

GOVERNMENT OF  
THE DISTRICT OF COLUMBIA

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ZONING COMMISSION

+ + + + +

PUBLIC MEETING

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-----:
   
IN THE MATTER OF: :
   
:
   
Parkside Residential, LLC : Case No. 05-28Z
   
Modification Of Consequence to :
   
2nd-Stage PUD, Parcel 9, :
   
Parkside Pl & Kenilworth Ter., :
   
NE (Square 5056, Lots 865-869) :
   
Ward 7 :
   
:
   
Steuart Investment Company : Case No. 21-20
   
CG Design Review and Special :
   
Exception Relief from Penthouse :
   
Setback, S. Capitol St, north of :
   
S St. SW (Sq. 662, Lot 801 & Sq. :
   
662E, Lot 800) Ward 6 :
   
:
   
Office of Planning - Text : Case No. 22-07
   
Amendment to Subtitles B & U :
   
to Create New Definition & Use :
   
for WMATA Bus Facility :
   
-----:

THURSDAY

FEBRUARY 24, 2022

+ + + + +

The Public Meeting of the District of Columbia Zoning Commission convened via video conferencing, pursuant to notice at 4:00 P.M. EDT, Anthony Hood, Chairman, presiding.

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ZONING COMMISSION MEMBERS PRESENT:

ANTHONY HOOD, Chairperson  
ROBERT MILLER, Vice Chair  
PETER MAY, Commissioner  
JOSEPH IMAMURA, Commissioner

OFFICE OF ZONING STAFF PRESENT:

SHARON SCHELLIN, Secretary  
PAUL YOUNG, Zoning Data Specialist

OFFICE OF PLANNING STAFF PRESENT:

JENNIFER STEINGASSER

OFFICE OF ZONING LEGAL DIVISION STAFF PRESENT:

HILLARY LOVICK, ESQUIRE  
DENNIS LIU, ESQUIRE  
JACOB RITTIG, ESQUIRE

The transcript constitutes the minutes from the  
Public Meeting held on February 24, 2022.

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

(4:00 p.m.)

CHAIRPERSON HOOD: Good afternoon, ladies and gentlemen. We are convening and broadcasting this public meeting by video conferencing. My name is Anthony Hood. Joining me are Vice-Chair Miller, Commissioner May, and Commissioner Imamura. We are also joined by the Office of Zoning staff, Ms. Sharon Schellin and Mr. Paul Young, who will be handling all of our virtual operations. Also, our Office of Zoning Legal Division, we have this evening joining us at separate times Ms. Lovick, Mr. Rittig, and Mr. Liu. I will ask others to introduce themselves at the appropriate time, if needed.

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

For hearing action items, the only documents before us this evening are the application, the ANC setdown report, and the Office of Planning report. All other documents in the record will be reviewed at the time of the hearing. Again, we do not take any public testimony at our meetings unless the Commission requests someone to speak.

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2 your phone call in, then please call our OZ hotline number at  
3 202-727-0789. Again, 202-727-0789 for additional log in or any  
4 issues you may have for call-in instructions.

5           Okay. Does the staff have any preliminary matters?

6           MS. SCHELLIN: We do have one preliminary matter on the  
7 agenda this evening. Other than that, staff has no others.

8           CHAIRPERSON HOOD: Okay. Thank you. We do have a  
9 preliminary matter, a vote on Commission Chairman and Vice-  
10 Chairman. Commissioners, it's time for us to vote. I will at  
11 this point note that all offices, proposed offices are vacant.  
12 We only have two, the Chair and the Vice-Chair. And let's have  
13 a discussion and talk about moving forward.

