for the
15 Commission to consider final action.

16 CHAIRPERSON HOOD: Okay. Let me open it up for
17 discussion or comments on this. I appreciate us getting to this
18 point. This is something that we have gradually incrementally
19 been trying to achieve and we're still working on this. This
20 is, to me, a work in progress. And I know there are other
21 comments, but I appreciate the support; even though they have
22 comments in the Committee of 100, they have support. And as we
23 continue to try to make sure that balance (indiscernible) strike
24 as we continue to move in this fashion. So let me open it up
25 for any question or comments.

1 Commissioner May?

2 COMMISSIONER MAY: I have nothing more to add at this
3 point.

4 CHAIRPERSON HOOD: Commissioner Shapiro?

5 COMMISSIONER SHAPIRO: This is to build on what you
6 said. It may be worth noting that the specific issues that the
7 Committee of 100 addressed, even with the support, are issues
8 that we are considering and are working through the process, so
9 I don't want that to go without being said.

10 CHAIRPERSON HOOD: Commissioner Imamura?

11 COMMISSIONER IMAMURA: Mr. Chairman, I will be recusing
12 myself. I'm not participating in this case.

13 CHAIRPERSON HOOD: You know, I just can't win on that
14 because I thought you were -- okay. I can't win on this. Okay.
15 Thank you.

16 Vice Chair Miller?

17 VICE CHAIR MILLER: Thanks, Mr. Chairman.

18 I agree with your comments and others and Commissioner
19 Shapiro. And I'm happy to say that -- I don't get to say this
20 often, so I'm happy to say that I generally concur with the
21 comments of the Committee of 100 on the Federal City.

22 CHAIRPERSON HOOD: Yeah. I would agree, and I'm very
23 happy. And I'm actually happy for all the work that they do,
24 and their people put into it. I think the input that we get in
25 anything that we do, helps come out with -- even when we disagree

1 -- us disagreeing comes up with a -- to me, a better outcome.
2 You've heard me say it before, I say it all the time.

3 All right. So we've all commented. Would somebody
4 else like to make a motion besides Anthony Hood?

5 COMMISSIONER SHAPIRO: Mr. Chair, I move that we take
6 final action on Zoning Commission Case No. 21-05, Office of
7 Planning text amendment Subtitle C, IZ-XL, Phase 2, applying
8 inclusionary zoning to conversions of non-residential buildings
9 to residential use, and ask for a second.

10 VICE CHAIR MILLER: Second.

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

13 (No audible response.)

14 CHAIRPERSON HOOD: Not hearing any.

15 Ms. Schellin, would you take a roll call vote, please.

16 MS. SCHELLIN: Commissioner Shapiro?

17 COMMISSIONER SHAPIRO: Yes.

18 MS. SCHELLIN: Commissioner Miller?

19 VICE CHAIR MILLER: Yes.

20 MS. SCHELLIN: Commissioner Hood?

21 CHAIRPERSON HOOD: Yes.

22 MS. SCHELLIN: Commissioner May?

23 COMMISSIONER MAY: Yes.

24 MS. SCHELLIN: And Commissioner Imamura recused, so the
25 vote is 4-0-1 to approve final action on Zoning Commission Case

1 No. 21-05.

2 CHAIRPERSON HOOD: Okay. Let's go to proposed action.
3 Commissioner Imamura, are you on -- you're on this one?
4 I'm sure.

5 COMMISSIONER IMAMURA: Yes, Mr. Chairman, I am.

6 CHAIRPERSON HOOD: Okay. I figured I'd ask first.
7 Okay.

8 COMMISSIONER IMAMURA: Just want to keep you on your
9 toes, sir.

10 CHAIRPERSON HOOD: Okay. So let's go to Zoning
11 Commission Case No. 15-24B: Gallaudet University and JBG 6th
12 Street Associates, LLC; first stage PUD modification of
13 significance; second stage and consolidated PUDs and related map
14 amendments at Square 3591, Lots 4 and 6; and Squares 3593 and
15 Lots 5 and 6. As we proceed in these discussions, I want to go
16 by Hearing 1, Hearing 2, and Hearing 3, and it all is encapsulated
17 in that caption that I just read.

18 So Ms. Schellin.

19 MS. SCHELLIN: Yes. The applicant's post-hearing
20 submissions are at Exhibits 49 through 49-I7. And then there is
21 a supplemental report from OP at Exhibit 50. It's ready for the
22 Commission to consider proposed action this evening.

23 CHAIRPERSON HOOD: Okay. Colleagues, as first as
24 noted, there are still a lot of -- a few outstanding issues
25 related to the PUD balancing test relating to the alley. And I

1 think we gave them some additional time, so we can focus our
2 comments on whatever we decide to, but I think the Comprehensive
3 Plan issues as we've been advised, I think is the best avenue,
4 but anything else that comes to mind, we can do that too as well.
5 So let's start off with hearing -- we'll try to go in the order.

6 Hearing 1: Was the change to the Stage 1 PUD approved
7 for the entire site, the new map amendment that adds some
8 additional property to parcel 2 in the map -- and the amendment
9 to the campus plan. So let me open it up.

10 Any questions or comments on that? That was Hearing
11 1?

12 COMMISSIONER MAY: I have nothing on Hearing 1. I
13 mean, that was the initial Stage 1 consideration in the campus
14 plan amendment, and I think those things are pretty
15 straightforward. We dove deeply into some issues, I think, so
16 we're getting ahead of one of the subsequent hearings, so I think
17 that that was pretty thoroughly discussed.

18 CHAIRPERSON HOOD: Okay. Commissioner Shapiro?

19 COMMISSIONER SHAPIRO: Yeah, I agree with Commissioner
20 May. I mean, we had some questions about the pedestrian
21 experience, and we drilled in little bit more in the public art
22 locations. And I think they addressed all the questions and
23 concerns that we had.

24 CHAIRPERSON HOOD: Okay. Commissioner Imamura?

25 COMMISSIONER IMAMURA: I have nothing further to add,

1 Mr. Chairman.

2 CHAIRPERSON HOOD: And Vice Chair Miller?

3 VICE CHAIR MILLER: (No audible response.)

4 CHAIRPERSON HOOD: I have nothing to add as well.

5 Now, Hearing 2. This was -- the scope was consolidated
6 second stage PUD review of parcel 2, east side of 6th Street
7 adjacent to Gallaudet campus.

8 Any questions? We do have some responses to some things
9 that we asked for and it's in the record. Clarifications of
10 Building 2B, the IZ unit distribution, parking and allocation of
11 spaces, the e-bike, and the Building 2B ground floor design.

12 So let's open it up. Any questions or comments on any
13 of that?

14 Commissioner May?

15 COMMISSIONER MAY: Yeah, Mr. Chairman.

16 I believe that the applicant responded to all the
17 things that were of particular concern to me. I will note the
18 chart, proposed parking and allocation spaces was very helpful
19 in sort of summarizing where that stood across the entire project.
20 The IZ unit distribution, and I appreciate the applicant bringing
21 more of the IZ units up to the fourth floor rather than keeping
22 them off the top two floors, which, you know -- which was --
23 which is okay for a taller building, but not really when it's a
24 five-story building. E-bike charging station, they agreed to
25 that, I think at the hearing, so I didn't see an issue with that.

1 And so, yeah, I mean, I think there are other issues that other
2 Commissioners have but I'll let them speak with those, but I'm
3 pretty satisfied with what they've submitted.

4 CHAIRPERSON HOOD: Okay. Commissioner Shapiro?

5 COMMISSIONER SHAPIRO: I concur with Commissioner May.
6 There was a -- they brought forth more information about that
7 ground floor design for Building 2B. I'm satisfied and I can
8 move forward.

9 CHAIRPERSON HOOD: Commissioner Imamura?

10 COMMISSIONER IMAMURA: I concur with Commissioner May
11 and Commissioner Shapiro; what they provided is satisfactory.

12 CHAIRPERSON HOOD: Okay. And Vice Chair Miller?

13 VICE CHAIR MILLER: Are we on Hearing 3?

14 COMMISSIONER SHAPIRO: 2.

15 VICE CHAIR MILLER: We're on 2. Okay. No additional
16 questions or comments. I appreciate all of the responsiveness
17 to my fellow colleagues' concerns.

18 CHAIRPERSON HOOD: Okay. And I don't have anything to
19 add.

20 By this time, to me, all the hearings, were starting
21 to run together, so let's go to Hearing 3. This is the second
22 stage PUD review of parcel 3, west side of 6th Street. And we'll
23 give Commissioner May a shot to take a break. And let's go to
24 you, Vice Chair, since you asked for Hearing 3.

25 VICE CHAIR MILLER: So the Hearing 3 issue that I wanted

1 | to highlight was the IZ issue, the proper -- they agreed at our
2 | last hearing, I believe, to not have the flexibility to go beyond
3 | the minimum IZ that Office of Planning was recommending and we
4 | -- I appreciate that in their verbal commitment at that hearing.
5 | And then in their written subsequent submission and saying that
6 | there'll be 14 two-bedroom units. So I think that that is
7 | responsive to the concern that I had and that others had, so I'm
8 | ready to go forward.

9 | CHAIRPERSON HOOD: Okay. Commissioner Imamura,
10 | anything on Hearing 3?

11 | COMMISSIONER IMAMURA: No, Mr. Chairman. Some of the
12 | lighting issues that I had some concern about, they addressed.
13 | And also notes the additional perspectives they provided about
14 | the bridges that Commissioner May asked about.

15 | CHAIRPERSON HOOD: All right. Commissioner Shapiro?

16 | COMMISSIONER SHAPIRO: Thank you, Mr. Chair.

17 | Yeah, at the risk of stealing Commissioner May's
18 | thunder, I really appreciated that perspective for that 6th
19 | Street bridge. It helped me make sense of that. I thought it
20 | was quite attractive and I'm satisfied with all of their
21 | responses.

22 | CHAIRPERSON HOOD: Okay. And let me go back to the
23 | Vice Chair, and then I'll come to you Commissioner May to close
24 | it -- end it up.

25 | Vice Chair Miller.

1 VICE CHAIR MILLER: I can defer to Commissioner May.

2 CHAIRPERSON HOOD: Okay. Commissioner May?

3 COMMISSIONER MAY: I have nothing to add.

4 CHAIRPERSON HOOD: Oh.

5 COMMISSIONER MAY: It's been covered. Thank you.

6 CHAIRPERSON HOOD: Maybe that's the order we'll go in
7 from now on.

8 Vice Chair Miller.

9 VICE CHAIR MILLER: Is this the case where we needed
10 to do a waiver because the applicant didn't provide the -- our
11 counsel with the conditions?

12 CHAIRPERSON HOOD: When you see that you see (audio
13 interference) not, because you see that counsel has come on and
14 they --

15 VICE CHAIR MILLER: Let our counsel talk about what we
16 need to do.

17 MR. RITTING: No, there's no waiver needed for this
18 one. I think you're referring to Case 20-12, the Westminster
19 one. There was the issue in that case about the proffers and
20 conditions process, but I think that that was resolved by the
21 Chairman giving me the latitude to make changes to the conditions
22 after final action.

23 VICE CHAIR MILLER: Okay. Well, I'm sorry for coming
24 in late on that issue.

25 CHAIRPERSON HOOD: Sorry, Vice Chair. All of us have

1 made a mistake or two during this hearing, so glad that you joined
2 the rest of us.

3 All right. Oh. Commissioner May hasn't made one. I
4 don't think Commissioner Shapiro or Imamura, those three have not
5 made one, but Ms. Schellin and I are glad you joined us.

6 COMMISSIONER IMAMURA: There's still time.

7 CHAIRPERSON HOOD: All right. I think everybody's --
8 I don't have any comments, other than I think we can get the
9 resolve, and I'm saying this for all those involved, the parties
10 involved. I think we can get the resolve on the alley access
11 before final. So I don't want anybody to miss the point. I said
12 we can get the resolve on the alley access before final. That
13 means I'm coming with unresolved. Let's get the resolve before
14 final.

15 All right. Anything else on this?

16 (No audible response.)

17 CHAIRPERSON HOOD: All right. So with that, I would
18 move proposed action on Zoning Commission Case No. 15-24B, with
19 all the caption that goes along with that zoning case number and
20 ask for a second.

21 VICE CHAIR MILLER: Second.

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

24 (No audible response.)

25 CHAIRPERSON HOOD: Not hearing any.

1 Ms. Schellin, would you do a roll call vote, please.

2 MS. SCHELLIN: Commissioner Hood?

3 CHAIRPERSON HOOD: Yes.

4 MS. SCHELLIN: Commissioner Miller?

5 VICE CHAIR MILLER: Yes.

6 MS. SCHELLIN: Commissioner Shapiro?

7 COMMISSIONER SHAPIRO: Yes.

8 MS. SCHELLIN: Commissioner May?

9 COMMISSIONER MAY: Yes.

10 MS. SCHELLIN: Commissioner Imamura?

11 COMMISSIONER IMAMURA: Yes.

12 MS. SCHELLIN: The vote is 5-0-0 to approve proposed
13 action in Zoning Commission Case No. 15-24B.

14 CHAIRPERSON HOOD: Okay. And the next -- now, we're
15 at hearing action, I believe, correct?

16 (No audible response.)

17 CHAIRPERSON HOOD: Okay. Hearing action in Zoning
18 Commission Case No. 20-26B: Office of Zoning text amendment to
19 Subtitle Y and Z to continue administrative time extensions due
20 to COVID-19.

21 Ms. Schellin.

22 MS. SCHELLIN: Yes, sir.

23 The current action expires the end of this month that
24 the Commission approved. And I'd ask -- would ask the Commission
25 to consider extending this to at least June 30th because I've

1 | been approached by several applicants that they are still having
2 | issues due to the COVID pandemic. And so because this extends
3 | in a matter of, I think, two weeks now, I'm asking that you would
4 | set this down as an emergency. So to set it down, take emergency
5 | action and authorize the immediate publication of the Notice of
6 | Proposed Rulemaking and also approve a shorter notice period of
7 | 30 days for the public hearing notice.

8 | In addition to that, I would ask the Commission just
9 | to confirm, because the language does not say otherwise, that an
10 | applicant who obtained a time extension, an administrative time
11 | extension this year in 2021, would be eligible to receive another
12 | one during the six-month time period. I just want to put on the
13 | record that that is okay because that's what I'm going to work
14 | off of when these are approved administratively, so that's
15 | something else.

16 | CHAIRPERSON HOOD: Okay. Let me see. Any objections?

17 | (No audible response.)

18 | CHAIRPERSON HOOD: So Ms. Schellin, the answer from my
19 | colleagues is yes, but let's talk about this. Let me go around,
20 | and we'll start with Commissioner May.

21 | COMMISSIONER MAY: Yeah. I'm fine with this extension,
22 | and I think six months is the right period of time. We don't
23 | know, I mean, it's possible that we may need to extend it again
24 | after that. But I do feel like we should grab this period of
25 | administrative extensions that don't require Commission input,

1 | you know, do it in shorter segments of time rather than just sort
2 | of doing them a longer blanket one. And then we can take it up
3 | again, you know, if we need to in June, but maybe things will
4 | change enough at that point for it to not be necessary. I
5 | actually would appreciate between now and then to get a little
6 | bit of an accounting for it, so if we wind up considering it
7 | again in June, knowing exactly how many requests have been made
8 | and granted, so. But we don't need to address that in our set
9 | down discussion, that will be hopefully going into the future.
10 | Thank you.

11 | CHAIRPERSON HOOD: Okay. Commissioner Shapiro,
12 | anything to add?

13 | COMMISSIONER SHAPIRO: I concur, Mr. Chair and I also
14 | concur with the information request as well. I think that will
15 | be helpful.

16 | CHAIRPERSON HOOD: Okay. Sounds good.
17 | Commissioner Imamura?

18 | COMMISSIONER IMAMURA: I'm in agreement with both my
19 | colleagues and I think this is a fair and reasonable time frame.

20 | CHAIRPERSON HOOD: And Vice Chair Miller.

21 | VICE CHAIR MILLER: Yes. I concur with the extension
22 | or administrative extensions and the information request. I
23 | think Commissioner May's request for information is helpful.

24 | I have a question to you, Mr. Chairman. I know we made
25 | an announcement in June, I think, that we were going to do virtual

1 | hearings until the end of the year where we're almost at. I
2 | assume and hope that we were -- will continue to do these virtual
3 | hearings for at least those six months. But I don't know if
4 | we've made an announcement to that effect or if we need to do
5 | anything to that effect. Ms. Schellin can probably inform me of
6 | that. But I think just to say what we've said previously, this
7 | virtual hearing process, in my own view, which I think others
8 | agree with, has worked incredibly well, mostly because of our
9 | staff. The tech people, Paul Young, it's been very seamless.
10 | The public has been able to participate really in a way that is
11 | more convenient than ever. And we've been able to participate
12 | in a way that's more convenient than ever. And I know some people
13 | miss the intimacy of in-person on dais in hearing room
14 | interactions at One Judiciary Square, the new Barry Building, but
15 | I don't miss it. I think this is actually very intimate. I
16 | haven't met Joe in person or some of my BZA colleagues in person
17 | yet, but, you know, you're right in my face for hours at a time.
18 | I might, in my own face, hours at a time. It's a very intimate
19 | personal experience. So anyway, I just -- because we're talking
20 | about COVID administrative extensions, I just -- or I assume that
21 | we are continuing our virtual hearing experience for that period
22 | of time at least as well.

23 | CHAIRPERSON HOOD: So let me just comment. I'm glad
24 | you brought that up because I thought it was well known, Omicron,
25 | and whatever the new name is Delta, Omicron and all the rest of

1 | them, as far as I'm concerned, has extended our time for another
2 | year, so I will leave it at that, and we can discuss that. I
3 | don't know what notifications we need to do, but safety first,
4 | safety for us, our staff, the residents of the city or whomever,
5 | safety first. So I know we're saying six months, but I'm saying
6 | a year and then we can back back, because hopefully, we don't
7 | have to extend it. That's just where I am on that. And I'm
8 | hoping whatever announcements we need to make or whenever we need
9 | to make them, I'm hoping that people are listening to this now,
10 | even though it's in the middle of a debate question of a case,
11 | Zoning Commission Case No. 20-26B, but I think this goes along
12 | with that this is a good time to bring it up. Unless somebody
13 | disagrees with me, I'm saying we set it off for December 31st,
14 | 2022, unless somebody disagrees. And if they do --

15 | VICE CHAIR MILLER: I second that.

16 | CHAIRPERSON HOOD: Okay. If the public disagrees with
17 | it, they can call Ms. Schellin and Ms. Schellin will let others
18 | know.

19 | MS. SCHELLIN: Well, I will say that we are not ready.
20 | Our hearing room will require some changes that -- and technology
21 | will require changes. We have a manager's meeting every week.
22 | We've discussed it and we're not there.

23 | CHAIRPERSON HOOD: Right. So our last --

24 | MS. SCHELLIN: If we'll just -- this week.

25 | CHAIRPERSON HOOD: Let's just set it out there. Unlike

1 the case that we're dealing with, let's just set that out to
2 December 31st, 2022, so that won't be an issue, Ms. Schellin, if
3 we could -- at the next meeting, if I need to do a formal
4 announcement, unless I hear from my colleagues anything other
5 -- that's what we'll do, Commissioner May.