14           COMMISSIONER MAY: Mr. Chairman, if I may.

15           CHAIRPERSON HOOD: Commissioner May.

16           COMMISSIONER MAY: I would just like to suggest that  
17 the Zoning Commission has been very well served by its current  
18 and long-standing Chairman, and its current and long-standing  
19 Vice-Chair, and would propose that we continue with that. And I  
20 won't make any suggestion that perhaps Rob Miller should be Vice-  
21 Chairman for life. But, you know, you have become the Chairman  
22 for life, I believe, so. But in all seriousness, I would make a  
23 motion that Anthony Hood serve as Chairman and Rob Miller serve  
24 as Vice-Chairman of the Commission.

25           COMMISSIONER IMAMURA: I second.

1 CHAIRPERSON HOOD: Okay. It's been moved, and I think  
2 Commissioner Imamura seconded. It's moved and properly second,  
3 that Anthony Hood will continue to serve as Chairman and Rob  
4 Miller, Robert Miller, continue to serve as Vice-Chair. Moved  
5 and properly second. Any further discussion?

6 VICE-CHAIR MILLER: I just wanted to thank Commissioner  
7 May and Commissioner Imamura, our colleagues, for their  
8 confidence in our leadership, which is mutually felt with your  
9 participation and leadership on the Commission, so thank you.

10 CHAIRPERSON HOOD: I was going to do that after the  
11 motion was carried, but I would also opine and echo --

12 VICE-CHAIR MILLER: I may retract that if the vote  
13 doesn't (audio interference).

14 CHAIRPERSON HOOD: I would also echo what the Vice-  
15 Chair said with our colleagues. I think we work hard. Sometime  
16 it's not always agreed upon. Sometime we don't agree upon things  
17 ourselves. But I think we work hard in trying to carry out the  
18 mission for the City. So I appreciate the confidence from all  
19 of my colleagues to continue in this capacity, and I will continue  
20 to serve to the best of my ability. So it's been moved and  
21 properly second, and thank you again for the nomination and the  
22 confidence from both of us, I believe, I'm sure. It's been moved  
23 and properly second. Any further discussion? Not hearing any,  
24 Ms. Schellin, could you do a roll call vote, please?

25 MS. SCHELLIN: Commissioner Hood. I'm sorry,

1 Commissioner May.

2 COMMISSIONER MAY: Yes.

3 MS. SCHELLIN: Commissioner Imamura.

4 COMMISSIONER IMAMURA: Yes.

5 MS. SCHELLIN: Commissioner Hood.

6 COMMISSIONER HOOD: Yes.

7 MS. SCHELLIN: Commissioner Miller.

8 VICE-CHAIR MILLER: Yes.

9 MS. SCHELLIN: The vote is 4-0-1 to continue with  
10 Chairman Hood as the Chairman and Vice-Chair Miller as the Vice-  
11 Chairman. The minus one is the 3rd Mayoral Appointee position,  
12 which is vacant.

13 CHAIRPERSON HOOD: Okay. I do have an announcement.  
14 Thank you all. I do have an announcement for -- we had on our  
15 agenda a correspondence item. I want to make an announcement to  
16 the public right now. That correspondence item, we will take it  
17 at a subsequent meeting. There are some procedural issues that  
18 need to be rectified and the staff will handle those upon our  
19 direction. We're asking them to go through our proper procedures  
20 of how those things make it to our agenda, so that needs to be  
21 taken care of. All right. And then we will discuss them. All  
22 right. Let's move right along, unless I hear otherwise. Let's  
23 go to modification of consequence. This is under our  
24 deliberation. Zoning Commission Case No. 05-28Z, Parkside  
25 Residential, LLC, modification of consequence to second-stage PUD



1 at Square 5056. Ms. Schellin.

2 MS. SCHELLIN: Yes, sir. At a previous meeting, the  
3 Commission considered this to be a modification of consequence  
4 and left the record open for the ANC to respond. They've done  
5 that at Exhibit 4. That's ANC 7D. They provided a resolution in  
6 support, so the case is ready for the Commission to consider  
7 final action this evening.