6 MS. SCHELLIN: Commissioner May wants to be in the
7 hearing room.

8 COMMISSIONER MAY: I miss the candy bowl.

9 MS. SCHELLIN: I'll send you a bag of candy if that's
10 what you want.

11 COMMISSIONER MAY: No, no, no. I like the bowl because
12 it's like --

13 MS. SCHELLIN: I'll send you my bowl. I'll send you
14 the bowl.

15 COMMISSIONER MAY: Just to find (indiscernible). You
16 got to send me a bowl like every time or two.

17 MS. SCHELLIN: Oh, no. Come on, seriously. Do you
18 want me to show up at your door and pass it around, you know?

19 COMMISSIONER MAY: Yes, that'd be great.

20 MS. SCHELLIN: Okay. You go sit in the hearing room
21 alone and you can have my bowl. I'll put it there every Monday
22 and Thursday for you.

23 COMMISSIONER MAY: Maybe.

24 MS. SCHELLIN: Yeah.

25 COMMISSIONER MAY: I mean, I will say I am optimistic

1 | that like, I mean, I think I'm going to be back in my office in
2 | probably about four months. And that's largely because
3 | renovations that are keeping us out that long and otherwise would
4 | be probably just another two months.

5 | MS. SCHELLIN: Yeah.

6 | COMMISSIONER MAY: But it is, you know, how we wind up
7 | doing this. And make the best or take the best that has come
8 | out of these virtual hearings with the ability to be in a room
9 | together and to be able to see people in person and to see each
10 | other in person and be able to read the room and appreciate
11 | everything that we are seeing, I mean, I think there is benefit
12 | to that. I hope that we can get to some sort of a hybrid sooner
13 | than a year, but if it takes a year, so be it. I'm not going to
14 | really complain, and I guess I'll have to get my own candy.

15 | CHAIRPERSON HOOD: Okay. So I think moving forward
16 | --

17 | MS. SCHELLIN: And Commissioner Hood, please feel free
18 | to take Commissioner Imamura to lunch to see his face in person
19 | and the new BZA folks. We won't be sad if you want to do that
20 | just so you can see them in person.

21 | CHAIRPERSON HOOD: You mean Commissioner May. I mean
22 | --

23 | MS. SCHELLIN: I thought you said I haven't met
24 | Commissioner Imamura.

25 | CHAIRPERSON HOOD: I've met him.

1 MS. SCHELLIN: Oh. You met him. Who said they hadn't
2 met them?

3 COMMISSIONER MAY: It's Vice Chair Miller.

4 MS. SCHELLIN: Or maybe Commissioner Miller.

5 COMMISSIONER MAY: Yeah.

6 MS. SCHELLIN: Commissioner Miller, please feel free
7 to take him to lunch.

8 VICE CHAIR MILLER: I will.

9 MS. SCHELLIN: He will appreciate it.

10 VICE CHAIR MILLER: We will -- I will.

11 CHAIRPERSON HOOD: So Ms. Schellin, you have really
12 helped --

13 VICE CHAIR MILLER: (Indiscernible).

14 CHAIRPERSON HOOD: -- on my point. My point was this
15 is the new way.

16 MS. SCHELLIN: This is the new way.

17 CHAIRPERSON HOOD: That's what I was saying early.
18 This is the new way. We got to get used to this. So I have met
19 Commissioner Imamura. But you know what, let's get back because
20 I've even lost focus on what I was doing -- what we were doing.

21 MS. SCHELLIN: I'm sorry.

22 CHAIRPERSON HOOD: Okay. Zoning Commission Case No.
23 20-26B, but I think that was a good thing to bring up --

24 COMMISSIONER IMAMURA: If I were to --

25 CHAIRPERSON HOOD: -- Vice Chair Miller.

1 So let's go back to the case unless somebody wants to
2 stay back.

3 COMMISSIONER IMAMURA: I just have one other comment.

4 CHAIRPERSON HOOD: Sure.

5 COMMISSIONER IMAMURA: Go ahead, Commissioner May.

6 COMMISSIONER MAY: No, I was going to say. Can we take
7 a 5- or 10-minute break now?

8 CHAIRPERSON HOOD: All right. Let's take a -- let's
9 -- look. Let's take a 5-minute break.

10 COMMISSIONER MAY: No, no, no. I'm kidding.

11 CHAIRPERSON HOOD: Oh. No. You're doing the BZA. Oh.
12 Okay.

13 MS. SCHELLIN: It was a BZA joke.

14 CHAIRPERSON HOOD: You don't know whether to come back
15 in 5 minutes or 10 minutes.

16 COMMISSIONER MAY: Commissioner Imamura, please.

17 COMMISSIONER IMAMURA: It serves -- I just want to say,
18 Mr. Chairman, that -- to Vice Chair Miller's comments, that even
19 though we haven't met, we do see each other twice a week and I
20 feel close enough that I think we could be very good neighbors.

21 CHAIRPERSON HOOD: Okay. Yeah. I'm thinking in the
22 hearing room -- let me see. I've even forgot how we sit. Who
23 sits to my right? Rob used to -- well, Commissioner Miller sits
24 to the right.

25 VICE CHAIR MILLER: No, I'm to your left.

1 CHAIRPERSON HOOD: Oh. You're to the left. Okay.

2 MS. SCHELLIN: Shapiro is to your right.

3 CHAIRPERSON HOOD: He is on the right. Who sits on the
4 other side?

5 MS. SCHELLIN: You've been doing this too long to
6 forget.

7 CHAIRPERSON HOOD: Oh. Okay. So yeah, yeah. We'll
8 be neighbors. Okay.

9 COMMISSIONER IMAMURA: We sure will be.

10 MS. SCHELLIN: Commissioner Imamura will be my new
11 seatmate.

12 CHAIRPERSON HOOD: So --

13 MS. SCHELLIN: -- and Rob.

14 CHAIRPERSON HOOD: -- let me apologize for us going way
15 off wherever we went, so we will come back. But I think that
16 was a very important discussion. We will work with a year and
17 move our way back if, you know, the science says to do that, so
18 we will follow that.

19 Again, we're on Zoning Commission Case No. 20-26B. I
20 think we're doing six minutes, I mean, not six minutes, six
21 months. And so we have a set down, we have an emergency action,
22 and we are going to approve a shorter notice. So with all those
23 things said, I would approve all the things I just mentioned in
24 Zoning Commission Case No. 20-26B and ask for a second.

25 VICE CHAIR MILLER: Second.

1 CHAIRPERSON HOOD: It's been moved and properly second.
2 I don't see Office of Zoning Legal Division lighting up, so I
3 guess everything's in order. Any further discussion?

4 (No audible response.)

5 CHAIRPERSON HOOD: Not seeing any.

6 Ms. Schellin, could you do a roll call vote, please?

7 MS. SCHELLIN: Commissioner Hood?

8 CHAIRPERSON HOOD: Yes.

9 MS. SCHELLIN: Commissioner Miller?

10 VICE CHAIR MILLER: Yes.

11 MS. SCHELLIN: Commissioner Shapiro?

12 COMMISSIONER SHAPIRO: Yes.

13 MS. SCHELLIN: Commissioner May?

14 COMMISSIONER MAY: Yes.

15 MS. SCHELLIN: Commissioner Imamura?

16 COMMISSIONER IMAMURA: Yes.

17 MS. SCHELLIN: The vote is 5-0-0 to set down Zoning
18 Commission Case No. 20-26B as a rulemaking case, to take emergency
19 action and authorize the immediate publication of the Notice of
20 Proposed Rulemaking, and to approve a 30-day notice period for
21 the public hearing notice. Thank you.

22 CHAIRPERSON HOOD: Okay. Next, hearing action in
23 Zoning Commission Case No. 21-17: Congress Park Community
24 Partners, LLC, map amendment at Square 5914. It looks like we
25 have Ms. Brown-Roberts and Ms. Steingasser from the Office of

1 Planning. I believe it's probably going to be Ms. Brown-Roberts.

2 MS. BROWN-ROBERTS: Good evening, Mr. Chairman and
3 members of the Zoning Commission. Maxine Brown-Roberts from the
4 Office of Planning on Zoning Commission Case 21-17. And I'm
5 waiting for Mr. Young to start the PowerPoint. Okay. Great.

6 Next slide, please.

7 Next slide. Great. The Congress Park Community
8 Partners, LLC request a map amendment to rezone a portion of the
9 former Malcolm X High School at 1351 Alabama Avenue, Southeast
10 from the moderate density residential RA-1 Zone to the mixed-use
11 zone, MU-8B. OP recommends that the map amendment not be subject
12 to IZ Plus due to the amount of existing affordable housing
13 already in existence within the Far Southeast/Southwest planning
14 area as outlined in our report. The property would remain subject
15 to the standard IZ requirements. In addition, the property is
16 owned by the District government, which is a requirement for all
17 affordable developments with affordability at 30, 50, 60 and 80
18 percent MFI in perpetuity and would be greater than required --
19 greater than that required by the regular IZ requirements.
20 Overall, when evaluated through a racial equity lens, the
21 proposed map amendment is not inconsistent with the Comprehensive
22 Plan and rezoning would allow DC government to utilize a property
23 that is underdeveloped to provide affordable housing,
24 neighborhood serving retail and service uses, which would be a
25 benefit to area residents.

1 Next slide. The Future Land Use Map recommends the
2 site for local public facilities, which is reflective of its
3 prior school use that recommends the new zoning designation will
4 vary depending on surrounding uses. The framework plan element
5 provides additional guidance that new designations on former
6 school sites should be generally compatible in density or
7 intensity to those in the vicinity. The FLUM designation on the
8 remainder of the school site as well as the area around the Metro
9 station is mixed-use medium density residential, medium density
10 commercial. The proposed density -- the proposed MU-8 Zone is
11 designated for a mix of medium density uses and is therefore
12 comparable with the surrounding development pattern and not
13 inconsistent with the FLUM.

14 Next slide. The Generalized Policy Map indicates that
15 the property is within the neighborhood enhancement area. The
16 proposed MU-8B Zone would not be inconsistent with that
17 designation as it would allow for the redevelopment of a District
18 owned property at a desirable location with affordable housing
19 and supportive services to serve existing and future residents
20 of the neighborhood as well as citywide needs. Overall, the
21 neighborhood character will be protected or enhanced as the
22 development takes place. The proposed map amendment will not be
23 inconsistent with the citywide elements including policies and
24 recommended actions, which the proposal is compatible. Future
25 development would be transit-oriented providing new affordable

1 housing. Its proximity on -- to an ongoing development of a
2 mixed-use area around the Congress Heights Metro Station is
3 timely and beneficial for the District's growth and equity.

4 Next slide. The subject property is in the Far
5 Southeast/Southwest area element and would not be inconsistent
6 with its recommendation for growth in this area, housing and
7 affordable housing and retail. In particular, the property is
8 within the Congress Heights Metro Station policy focus area that
9 recommends mixed-use medium density and commercial development
10 around Metro Station and its vicinity. The Comprehensive Plan
11 recommends a small area plan for the area including the subject
12 site. The Congress Heights small area plan study has begun. The
13 Office of Planning believes that the proposed rezoning is timely
14 as the community engagement has been extensive and the proposal
15 is consistent with its draft recommendation for deeply affordable
16 housing, service and retail uses. The ANC is also in support of
17 rezoning moving forward. The Office of Planning therefore
18 recommends that the proposed map amendment be set down for public
19 hearing and that it would not be appropriate for IZ Plus.

20 Thank you, Mr. Chairman, and I'm available for
21 questions.

22 CHAIRPERSON HOOD: Thank you, Ms. Brown-Roberts.

23 I can tell you, so far looking at the submissions that
24 we have, you know, when they say this should be set down, I think
25 this should be set down. I just want to say that because this

1 applicant has thrown in some things and I'm sure we can talk
2 about it, but they're not even required, and my hat is off to
3 the applicant. Hopefully, they are listening, and all the parties
4 involved, so I just wanted to start off with that. Whenever I
5 see something like that, I think that's very -- it doesn't --
6 you don't have to ask the question about equity because it's
7 there. So I commend the Office of Planning, the city, or whoever
8 else is all involved with this project, the applicant and everyone
9 and the ANC as well.

10 So let me open it up for questions and comments.

11 Commissioner May.

12 COMMISSIONER MAY: I don't have any questions or
13 comments. I'm prepared to vote to set this down.

14 CHAIRPERSON HOOD: Okay. And Commissioner Shapiro?

15 COMMISSIONER SHAPIRO: I concur, Mr. Chair.

16 CHAIRPERSON HOOD: Commissioner Imamura?

17 COMMISSIONER IMAMURA: I'm in agreement, Mr. Chair.

18 CHAIRPERSON HOOD: Okay. And Vice Chair Miller?

19 VICE CHAIR MILLER: I concur totally with your
20 comments, Chairman Hood about the -- what this project is offering
21 for the community and the city. Thank you, Maxine Roberts --
22 Brown-Roberts for your report.

23 I guess I had one question. I should maybe notice. I
24 understand why you are not recommending that this site, the map
25 as IZ Plus because this Southwest/Southeast planning area as you

1 | stated has more than their fair share of affordable housing for
2 | the city. But what I don't know, off top of my head is what
3 | would be the difference? There seems to be a lot of affordable
4 | housing in this project. Would IZ Plus be requiring -- if it
5 | were IZ Plus would that require anything more than what they're
6 | already offering -- proposing in this project? I guess I just
7 | forget what IZ Plus requires. I thought it was double. If
8 | there's a map amendment that's increasing the density, it was
9 | double the set aside, but maybe it's more than that. But it
10 | seems like this would be more than double the set aside anyway.

11 | MS. BROWN-ROBERTS: Yes. And it, I mean, the number
12 | of units in addition to that, the affordability, it has a deeper
13 | level of affordability in this.

14 | VICE CHAIR MILLER: So IZ Plus would be deeper than
15 | what's being proposed in this case, you're saying?

16 | MS. BROWN-ROBERTS: No, what I'm saying is that I think
17 | that this is deeper than the IZ Plus.

18 | VICE CHAIR MILLER: That's what I thought. So what is
19 | the -- I guess, then what is the harm? I understand why
20 | Southwest/Southeast planning area doesn't need IZ Plus map
21 | amendment because they're doing their fair share, like this case
22 | is providing which -- but what would be the harm in mapping it
23 | as IZ Plus if they're already doing what would meet IZ Plus?

24 | MS. BROWN-ROBERTS: Well, this has a RFP on it. On
25 | this site, there's an RFP, so I think it would be, you know,

1 conflicting with that and ask them to do IZ Plus and then there
2 is --

3 VICE CHAIR MILLER: If they're financing or something
4 else, I mean, I guess I need more -- so when we get to the
5 hearing, maybe I just need more information --

6 MS. BROWN-ROBERTS: Okay.

7 VICE CHAIR MILLER: -- why it would make a difference
8 if we didn't map it as IZ Plus since they seem to be meeting, by
9 what they're proposing, both the set aside and the deeper
10 affordability level what IZ Plus would require from the applicant
11 or from OP. And there may be a logical reason why not to do it.
12 I just wanted to understand that.

13 MS. BROWN-ROBERTS: Okay. Yeah. We'll do -- we'll
14 provide that information, yes.

15 VICE CHAIR MILLER: Thank you.

16 MS. STEINGASSER: Commissioner Miller, this is Jennifer
17 Steingasser. I would just say we tried to be very consistent
18 with how we review these regardless of ownership. So the site
19 is either appropriate or inappropriate for IZ Plus. And in this
20 case, because of the disproportionate amount of inclusionary
21 zoning and affordable housing and deeply affordable housing in
22 the overall area, it's not appropriate. So we would take that
23 position just as a consistent application of our analysis, the
24 regulation.

25 VICE CHAIR MILLER: Okay. So I understand that

1 principle, so I just wanted to understand how it's being applied.

2 Thank you.

3 CHAIRPERSON HOOD: Okay. Any other questions or
4 comments for Ms. Brown-Roberts?

5 (No audible response.)

6 CHAIRPERSON HOOD: Okay. Well, thank you, Ms. Brown-
7 Roberts for your report --

8 MS. BROWN-ROBERTS: Thank you.

9 CHAIRPERSON HOOD: -- and Ms. Steingasser opined, and
10 thank you, Vice Chair, for bringing that up.

11 So would somebody like to make a motion?

12 (No audible response.)

13 CHAIRPERSON HOOD: I think we are ready to set this
14 down.

15 COMMISSIONER MAY: Mr. Chairman?

16 CHAIRPERSON HOOD: Sure.

17 COMMISSIONER MAY: I would move that the Zoning
18 Commission set down Case No. 21-17: Congress Park Community
19 Partners, LLC, map amendment at Square 5914.

20 COMMISSIONER IMAMURA: Second.

21 CHAIRPERSON HOOD: Okay. It has been moved and we have
22 a second. Any further discussion?

23 (No audible response.)

24 CHAIRPERSON HOOD: Not hearing any.

25 Ms. Schellin, would you do a roll call vote, please?

1 MS. SCHELLIN: Commissioner May?
2 COMMISSIONER MAY: Yes.
3 MS. SCHELLIN: Commissioner Imamura?
4 COMMISSIONER IMAMURA: Yes.
5 MS. SCHELLIN: Commissioner Hood?
6 CHAIRPERSON HOOD: Yes.
7 MS. SCHELLIN: Commissioner Miller?
8 VICE CHAIR MILLER: Yes.
9 MS. SCHELLIN: Commissioner Shapiro?
10 COMMISSIONER SHAPIRO: Yes.
11 MS. SCHELLIN: The vote is 5-0-0 to set down Zoning
12 Commission Case No. 21-17 as a contested case.
13 CHAIRPERSON HOOD: Okay. Commissioners, I'm going to
14 need a 5-minute break, five minutes. So let's come back at 5:35,
15 it might be six minutes, but the time to come back is 5:35. Okay.
16 (Whereupon, the above-entitled matter went off the
17 record and then resumed.)
18 CHAIRPERSON HOOD: So it's 5:35, we're all back.
19 Let's go to, I think, our last case. And do we also
20 have an item that I need to bring up and then we will have the
21 Office of Planning, will have a presentation for us, I believe
22 in that order. So let's go to our next case for hearing action,
23 it's Zoning Commission Case No. 21-18. This is the Dance Loft
24 Ventures, LLC, consolidated PUD and related map amendment at
25 Square 2704, and we'll go to Mr. Mordfin.

1 MR. MORDFIN: Good evening, Mr. Chair and members of
2 the Commission. This is Zoning Commission Case 21-18 for Dance
3 Loft Ventures, LLC, PUD. The applicant is requesting a
4 consolidated PUD with a PUD-related map amendment from the MU-3A
5 to the MU-5A Zone to construct a mixed-use building in the 4600
6 block of 14th Street, Northwest, as you can see on the FLUM map
7 as pointed out with the blue arrow. The building would include
8 101 apartments; two-thirds of which would be affordable at
9 between 30 and 60 percent AMI. Twenty-four of those apartments
10 would be three-bedroom units. New space for the Moveius
11 Contemporary Ballet/Dance Loft on 14 would be provided allowing
12 this nonprofit performing arts organization to remain on site,
13 and approximately 1,900 square feet of new modern hotel space
14 would be included.