8 CHAIRPERSON HOOD: Thank you, Ms. Schellin. I want to  
9 thank Commissioner Hasan, the Chair of ANC 7D, for submitting the  
10 letter in support. The vote was 5-0-1 to support the request,  
11 and some of the comments they made were very supportive, and I  
12 know they will continue to work with the Applicant as they  
13 continue to move on and making big impacts for the city in that  
14 area. So I want to thank the ANC for responding, which we always  
15 like to hear from our ANC's. In this case, they responded, so I  
16 want to thank them. I think that's why we held it open, but let  
17 me open it up for others. Any other questions or comments?

18 Okay. Not hearing or seeing any, would somebody like  
19 to make a motion? Okay. I will make a motion that the Zoning  
20 Commission, that we approve on the modification of consequence.  
21 I think I have everything covered. Modification of consequence  
22 on Zoning Commission Case No. 05-28Z, Parkside Residential, LLC,  
23 modification of consequence to second-stage PUD at Square 5056,  
24 and ask for a second.

25 VICE-CHAIR MILLER: Second.

1 CHAIRPERSON HOOD: It's been moved and properly second.  
2 Any further discussion? Not hearing any, Ms. Schellin, would you  
3 do a roll call vote, please?

4 MS. SCHELLIN: Commissioner Hood.

5 CHAIRPERSON HOOD: Yes.

6 MS. SCHELLIN: Commissioner Miller.

7 VICE-CHAIR MILLER: 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 4-0-1 to approve final action  
13 in Zoning Commission Case No. 05-28Z, and the minus one being the  
14 3rd Mayoral Appointee position being vacant.

15 CHAIRPERSON HOOD: Okay. So I know that -- I don't  
16 know if anybody else, but Ms. Schellin sounded kind of muffled.  
17 That time, I don't know. It speeded up real fast, and I know  
18 the weather has a lot to do with it. So I am going to ask Ms.  
19 Schellin to do, probably if you -- I don't know. It may be just  
20 technology. So the public, I want to make sure the public hears  
21 it, so if you slow down just a little bit, even though it might  
22 not have been you, because you don't talk as fast as it came out.  
23 So if you slow down just a little bit, maybe, I want to make sure  
24 the public can hear. Okay. All right.

25 Final action in Zoning Commission Case No. 21-20. This

1 is Steuart Investment Company, Capitol Gateway design review and  
2 special exception relief from penthouse setback at Square 662 and  
3 662E. Ms. Schellin.

4 MS. SCHELLIN: I have no idea what was going on, but  
5 Exhibit 30 through 30B, we have the Applicant's post hearing  
6 submissions; Exhibit 31, the Applicant's draft order; Exhibit 32,  
7 ANC 6D's response to the Applicant's post hearing submission.  
8 And we ask that the Commission consider final action this evening.

9 CHAIRPERSON HOOD: Okay. And I heard most of that  
10 that, but I will repeat most of what Ms. Schellin mentioned. She  
11 said, we have 30 through 30B, the Applicant's post hearing  
12 submission; Exhibit 31, Applicant's draft order; Exhibit 32, ANC  
13 6D's response to the Applicant's post hearing submission; and I  
14 believe she said it's now for the consideration of the Commission,  
15 so I just want to clarify that. I think most people heard it,  
16 but I wanted to make sure I repeated it.

17 Commissioners, let me open it up. Any questions or  
18 comments on this? This is final action. I know we've exhausted  
19 a lot. There are some things that may have been asked for, but  
20 (audio interference) see or recall. But anyway, let's open it  
21 up for questions or comments. Any questions or comments?

22 COMMISSIONER MAY: I think the Applicant submissions  
23 were responses to what we'd asked for. You know, I don't know  
24 that there's really anything else to discuss further. I  
25 appreciate the fact that they paid serious attention to our former

1 colleague's comments regarding solar panels, although it's too  
2 bad we couldn't go further than that. But I understand the  
3 complications, so.