15 The subject property is currently developed with one-
16 and two-story commercial structures. Two areas of flexibility
17 are requested. One is to permit a related PUD map amendment from
18 the MU-3A to the MU-5A to permit additional building height, and
19 the other is to permit a reduction in onsite parking from 55 to
20 40 spaces. As a deeply affordable building, the family sized
21 units designed to achieve LEED Gold certification with a net zero
22 energy target including the use of solar panels and a green roof
23 with native plants, the proposal would be consistent -- can we
24 go to the next slide, please I'm sorry -- would be consistent
25 with the Future Land Use and Generalized Policy Maps. It would

1 further many of the citywide elements of the Comp Plan including
2 land use, transportation, housing, environmental protection,
3 urban design in arts and culture, and the Rock Creek East area
4 elements. Should the Commission set this application down, OP
5 recommends the applicant revise the flip-up door on 14th Street,
6 modify the front elevation of the building to improve its
7 appearance from the street, and identify the locations of the
8 utility vaults. Therefore, OP recommends the Commission set the
9 application down for public hearing and is available for
10 questions. Thank you.

11 CHAIRPERSON HOOD: Thank you, Mr. Mordfin.

12 Let's see if we have any questions and comments. We
13 appreciate your report. Commissioner May.

14 COMMISSIONER MAY: Yeah. Mr. Mordfin, you know, we
15 have information in the record from the applicant indicating that
16 the ANC is not very happy about this. They have concerns about
17 the size of the project. And when I look at some of the images
18 of the project, it also has me concerned. We are going from --
19 which zone was it? It was a from 5 -- I'm sorry, MU-3A to MU-5A
20 with a PUD. And, you know, the growth of development potential
21 that goes with that change is really very substantial. And
22 granted, they're not maximizing it, right. They're not going in
23 the 90-feetm, but they could theoretically, they're sticking at
24 66 feet.

25 I just -- FAR is not going all the way to 5 and change

1 | this thing at 3.79. But still, I mean, 3.79 is three times what
2 | it's currently zoned for. And, you know, it's hard for me to
3 | reconcile this development with the designations of moderate
4 | density housing and moderate density commercial. So I'm -- I
5 | just, you know, given our recent or relatively recent experience,
6 | I don't know, over the last 5 years, 10 years, I don't know. It
7 | was during it, I can't remember. I just feel uncomfortable with
8 | that much of an increase given the moderate density designation.

9 | Can you say anything to justify that further for us?

10 | MR. MORDFIN: Well, it is recommended in the current
11 | Comp Plan for the mixed-use and does include moderate density
12 | residential. And this does fit in with those recommendations of
13 | that Comp Plan recommendation. And with the zoning, the applicant
14 | has requested, which is moderate density zone, which includes
15 | moderate density residential is hard. It's also --

16 | COMMISSIONER MAY: Yeah. I mean, 5A is explicitly
17 | included in the new Comp Plan as moderate?

18 | MR. MORDFIN: Yes. I will double-check on that and
19 | make sure.

20 | COMMISSIONER MAY: Okay. I guess I should have checked
21 | the submissions more carefully to understand that as well. But
22 | that I mean, that's something that makes me concerned about it.
23 | I'm not necessarily so concerned that I would not vote to set it
24 | down because clearly, it's a property that should be redeveloped.
25 | But I don't know that they're going to get all the way up to this

1 level of density given the nature of public feedback that I would
2 expect at the hearing. And if it is not -- the MU-5A is not
3 explicitly included within moderate density, and I mean, it
4 doesn't seem like it would be at 90 feet, but I mean, I think I
5 would have a problem with setting it down. I don't know. I'm
6 interested in hearing what others have to say.

7 CHAIRPERSON HOOD: Okay. Thank you.

8 Commissioner Shapiro.

9 COMMISSIONER SHAPIRO: Thank you, Mr. Chair. I
10 actually don't have a lot to add. I'm happy to set this down.
11 In terms -- Commissioner May, in terms of the level of density,
12 I mean, we may get an earful about this. It feels appropriate
13 for the location. I'm curious to see Mr. Mordfin confirming that
14 this is a moderate density zone, but really, Mr. Chair, that's
15 all. I don't have anything else to add.

16 CHAIRPERSON HOOD: Okay. Thank you.

17 Commissioner Imamura, any questions or comments?

18 COMMISSIONER IMAMURA: I'm a bit conflicted, Mr.
19 Chairman. Obviously, you know, we have a shortage in housing
20 stock, and we want to increase density where we can and where it
21 makes sense. But I share Commissioner May's concerns generally
22 about the massing of it and just sort of -- they did provide sort
23 of a shade and shadow study in the winter solstice. And because
24 of the height of the building, it completely shuts out some of
25 the neighbors during that time from any sunlight at all. And so

1 certainly I have some concerns and reservations about that, but
2 in general, those are my only comments, and no questions for Mr.
3 Mordfin.

4 CHAIRPERSON HOOD: Thank you.

5 Vice Chair Miller?

6 VICE CHAIR MILLER: Thank you, Mr. Chairman and thank
7 you, Mr. Mordfin for your report.

8 I support the set down of this case to keep Dance Loft
9 in this location where they've been for a while, a long time, I
10 think. I do share the concerns of my colleagues who mentioned
11 concerns about the consistency with the Comprehensive Plan
12 moderate density designation because this is one of those cases
13 that seems that where we always -- the moderate density always
14 seems to get us into a problematic or questionable area. When
15 you're proposing in here, five, four or five stories, hundred
16 units, a lot of affordable units, which is great. So I think
17 that we'll just need to see -- I support set down. I think we'll
18 need to see a timely hearing how the consistency analysis is
19 provided by both the Office of Planning and the applicant. And
20 how public benefits may outweigh any potential inconsistencies,
21 which I think there are a lot of public benefits here. So I'm
22 not sure if I have any questions specifically for Mr. Mordfin.
23 No, I don't think I have any specific question for Mr. Mordfin
24 at this time, maybe when we get to the hearing, I will. But I
25 just think -- I think we do need more information, amplification,

1 | elaboration in the record as to how it meets the Comprehensive
2 | Plan.

3 | And I think when you do a racial equity analysis, which
4 | is a new requirement in the Comprehensive Plan, all the affordable
5 | housing emphasis in the new Comprehensive Plan, I think you can
6 | probably pass that threshold if there's any concern about any
7 | potential moderate density inconsistency, but I think that case
8 | needs to be made at the time of the hearing in our record further
9 | than what we have currently. So I look forward to seeing all of
10 | that and seeing this case move forward, Mr. Chairman.

11 | CHAIRPERSON HOOD: Okay. Thank you.

12 | Commissioner May, let me ask you. Did you say that the
13 | ANC had opined on this? Did you say that, or did I not hear you
14 | correctly?

15 | COMMISSIONER MAY: Not officially. We've heard only
16 | in the applicant's submission that the ANC had concerns about.

17 | CHAIRPERSON HOOD: Okay. Okay. Okay. Yeah.

18 | So I too share concerns, but stated, you know, I know
19 | we're trying to maintain an institution here, Dance Loft. I know
20 | what we're trying to do. But I really would be interested in
21 | seeing what the community opine. I would encourage the applicant
22 | to continue to work with the councilmember of Ward 4, as well as
23 | the community, because I think that's very important. As others
24 | have already mentioned going from MU-3A to MU-5A, we don't want
25 | to revisit some things that are actually still kind of going on

1 all those years, so we want to make sure we look at that.

2 And I heard one of my colleagues, I think it was
3 Commissioner Shapiro say, I forgot how he phrased it, we may get
4 a lot of information back. We also may give some along with the
5 community as we move forward. I forgot how you exactly worded
6 it. But I think not only will we get it -- oh, you said, get an
7 earful. We may get an earful and we may give an earful is what
8 I wanted to say so, at least from what I see now. But I would
9 encourage the applicant -- while I don't have a problem setting
10 it down, to make sure they work vigorously with the communities.
11 I'm very interested because it's right across the street, as you
12 know, from another institution that has been dealt within the
13 city for years.

14 Let's see if there are any follow up questions or
15 comments.

16 COMMISSIONER MAY: I am just curious as to whether Mr.
17 Mordfin found a specific reference, if he could confirm it.

18 MR. MORDFIN: Yes. So -- well, from moderate density
19 residential, the definition of that is that it is used to define
20 shopping and service areas that some are greater in scale and
21 intensity than the low-density commercial areas; retail, office
22 -- this is from the Comp Plan -- and service businesses are
23 predominant uses. Areas with this designation range from small
24 business districts that draw primarily from the surrounding
25 neighborhoods to larger business district uses that draw from

1 broader market area. Buildings are larger and taller than those
2 in the low-density commercial areas. And the density typically
3 ranges from 2.5 to 4.0 with greater density possible when
4 complying with inclusionary zoning or when through a planned unit
5 development. And so the MU-5 through the MU-7 Zone Districts are
6 consistent with the moderate density commercial category.

7 COMMISSIONER MAY: All right. Well, I still have
8 anxiety about this, and I look forward to hearing it. And
9 clearly, there's a majority in favor of setting it down, so I'll
10 support set down at this moment but I'm -- again, I maintain a
11 significant concern about this. And I think that, you know, we
12 do have to be thinking about, you know, the impacts on the
13 immediate neighbors. And I think that we will hear an earful -
14 - we'll hear an earful from the ANC, but I'm expecting the
15 neighbors to the south and north. Where they are in rowhouses
16 now, they'll be looking out their backyards at this very large
17 building. It's going to have an impact. We'll hear about it,
18 so we'll see. Hopefully, the developer will work with the
19 community and be able to resolve their concerns and offset,
20 mitigate any major concerns, but we'll just have to see.

21 CHAIRPERSON HOOD: Okay. Again, I will echo
22 Commissioner May's comments and link my comments because, again,
23 the earful is not going to just come from the community, I think
24 it will come from us as well. So let's see if we have any further
25 questions and comments. If not, will somebody make a motion to

1 set this down or not set it down?

2 COMMISSIONER SHAPIRO: Mr. Chair, actually, under
3 continuing a discussion, it's just -- there is -- I'm noting the
4 topography and the pretty -- it looks like a pretty significant
5 slope, if I'm reading it correctly. So I'm not sure what to say.
6 But I'm just thinking about some kind of deeper explanation of
7 that, which helps us make sense of the light, the shadow study
8 in relation to how the building height and how it's sloped down
9 in the back. And I'm ready to make a motion, Mr. Chair, unless
10 you want to see if there are other questions. So I move that we
11 set down Zoning Commission Case No. 21-18, Dance Loft Ventures,
12 LLC, consolidated PUD and related map amendment at Square 2704,
13 and ask for a second.

14 CHAIRPERSON HOOD: I'll second that motion. Forgive
15 me, Commissioner Shapiro for doing that. I didn't want to unmute.
16 I was lazy that time, so I'll second that.

17 It's been moved and properly seconded. Any further
18 discussion?

19 VICE CHAIR MILLER: The only thing I would say, Mr.
20 Chairman, in response of what Commissioner Shapiro and
21 Commissioner May said about shadow -- and I think, Commissioner
22 Imamura said about shadow impact. From what I read in the
23 applicant's statement about what the ANC concerns were, they
24 offered to reduce the height by one floor which might have
25 affected the shadow. We'll hear about this at a hearing if we

1 set this down. But they offered -- but apparently, that wasn't
2 enough because they weren't going to do enough setback in addition
3 to reducing a floor. So we'll hear about that, and we'll decide
4 what we decide based on what we hear. But there are a lot of
5 ways to mitigate any concerns that are there, and we'll hear
6 about that at a hearing if we set this down.

7 CHAIRPERSON HOOD: Okay. We had a second. It's been
8 moved and properly seconded. Any further discussion?

9 (No audible response.)

10 CHAIRPERSON HOOD: Not hearing any.

11 Ms. Schellin, would you do a roll call vote, please?

12 MS. SCHELLIN: Commissioner Shapiro?

13 COMMISSIONER SHAPIRO: Yes.

14 MS. SCHELLIN: Commissioner Hood?

15 CHAIRPERSON HOOD: Yes.

16 MS. SCHELLIN: Commissioner Miller?

17 VICE CHAIR MILLER: Yes.

18 MS. SCHELLIN: Commissioner May?

19 COMMISSIONER MAY: Yes.

20 MS. SCHELLIN: And who did I miss? I think I got
21 everybody.

22 COMMISSIONER MAY: Commissioner Imamura.

23 MS. SCHELLIN: Commissioner Imamura?

24 COMMISSIONER IMAMURA: Yes.

25 MS. SCHELLIN: Sorry about that.

1 COMMISSIONER IMAMURA: It's all right.

2 MS. SCHELLIN: The vote is 5-0-0 to set down Zoning
3 Commission Case No. 21-18 as a contested case.

4 CHAIRPERSON HOOD: Okay. Thank you.

5 I think that's it for decision and discussion of cases,
6 correct?

7 MS. SCHELLIN: Correspondence, yes.

8 CHAIRPERSON HOOD: Oh. Okay. Yeah. I'm going to
9 correspondence and then we'll go to Office of Planning's review
10 of their PowerPoint.

11 Commissioners, I sat on the case. I know we sit on
12 cases often, but this is the first one -- I'm not sure which
13 Commissioner sat on the previous one. You may recall, former
14 Commissioner Gambrell. I think he's a former Commissioner or
15 maybe still a commissioner, but I'll just leave it at that.

16 He came with explaining to the BZA that we were not
17 calculating the full lot occupancy. We were making it less
18 restrictive. And this was -- I'll be frankly honest, when I
19 heard all of this and I remember talking about the building height
20 measuring point, BHMP, I thought I said, this is a case I wish
21 Commissioner May was on instead of me because I believe that --
22 I know we've had these discussions. And you know, I stay in my
23 lane. I review and -- but I know we had an exhaustive discussion
24 on the building height measuring point.

25 Natural grade, whether the grade is built up. I know

1 | we went through all of that. He, Mr. Gambrell, I'm hoping I'm
2 | phrasing this right, I know that I'll ask our legal folks to go.
3 | But I wanted to come back in front of us to make sure that the
4 | calculations and the way the BZA is doing it is correct. And
5 | what made me think about. We are also a customer service-oriented
6 | body, the way I look at it, as well. Even though we're -- but
7 | when somebody comes and said, look at something and I know, you
8 | know, people are on this. He's been on another -- other issues
9 | that have helped us -- when somebody says, I've asked -- mentioned
10 | this to you once before, I want to make sure we are right in our
11 | decision-making.

12 | So what I wanted to do is I'm asking the Office of
13 | Planning as well as Office of -- legal -- Office of Zoning Legal
14 | Division, I got to eventually learn that name, to opine and look
15 | at this. And I want to us to make sure that the way the BZA is
16 | articulating, or exercising is exactly that long discussion that
17 | we had. So I wanted to figure out how to get it back to us and
18 | I've been trying to figure that out. But I think right now, the
19 | Office of Planning and the Office of Zoning Legal Division is
20 | looking at it. Because what struck me was when he said, he --
21 | this is the second time he or third time he's mentioned it to
22 | us. So I want to make sure that we also provide the customer
23 | service and then be able to explain of why we're doing it the
24 | way we're doing it in the BZA. So more to come on that. I don't
25 | have all the answers. Just bear with me. Just know that this

1 is coming. And I think not just this case, but any case when a
2 resident or somebody who's using the regulations have concerns
3 about some of our regulations as we've always said, I think we
4 always need to revisit and make sure that we are applying them
5 correctly. So that's the whole crux.

6 Any questions for me? Vice Chair Miller?

7 VICE CHAIR MILLER: So maybe this would be an agenda
8 item to add to our upcoming training session that we have with
9 BZA and Zoning Commission colleagues with our OAG counsel just
10 to talk about that issue.

11 CHAIRPERSON HOOD: Well, I would (indiscernible) the
12 staff, because there are some legal requirements, because this
13 is a live case, but I'm not necessarily going after the case.

14 VICE CHAIR MILLER: Okay. I didn't realize it was --
15 I didn't realize it was a live case.

16 CHAIRPERSON HOOD: Yeah. I don't know if the order has
17 been written. But I want to make sure that what we are applying
18 to it is correct and when we're applying it.

19 VICE CHAIR MILLER: Okay. I didn't realize this was a
20 live case, so --

21 CHAIRPERSON HOOD: Yeah. I would ask -- no. I think
22 the case has been settled. I'm not sure the order has been
23 written, but I would ask that Ms. Lovick -- and this is not just
24 that one case, he has mentioned another case and another case.
25 So when I'm hearing stuff like that, I think that we need to make

1 | sure that we work along and make sure that everybody's on the
2 | same page. The public, us, the regulations, all of that and make
3 | sure that it's being interpreted and exercised correctly. That's
4 | all I'm trying to do here. So I think the best way -- I will
5 | leave the course of action, Vice Chair Miller, up to Ms. Lovick
6 | --

7 | MS. SCHELLIN: And OP.

8 | CHAIRPERSON HOOD: -- of how to do it and OP, and also
9 | our Office of Zoning. And they will -- at the end of the day, I
10 | want it to come back here. So we can either validate or say no,
11 | this is the way it needs to be done.

12 | MS. SCHELLIN: Yeah.

13 | CHAIRPERSON HOOD: Yeah. So because I would --

14 | MS. SCHELLIN: Because I think he's made reference to
15 | maybe a definition being changed or something. So I think it
16 | does need to go to OP as Chairman Hood said.

17 | CHAIRPERSON HOOD: So regardless of what the format
18 | -- I'm just trying to correct something, either correct it or
19 | leave it as it is. I don't know. If the way we have it is
20 | correct, let's leave it that way. But I wanted the five
21 | Commissioners: Commissioner May, especially Commissioner May
22 | because I remember us talking about the building height measuring
23 | point. Do you remember those conversations, Commissioner? We
24 | went on and on. So I want to make sure that we at least revisit
25 | it. And Commissioner Shapiro and Vice Chair Miller, you all were

1 | there too. Commissioner Imamura, you're not going to be recused
2 | on this one. You're going to have to weigh on in this one too.

3 | COMMISSIONER IMAMURA: Gladly.

4 | CHAIRPERSON HOOD: All right. So thank you all for
5 | your indulgence. Looking forward to when we can get that and
6 | Mr. -- I want Mr. Gambrell to know that we take his comments very
7 | seriously and that's where we are.

8 | Okay. Ms. Schellin, I guess we're ready for Office of
9 | Planning. Do we need a 15-minute break or 20?

10 | MS. SCHELLIN: They have made a PowerPoint
11 | presentation. I did email it to you, guys, just a little bit
12 | ago just in case you want your own copy, but they are going to
13 | do a PowerPoint presentation for you. And I just, as I said,
14 | sent it to him. So I believe Jennifer and Joel. Jennifer will
15 | let Mr. Young know if someone else needs to be pulled up.

16 | MS. STEINGASSER: Good evening, Chairman Hood,
17 | Commissioners. This is Jennifer Steingasser with the Office of
18 | Planning.

19 | I wanted this evening to go over our housing
20 | initiatives and talk to the zoning approach to housing and
21 | affordable housing and the work plan that is in front of the
22 | Development Review Division and the Office of Planning as it
23 | stems from other planning work and other government work, and so
24 | this is what this presentation is about. So let me find my --
25 | so as you know, this week the Mayor, the Deputy Mayor, the

1 Director of the Office of Planning and the Interim Director of
2 DHCD have been now talking about housing and affordable housing
3 production citywide.

4 Earlier this week, the Deputy Mayor and the Director
5 of the Office of Planning were downtown talking about the
6 opportunities for converting office buildings to residential and
7 recognizing the challenges facing the office market with the
8 historic levels of office vacancy in the CBD, the central business
9 district. They've requested information on the challenges and
10 opportunities facing these conversions from anybody who is
11 willing to provide such information.