4 CHAIRPERSON HOOD: Okay. I do know that we had some  
5 opposition. Some of the things within our opposition, some things  
6 that that I probably will expound upon again with the Office of  
7 Planning as we get to the staff report today in light of some of  
8 the comments I've heard, as well as at the oversight. But I do  
9 know that the one -- a couple of things about the affordable  
10 housing, about the D zones, some of this we've already had in  
11 the works for a while. The Office of Planning is doing an  
12 analysis, so I want the opposition to know there are some things  
13 that we are looking at that came up in this case, and we're  
14 looking at whether or not they should apply or should not apply,  
15 and the directive given this morning by the counsel, is to try  
16 to move quicker, sooner than later, and that's the direction I've  
17 taken away from that, and that's what I believe the Commission  
18 will try to do. But we want to make sure we are full-fledged  
19 and have all information needed so we can make an informed,  
20 intelligent decision that won't have unintended consequences.  
21 Any further questions or comments. Vice-Chair.

22 VICE-CHAIR MILLER: Thank you, Mr. Chairman. I concur  
23 with both your comments and Commissioner May's that the Applicant  
24 -- and the Applicant was responsive to the Commission's request  
25 regarding both the increase in the rooftop solar panels, even

1    though, as Commissioner May said, it couldn't get to as much as  
2    we wanted. But they did increase that solar array and the interim  
3    facade painting of the murals. And I think they moved a two-  
4    bedroom inclusionary zoning unit to the exterior facade from the  
5    interior, and on that point, I think their draft order might give  
6    -- undermine that responsiveness by giving flexibility to change  
7    that along with other housing unit placement around. So I would  
8    ask our counsel to work with the Applicant's counsel to make sure  
9    that they just, that the draft order reflects the responsiveness  
10   that they're going to move that two-bedroom inclusionary zoning  
11   unit to the exterior facade, as they have indicated. And with  
12   that, I'm prepared to support final action, Mr. Chairman. Thank  
13   you.

14               CHAIRPERSON HOOD: Thank you. Commissioner Imamura,  
15   did you have any questions or comments?

16               COMMISSIONER IMAMURA: Nothing further to add, Mr.  
17   Chair. I appreciate the additional work for them to be responsive  
18   to questions and additions.

19               CHAIRPERSON HOOD: Okay. And again, other government  
20   agencies have weighed in. I think we talked about this previously,  
21   DDOT, DACD, DOEE, DCF, and FEMS, the Office of Fire Marshal also.  
22   So we had a number of agencies to weigh in. And I want the  
23   opposition to know that some of the things that they did bring  
24   are not applied to what we're doing in this case because this is  
25   (audio interference) some of the things that the Commission is

1 looking at to move forward. So that did not go on deaf ears.  
2 All right. So with that, I would move that we approve Zoning  
3 Commission Case No. 21-20 with our comments and things asked for,  
4 and I ask for a second.

5 VICE-CHAIR MILLER: Second.

6 CHAIRPERSON HOOD: It's been moved and properly second.  
7 Any further discussion? Not hearing any, Ms. Schellin, would you  
8 do a roll call vote, please?

9 MS. SCHELLIN: Commissioner Hood.

10 CHAIRPERSON HOOD: Yes.

11 MS. SCHELLIN: Commissioner Miller.

12 VICE-CHAIR MILLER: Yes.

13 MS. SCHELLIN: Commissioner May.

14 COMMISSIONER MAY: Yes.

15 MS. SCHELLIN: Commissioner Imamura.

16 COMMISSIONER IMAMURA: Yes.

17 MS. SCHELLIN: So the vote is 4-0-1 to approve final  
18 action in Zoning Commission Case No. 21-20, the minus one being  
19 the 3rd Mayoral Appointee position vacant.

20 CHAIRPERSON HOOD: Okay. Thank you, Ms. Schellin. And  
21 you definitely have fixed the voice, I mean, the sound problem,  
22 so great job.

23 MS. SCHELLIN: I called in on my phone. That's why.

24 CHAIRPERSON HOOD: I didn't say how you fixed it, but  
25 you fixed it, so anyway.

1 MS. SCHELLIN: Yes, by calling in on my phone. I don't  
2 know what's wrong with the computer, so.

3 CHAIRPERSON HOOD: Okay. Let's go with hearing action,  
4 Zoning Commission Case No. 22-07.

5 MS. SCHELLIN: Ms. Steingasser.

6 CHAIRPERSON HOOD: Ms. Steingasser. Okay. Ms.  
7 Steingasser.

8 MS. STEINGASSER: Yes, sir. Chairman Hood,  
9 Commissioners, I'm Jennifer Steingasser with the D.C. Office of  
10 Planning, and I'm here representing this case this evening.

11 The Office of Planning is recommending that the Zoning  
12 Commission set down for a public hearing amendments to the zoning  
13 regulations to Subtitle B to add a new definition for a WMATA  
14 bus facility, and to Subtitle U to allow such a use as a matter  
15 of right with conditions. We feel overall that the proposed change  
16 to regulations would not be inconsistent with the Comprehensive  
17 Plan. The WMATA bus facility as a definition is very  
18 straightforward. It's a bus -- we're proposing a public transit  
19 bus facility operated by the Washington Metropolitan Area Transit  
20 Authority. It would provide that definition as a defined term  
21 within the regulations, which would help and assist the Zoning  
22 Administrator when they do future evaluations for this type of  
23 use and in the different zones.

24 In terms of the existing language of Subtitle B, the  
25 bus facilities do not comply with the use categories for mass

1 transit facilities because they're not part of the fixed rail  
2 right-of-way mass transit system, which is included in the  
3 definition of the mass transit facilities. So the bus garage  
4 does not fit within that definition. The Zoning Administrator,  
5 in looking further at the definition, could not determine that  
6 the bus facilities would fall under the other category, "Motor  
7 Vehicle-Related" use, since the service maintenance use is  
8 considered an accessory use to the primary use of the facility,  
9 which is a bus parking in a private garage. He did look further  
10 again at the facility and whether it would qualify as a public  
11 storage garage, which is a defined term. But it was a little  
12 difficult because of the maintenance requirement that the  
13 facility has and the limitation under the definition that it be  
14 an accessory use, being no more than 20 percent.

15           So we all agreed it would be beneficial to provide a  
16 separate definition for the WMATA bus facility in the  
17 regulations. The use permission would allow the facility as a  
18 matter of right in the residential house zones, starting with our  
19 use group A, and consequently it would move through the existing  
20 RF and RA zones. It would also provide the consistency with the  
21 recent amendments to the Comprehensive Plan Future Land Use Map  
22 and that definition of local public facilities. And that's  
23 important because the Council, after reviewing the proposal,  
24 added that stripe of local public facilities to a portion of  
25 property in Friendship Heights that includes moderate density



1 residential, and that combination of residential zone -- I mean,  
2 residential land use category and a local public facilities  
3 category created difficulty in how to how to accommodate those  
4 uses and how WMATA might fit within those categories, because  
5 there is no zone that that has an inherent combination of local  
6 public facilities to include the WMATA use specifically.

7           So we went back and did this evaluation to figure out  
8 how to permit the WMATA bus facility to go within the category  
9 of the local public facilities as anticipated by the council's  
10 affirmative act of putting that stripe on the residential zone.

11           When we looked at the land use definition of local  
12 public facilities, and it's in our report, you can see the first  
13 line states that it "Includes land use facilities occupied and  
14 used by the District of Columbia government and other local  
15 government agencies such as WMATA." So it specifically calls out  
16 WMATA as a government agency that would be permitted in this land  
17 use category.