12 This morning, the Mayor, the Deputy Mayor and the
13 Directors of OP and DHCD were in Chevy Chase with the release of
14 the Rock Creek West Roadmap. The roadmap recognizes the unique
15 housing context of Rock Creek West and its deficiency for the
16 level of affordable housing and housing as identified through the
17 Housing Equity Report. And it identified several near-term
18 opportunities to significantly increase the supply of affordable
19 housing and the tools that can be used to realize those
20 opportunities, and obviously, zoning is one of those tools.
21 Building on that, I want to present to the Commission the plan
22 of zoning work that we plan to bring to the Commission during
23 the next two years.

24 Next slide, please. So this slide represents the major
25 umbrellas that will be working under the blue headings. I'm

1 | sorry. I got multiple slides going here. The blue headings
2 | represent the bigger kind of umbrellas under which a lot of our
3 | work will be taking place. And looking at the -- I'm sorry.
4 | Hang on just a second.

5 | So next slide, please. So looking at the IZ work, the
6 | Commission can remember -- may remember that the -- we've already
7 | done several major initiatives to amend and expand the
8 | inclusionary zoning regulations. We had a series of public
9 | hearings in 2016 and altered the median family income to adjust
10 | that to tender type -- tenure type, resident -- rental residential
11 | and home ownership. The Commission also expanded the IZ program
12 | to allow voluntary opt in, which made the bonuses and flexibility
13 | of the IZ program available to properties that were not otherwise
14 | required to participate in IZ. And we've had good luck with that
15 | expansion where people, especially in the lower density zones,
16 | have been struggling with some of the old historic lots that just
17 | aren't quite wide enough to develop under the current regs but
18 | can under the IZ regs.

19 | Next slide, please. So, of course, recently, including
20 | just this evening, IZ Plus and IZ-XL are both new amendments that
21 | expanded the program geographically and by building type, and
22 | then the required level of the IZ set asides. The IZ-XL case
23 | was only completed with the final vote of approval this evening,
24 | so we're very excited about seeing how that moves forward.

25 | Next slide, please. I'm sorry. Where are we? So

1 | thankfully zoning becomes the next major initiative that we'll
2 | be working on, especially throughout the coming year. We've
3 | already started with the faith based. We've been working with
4 | the institutions and coordinating with the Deputy Mayor for
5 | Planning and Economic Development Office and the Mayor's Office
6 | of Religious Affairs on ways to encourage the faith-based
7 | institutions to provide affordable housing on their lands, many
8 | of which are often underutilized or used for parking. So this
9 | is an opportunity to work with those that especially have a
10 | mission-based initiative to provide affordable housing, and so
11 | we're working with them on ways, obviously, zoning will be part
12 | of that. We anticipate bringing forward several map amendment
13 | cases to rezone lands consistent with the recent changes to the
14 | Future Land Use Map of the Comprehensive Plan. Most recently,
15 | the Commission set down the first case last month in November and
16 | we plan to bring forward more cases in February and March of this
17 | coming year.

18 | Next slide, please. So regarding text amendments.
19 | There's policy language in the land use elements and the
20 | implementation elements that speaks directly to the issue of
21 | working with faith-based institutions. And working with their
22 | -- those that have the mission to provide affordable housing and
23 | to encourage others to also provide affordable housing within
24 | this framework. We'll be bringing forward text amendments to
25 | allow options for the development of these properties. And we've

1 already started working on this by identifying and mapping all
2 the properties across the District that are identified on the tax
3 maps -- on the tax rolls as being either religious or faith based.
4 We're looking at their context and their relationship to the
5 Comprehensive Plan and the environment as they sit today. We
6 anticipate bringing forward possibly three, at least, options.
7 And those options will be one, which should allow for a matter
8 of right type of development and then a higher degree of density
9 would be through a special exception. And then we're also looking
10 at the PUD regulations to providing flexibility in lot sizes for
11 the larger projects in terms of density that may be coming
12 forward. As the Commission may remember, we've had several where
13 the Commission has had to waive the minimum land area to allow
14 for some kind of affordable housing project, and so we'll be
15 looking at that as part of this issue as well.

16 Next slide, please. Also related to our work is the
17 housing related zoning changes, and we're going to be continuing
18 to work on the regulations regarding the RA-1 Zone. Obviously,
19 we're also looking at alley lots and accessory dwellings,
20 especially accessory dwellings and accessory buildings. This has
21 become a little bit more complex than we anticipated. And so
22 we'll be reviewing those regulations and bringing forward changes
23 to the Commission in regards to that. We expect those amendments
24 to come to the Zoning Commission in mid-2022. So the middle of
25 next year, we hope to be bringing these text amendments to the

1 Commission.

2 Next slide, please. Obviously, the Future Land Use Map
3 consistency cases, we'll be bringing forward several of those
4 cases to the Zoning Commission. OP will be taking the lead in
5 bringing these forward hopefully as rulemakings, bundling
6 together many of the properties that are called out in the new
7 FLUM, new Future Land Use Map. So in November of last -- of this
8 year, last month, we've brought forward three already that the
9 Commission has set down. The Lisner home in Ward 3 was one. A
10 site in Ward 8 also got set down. And then a property on S Street
11 Northwest, the Commission also set down. All three of those were
12 initiated as Comprehensive Plan consistency cases through the
13 future -- changes to the Future Land Use Map. Two more were set
14 down this evening, both of which were based on changes to the
15 Future Land Use Map, both the PUD and the map amendment on Alabama
16 Avenue. So in February, we expect to bring forward four more
17 sites that will be along -- some of which will be along Benning
18 Road and Minnesota Avenue. And those will be brought to the
19 Commission as part of that work. And then in -- I'm sorry, in
20 March, we also expect to bring forward more.

21 Next slide, please. So these are the Future Land Use
22 Map consistency. We've got to focus on Ward 7 in this coming
23 year, moving -- bringing forward the comprehensive rezoning
24 consistent with these -- also with these Future Land Use Map
25 changes.

1 Next slide, please. So the Office of Planning is also
2 working on several planning area studies, and this work will lead
3 to zoning changes with a focus on opportunities for housing and
4 affordable housing. And these are listed here and the estimated
5 times that the zoning arm of the work would come to the
6 Commission.

7 Next slide, please. So the Rock Creek West study and
8 through the Housing Equity Report, the Mayor has set a goal for
9 the Rock Creek West planning area to provide 1,900 additional
10 affordable housing units by 2025. Obviously, this is the most
11 challenging planning area in the District to get these affordable
12 units. So the study for Rock Creek West includes what we're
13 calling the Roadmap, which talks to the issue of how to get to
14 these numbers through a combination of tools; one of which is
15 zoning. The Chevy Chase small area plan, the Wisconsin Avenue
16 and Connecticut Avenue development framework will all lead to
17 zoning changes, which the Zoning Commission will be a part of
18 when they get done.

19 Next slide, please. So the Roadmap recognizes, again
20 the unique housing context of Rock Creek West and identifies
21 several near-term opportunities. It identifies opportunity sites
22 that could significantly increase the supply of affordable
23 housing. There are also types of tools that could be used for
24 these opportunities. And some of those tools -- most of those
25 tools are outside of zoning. They, you know, use the Housing

1 Production Trust Fund, Low-Income Housing Tax Credits, different
2 kinds of programs that are being established by the Mayor, and
3 we'll get to in just a second. One of which is a faith-based
4 opportunity, a request for applications that the Mayor announced
5 this morning, that faith-based institutions or someone acting on
6 their behalf can apply for a grant. It's a million-dollar
7 program. They are looking for ten type -- ten different
8 properties. And they -- this would help establish pre-
9 development soft costs and cover that kind of application of that
10 early pre-development work to help the faith based look at their
11 properties. I've also put the link to the Rock Creek West Roadmap
12 so that if you would like to spend some time looking at that.

13 Next slide, please. The Chevy Chase Small Area Plan
14 is also a small area plan that the Office of Planning has been
15 coordinating with the community over the last year. It also
16 identifies some opportunity areas, the most notable of which is
17 this. This is one that shown as striped in the upper corner and
18 highlighted in pink. That's the Chevy Chase Community Center and
19 library site. And that is the site where the city is looking at
20 doing a mixed-use -- redevelopment of those two facilities and a
21 mixed-use with residential above. So that will also, of course,
22 required zoning changes that will be coming to the Zoning
23 Commission.

24 And then -- next slide, please. And the Armed Forces
25 Retirement Home. This is going to be a very large project. It's

1 a 272-acre campus. It sits on the Ward 1, Ward 5 border. And
2 it's also a historic district and it has a hundred buildings and
3 ancillary structures. Approximately 4.3 million square feet of
4 new development is anticipated for the site. The site has been
5 in federal ownership and use, and therefore, has been unzoned.
6 So initial zoning will be coming to the Zoning Commission in the
7 coming year. It has a master plan that has been through
8 coordination with the city and with National Capital Planning
9 Commission because of its kind of hybrid of federal local status.
10 So the development will be consistent with --

11 CHAIRPERSON HOOD: I think we lost Ms. Steingasser.
12 She'll join us in a moment.

13 MS. STEINGASSER: -- highlight the work program as it's
14 coming forward in the next couple years. The Zoning Commission
15 has done a lot of critical citywide housing adjustments already.
16 And now, we were at a time of applying changes to areas and sites
17 consistent with the Comp Plan and recent changes. I'm going to
18 use a quote from the Deputy Mayor for Planning and Economic
19 Development this morning, who said the reason why we need a
20 Roadmap is because we have to have some intentionality. And I
21 think that word intentionality is really important and kind of
22 highlights how all this works -- going to be fitting together to
23 both address housing and affordable housing consistent with the
24 Comp Plan and the small area plans. And with that, that's all I
25 have. I'm happy to answer any questions.

1 CHAIRPERSON HOOD: Thank you, Ms. Steingasser. We
2 appreciate the report of the Office of Planning. Even though
3 there was a minute there, we lost you for about 15 seconds, but
4 I think --

5 MS. STEINGASSER: Oh.

6 CHAIRPERSON HOOD: -- you filled right in, so we just
7 waited those 15 seconds. And I'm sure it's something that
8 whatever was said in between that time, I'm sure we will be able
9 to recover it as we move through this process.