18           So we did again, we went through the text amendment use  
19 permissions of the existing Subtitle U, in determination with the  
20 Zoning Administrator that the bus facility could first be  
21 permitted as a matter of right in the MU-Use Group D, and that's  
22 the mixed use groups, the commercial districts basically. It  
23 does not accommodate the portion of the Future Land Use Map that  
24 is identified for residential with that land use stripe. So we  
25 have to find a way to try to merge those two together.

1           We propose that the use be allowed as a matter of right,  
2 but we also recognize that its proximity to the residential uses,  
3 both within the mixed-use zones and within the R zones, could  
4 require a little bit of separation.

5           So first, we limited this facility, this definition as  
6 a use by right to those areas identified on the Future Land Use  
7 Map as mixed use, moderate density, residential and local public  
8 facilities. And that's going to be relevant in that there is  
9 only one such site in the District that has that combination,  
10 that meets that qualifying criteria. And we thought it was better  
11 to talk about it in a less specific context. But if the  
12 Commission is uncomfortable, we could also call out that specific  
13 square and lots. But it's important that this is not -- this is  
14 not written so broadly that it could pop up by right across the  
15 city. It's a very defined and focused text amendment and use  
16 permission.

17           We also then added, borrowing from some of the other  
18 buffering requirements that are throughout the zoning  
19 regulations, we suggested that there be a 15-foot setback  
20 provided along all of the lot lines of the facility use that  
21 isn't already owned by WMATA, and that even if it abuts an alley  
22 that serves as a zone boundary line, and that it not just  
23 recognize residential zones, but that it recognizes also its  
24 proximity to residential uses within the mixed use zone. So if  
25 they're adjacent to, if this use were to be adjacent to a property

1 that's zoned for mixed use, but developed solely for residential,  
2 they would also need to recognize and provide this buffer.

3 And then there are conditions about landscaping the  
4 buffer and fencing the buffer and that that be, you know, a  
5 substantial material, and the landscaping be maintained in good  
6 cause.

7 So the Comprehensive Plan, the reason we felt this is  
8 not inconsistent with the Comprehensive Plan, both in terms of  
9 the double negative and in terms of the District Council taking  
10 affirmative action by putting that stripe on the site. There is  
11 a lot of narrative and policy and action statements that focus  
12 on WMATA in the public transit bus and facilities in the District.  
13 And it talks in many places directly to the need for additional  
14 improved bus storage, and the lack of modern bus garages in the  
15 District, and how it severely impedes bus service.

16 In the Comp Plan, we also talk to the fact that 55  
17 percent of the bus riders live in D.C. They're D.C. residents.  
18 So there is a direct correlation between having these, this  
19 improved bus system. And there was also, we were anticipating  
20 there might be some concern about the proximity of one of those  
21 kind of uses being anywhere outside of an industrial zone, and  
22 what's important about that is WMATA's recent statements about  
23 their committed conversion to 100 percent zero-emissions fleet.  
24 And we've added a link in our report that takes you to the WMATA  
25 site where you can read all about their commitment. But they

1 have a commitment to 100 percent zero-emissions by the year 2045  
2 and a commitment to begin a new fleet of 1,500 buses that would  
3 all be zero-emissions and that they would start that in the year  
4 2023 when they start their next bus procurement.

5           So 2023, as we know, is very recent. And as those  
6 start to build by the end of 2030, all new busses entering the  
7 service will be either electric or some type of zero-emission  
8 technology, and so they will be moving forward to building new  
9 bus garages. As many of you may be aware, they've already got  
10 three other bus garages in the District that are currently under  
11 construction and modernization. So if the Commission sets this  
12 case down, which we are strongly recommending, we will provide a  
13 much further and much more robust analysis of the Comprehensive  
14 Plan as viewed through a racial equity lens and bring that back  
15 to the public hearing. I'm available for any questions.

16           CHAIRPERSON HOOD: Thank you for your report, Ms.  
17 Steingasser. You know, when I looked at the submission and I  
18 heard your testimony, it took me back to, and I'm going to digress  
19 for a moment, what we went through in COVID. When Washington, I  
20 don't know if some of my colleagues may have been there or not,  
21 but when Washington Hospital Center came in front of the  
22 Commission about expanding space, Sibley Hospital came in front  
23 of the Commission about that extra floor. And the whole time  
24 COVID was going on -- I'm saying this for the public too, we had  
25 a lot of opposition about going either one. But we needed it

1 and things would have -- might have been a little less on some  
2 of us who had to use those services, that extra floor with Sibley  
3 and that extra space over at the Washington Hospital Center, when  
4 our friends and family members got COVID. Sometimes we don't  
5 realize what we're planning for until we realize we need it. And  
6 when I -- the reason I'm bringing this up, Ms. Steingasser and  
7 others, because when I thought about WMATA, if we don't make a  
8 way for this to work here in the city, we have a lot of residents  
9 who don't have vehicles, who depend upon WMATA. The more we send  
10 WMATA to Virginia and Maryland, the more it's going to cost us.  
11 So I think this is in line. I'm looking forward to the hearing,  
12 but these are the kind of things, and I want to commend all those  
13 who worked on this this to get us to this point, because sometime  
14 you don't know what the future holds, as we found out with COVID-  
15 19. So those are my comments, probably weren't germane, but I  
16 thought this was applicable for this situation here. Let me open  
17 it up for any questions or comments. Commissioner May.

18 COMMISSIONER MAY: All right. Yeah, I thought I  
19 understood pretty well when I read the report, but then hearing  
20 your report, Ms. Steingasser, I got a little confused. You seem  
21 to be saying that this was really about a single site; is that  
22 right?

23 MS. STEINGASSER: Well, yes. This would allow for the  
24 facility to be on a very limited site, which is the first criteria  
25 of the text amendment. It's identified for moderate density,

1 mixed use residential with the public facilities.

2 COMMISSIONER MAY: It's the Wisconsin Avenue bus  
3 garage, right?

4 MS. STEINGASSER: Lord and Taylor site, yes.

5 COMMISSIONER MAY: Right. And the idea is that that  
6 would be -- that bus garage would be combined with an overall  
7 mix, a larger mixed use development, and that's what this will  
8 allow.

9 MS. STEINGASSER: Yes. Uh-huh.

10 COMMISSIONER MAY: It also will allow other future bus  
11 facilities, will it not?

12 MS. STEINGASSER: Only if the Council identifies them  
13 similarly through a Future Land Use Map amendment.

14 COMMISSIONER MAY: But we're allowing the facility as  
15 a matter of right with conditions in our R-Use Group A zones.

16 MS. STEINGASSER: Right. And the first one of those  
17 conditions is that the property must be identified on the Future  
18 Land Use Map.

19 COMMISSIONER MAY: Okay. I'm going to have to study  
20 that more carefully, because I don't really understand how that  
21 works.

22 MS. STEINGASSER: So when they would come in for a  
23 permit, they would have to they would have to show the Zoning  
24 Administrator or the building permit review official that the  
25 property is identified for moderate density residential with a

1 local public facilities stripe on the Future Land Use Map.

2 COMMISSIONER MAY: Can we do that? I mean, isn't that,  
3 in effect, delegating zoning to the City Council?

4 MS. STEINGASSER: I would have to refer to our land  
5 use attorneys.

6 COMMISSIONER MAY: Yeah. That's a legal question I  
7 think that we have to --

8 MS. STEINGASSER: And what makes the acrobats, you  
9 know, if the Commission is comfortable removing this text or  
10 advertising it in the alternative, that would be, I think,  
11 welcome, because it's a very -- it's a sliver of land next to  
12 the overall much bigger site. It's a split designated property.