10 I'm going to start off. I just have one question.
11 When we did ZR16 after 9 years or 10 years, I can't remember how
12 long it took us, but I know we did an exhaustive -- an exhaustive
13 outreach and no sooner than we finished, one of the Baptist
14 ministers in the city came to me and said, "Hood, we didn't do
15 this, and we didn't do that. We didn't outreach. We didn't know
16 about this; we didn't know about that," and I understand.

17 So that, to me, when I heard that, I'm thinking about,
18 you know, dealing with the faith based. And not just the Baptist
19 ministers, but all the clergy. I'm thinking about the balance
20 and leveling of the playing field. So what I would also ask,
21 Ms. Steingasser, and I'm not sure what the outreach is going to
22 be, since that group came to me after nine years. And my question
23 to them was, we've spent nine years working on this and doing
24 outreach, where have you all been? So he said I was tough on
25 him. So I would like for us to -- if we could and I'm not just

1 saying them, but all of the clergy and all the different
2 denominations, and especially the Baptist ministers who meet in
3 Ward 7 every first -- every Monday. And I know Reverend Toogood
4 (ph.) is the first vice president, he'll be the president. I
5 can't remember. Lionel Edmonds, I think is the president. But
6 when we're presenting, I would like for us at least stop by that
7 group.

8 MS. STEINGASSER: Okay.

9 CHAIRPERSON HOOD: Are they already on board?

10 MS. STEINGASSER: I'm sorry. I'm having hear --
11 problems. I'm going to turn off my video so maybe I can hear
12 better.

13 CHAIRPERSON HOOD: Okay.

14 MS. STEINGASSER: Okay.

15 CHAIRPERSON HOOD: Can you hear now, Ms. Steingasser?

16 MS. STEINGASSER: Yes, sir.

17 CHAIRPERSON HOOD: Okay. I was just wondering if the
18 ministers conference that meets in Wards -- it's actually
19 Maryland, the DMV, the ministers that meet over there in Ward 7.
20 I was wondering if they were on board, and if not, is there a
21 way we can also reach out to them and maybe explain the program.
22 Even if they're not involved in -- so we can explain the program
23 to them so they will be in tune. So I know you -- I heard you
24 say that you're working with -- I think Ward 7 and -- Ward 6 and
25 7 clergy or ministers and the faith based. It would be good to

1 go not just that organization, but all organizations and explain
2 the process. Is that the intentionality of what we're going --
3 how we're --

4 MS. STEINGASSER: That is exactly the intentionality.
5 There is a staff at the Deputy Mayor's for Planning and Economic
6 Development, who is focused on the faith-based community as well
7 as the Mayor's Office of Religious Affairs. And we're -- we work
8 -- we're working and coordinating with those offices to make sure
9 that it is a broad citywide outreach not just focused on one ward
10 or another ward, but that it is broad and, you know, citywide,
11 so yes.

12 CHAIRPERSON HOOD: Okay. Well, I think that answers
13 my question. I'm sure the Mayor's Religious Affairs director is
14 on it. I'm sure he knows about the Baptist ministers. And not
15 just the Baptist ministers, I'm talking about all clergy. But I
16 just know specifically in that case, the Baptist ministers came
17 to me after nine years and I was telling them, you know, where
18 you all have been for nine years. We've been outreaching and
19 outreaching and outreaching. And I know a lot of them, so that's
20 why I kind of went back at them to get engaged. So I'm glad to
21 know that we're already doing that, so I'm glad --

22 MS. STEINGASSER: We've also been working with
23 Enterprise, which has a strong faith-based coalition and been to
24 a couple different sessions with them. And it just the onsite
25 -- it's fascinating to hear the churches talk about themselves

1 and the business structure of each of the denominations and the
2 history of it through the sites and it's very interesting to see
3 their challenges. So yes, we are definitely trying to make sure
4 that we do a broad reach.

5 CHAIRPERSON HOOD: And I don't think, Ms. Steingasser
6 this goes back to the discussion that the Commission had earlier,
7 new ways of doing things, people attending church different ways,
8 they're doing different things. The younger people are going to
9 mega churches. So again, a lot of churches now have gotten into
10 development because they are trying to offset their tithes and
11 offerings and donations that they get. So I think this is good.
12 It's a great program. I'm looking forward to more of what you
13 presented. I think you all did an excellent PowerPoint. And
14 now it's time for us to put the pedal to the metal and keep it
15 going, so thank you.

16 MS. STEINGASSER: Yes, sir.

17 CHAIRPERSON HOOD: Any other questions or comments?
18 Commissioner May, Commissioner Shapiro, Commissioner Imamura, and
19 Vice Chair Miller?

20 VICE CHAIR MILLER: You know, I will not resist the
21 game on affordable housing. So thank you to the Office of
22 Planning, to Mayor Bowser, to the Deputy Mayor Falcicchio, and
23 our departing Office of Planning Director, Andrew Trueblood. I
24 want to take this opportunity to say thank you, Director Trueblood
25 for all your work the last three years, somewhere in there, you

1 can correct me on that timeline. But it's been a pleasure working
2 with you and receiving all of your reports, your team's reports,
3 and your efforts on behalf of the Bowser administration to advance
4 affordable housing in the city.

5 I'm obviously a little biased being a mayoral appointee
6 to the Zoning Commission, but there have been a lot of efforts.
7 And we look forward to the future cases that you've laid out here
8 tonight that we're going to hear coming forward for expansion of
9 opportunities for affordable housing by faith-based institutions.
10 We had a faith-based institution that came forward tonight that
11 we took final action on. Without your support, I mean, without
12 your whatever's financial incentive support that may be proposed
13 in a future case. I mean, those are important opportunities for
14 affordable housing. We need to look for them everywhere, so we
15 appreciate all of that effort. So that's really all I wanted to
16 say, Mr. Chairman, that it's a collective effort. It's a
17 challenge for all cities around the United States, especially
18 high demand cities like Washington, D.C., where people want to
19 live and so that drives the housing prices up. So we need to
20 look for ways to increase opportunities for -- to increase
21 affordable housing.

22 So I look forward to all of the efforts coming to
23 fruition as soon as possible. The Roadmap for Rock Creek Park
24 West, where I happen to be living. So that's it. I will help.
25 I welcome affordable housing units everywhere, especially in my

1 own neighborhood, which needs more. So thank you for that report,
2 and we look forward to the future progress on this effort.

3 CHAIRPERSON HOOD: Thank you, Vice Chair.

4 Ms. Steingasser, when is Mr. Trueblood leaving? Is he
5 leaving the end of January or is it the end of December?

6 MS. STEINGASSER: It's the end of December. Yes, sir.
7 Yes.

8 CHAIRPERSON HOOD: If you could pass on our comments.
9 We thank him for all his diligent work. I know all the time in
10 these positions, you don't always get a lot of smiles and a lot
11 of handshakes, a lot of congratulatory remarks, but I think that
12 the things that he had put in place with his team and OP, well,
13 the city will benefit tremendously for years to come. So he will
14 leave his impact and we will benefit for years to come. So if
15 you can pass on our congratulatory to him as he move forward in
16 his future endeavors and as we thank him for what he's done to
17 the city. So if you can pass that on to him, we appreciate it.

18 MS. STEINGASSER: Yes. I will. Thank you. Yeah. He
19 has done an enormous amount of positive work in a very short
20 time.

21 CHAIRPERSON HOOD: Right. Right. So thank you --
22 thank him for us and thank you and the whole team for holding up
23 the banner, because I'm sure you all will be doing that.

24 So I will ask any other questions, follow up questions
25 or comments?

1 (No audible response.)

2 CHAIRPERSON HOOD: Ms. Schellin, do we have anything
3 else? And thank you Office of Planning for that presentation.
4 Looking forward to seeing some -- and I want to thank you all
5 for indulging me. And I thought about after I spoke to this
6 minister about our ZR16 for an hour and a half, I remember
7 thinking okay, I passed this person on, who's a guy I know, passed
8 him on I think to you, Ms. Schellin, for the next hour and a
9 half, because it was a total of three hours. Just know that
10 there's a lot of time that goes into it. And I thank the staff,
11 Ms. Schellin and Ms. Bardin. It was one of you all, I passed
12 him on to so, and I said that publicly, but anyway. But the deal
13 is we want to make sure that everyone has the information needed
14 so they can figure out how they can best utilize. And again, as
15 the Vice Chair said, we want to thank all those; the Mayor and
16 her team and Office of Planning and the residents, all for what
17 they do because it makes a better city for all of us.

18 All right. So Ms. Schellin, do we have anything else
19 on the agenda for tonight?

20 MS. SCHELLIN: Nothing else.

21 CHAIRPERSON HOOD: Okay. Let me see. The Zoning
22 Commission will meet again, I think -- I think this is our last
23 meeting for the year.

24 MS. SCHELLIN: Yes.

25 CHAIRPERSON HOOD: December the 20th, and we have two

1 cases for -- well, it's the same applicant but it's two different
2 cases.

3 MS. SCHELLIN: They'll be heard together, so it's --

4 CHAIRPERSON HOOD: It will be heard just as one case?

5 MS. SCHELLIN: Yeah.

6 CHAIRPERSON HOOD: Okay. So we will hear 16-02C and
7 16-02D; H&A DCU JV, LLC on this coming Monday on these same
8 platforms. So I want to thank everyone for their participation
9 tonight. Unless I hear from my other colleagues, this meeting
10 is adjourned. Good night, everyone and thank you.

11 (Whereupon, the above-entitled matter went off the
12 record at 6:13 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: Public Hearing

Before: DCZC

Date: 12-16-21

Place: Teleconference

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

GARY EUELL