13 COMMISSIONER MAY: Yeah, yeah. I mean, I feel like  
14 this is a -- where there's a lot of sort of confusing, overlapping  
15 components of this that make it seem like it's going to be broadly  
16 applicable, because when I first read it, I thought it was going  
17 to be broadly applicable. And I was mostly concerned about,  
18 well, what if this, you know, what if there are locations that  
19 are proposed that are that the immediate neighbors have extreme  
20 concerns about? And wouldn't that mean that we should probably  
21 consider this as a special exception, you know, or go through a  
22 special exception process and set criteria and things like that  
23 for the locating, as we do for certain other facilities that can  
24 be objectionable when they are abut actual residential -- actual  
25 residences.

1 MS. STEINGASSER: This is not intended to be public,  
2 you know, to be --

3 COMMISSIONER MAY: Yeah.

4 MS. STEINGASSER: -- easily applied across the city.  
5 And the reason we did not proceed with the special exception  
6 approach is, there are already so many of these type of uses that  
7 are allowed, of mass transit facilities, are allowed as a matter  
8 of right, starting in an R-1-A zone and moving through. And  
9 transportation -- yeah.

10 COMMISSIONER MAY: There's a really big difference  
11 between a bus garage and a Metro station, and especially in  
12 certain, you know, certain locations where Metro stations don't  
13 even involve any kind of parking. I mean, I can understand that  
14 approach, but it does feel sort of overly complicated, and, as I  
15 said, sort of open to the interpretation that it might, you know,  
16 bring a bus garage to a neighborhood near you. And I think that  
17 might be a concern for people, so.

18 MS. STEINGASSER: We could do a couple things. We  
19 could limit it to the square and lots that we know that this was  
20 looked at.

21 COMMISSIONER MAY: Yeah.

22 MS. STEINGASSER: The other, you know, is, it would be  
23 directed through the planning, you know, the planning efforts and  
24 adoption of Future Land Use Maps and Comp Plans of the City  
25 Council.



1 COMMISSIONER MAY: Right.

2 MS. STEINGASSER: So there would always be that public.

3 COMMISSIONER MAY: Right. I mean, I think that, I  
4 mean, I personally would probably feel more comfortable if this  
5 were focused on those particular, on that particular site where  
6 we know there is this need. And then in the future, as the  
7 Council acts to, you know, adopt changes to the Future Land Use  
8 Map, to reflect, you know, a need, a desire, a decision by  
9 Council, to make that place available for that kind of facility,  
10 then we could act accordingly, right? The Office of Planning  
11 could bring us a text amendment or, you know, whatever is needed  
12 as soon as possible after that land use map change, and then we  
13 could act to, you know, to apply these conditions to that  
14 particular lot square.

15 I just feel like that then we're not, like, I mean,  
16 in that sense, we would be acting in a manner that is not  
17 inconsistent with the Comprehensive Plan as opposed to saying you  
18 have to look at the Comprehensive Plan and if it meets these  
19 conditions, then you can go ahead, because I feel like that's  
20 kind of the cart before the horse. And, as I said, I think there  
21 might be legal complications to that. So I've said enough. I  
22 do appreciate everything that you're trying to do. We certainly  
23 want to make these, you know, facilities like this. They need  
24 to be in the city, and they need to be proximate to the people  
25 who need to use it. And I certainly commend WMATA for their

1 desire to convert to an electric fleet or a cleaner fleet. I  
2 wish it would happen faster than 2045 to get it completed, because  
3 that seems like a really long ways away, and the need is quite  
4 urgent. But I am optimistic that they'll actually be able to  
5 move faster than that once they really get things moving.

6 MS. STEINGASSER: Could I ask that if the Commission  
7 votes to set this down and your fellow Commissioners agree with  
8 you, that you authorize OP to work with the Office of Zoning Land  
9 Use Legal Division to reframe the -- language.

10 COMMISSIONER MAY: Yeah.

11 MS. STEINGASSER: -- language. Okay.

12 COMMISSIONER MAY: Yes. I mean, I would absolutely, I  
13 mean, I'm in favor of setting it down, but I do feel like a little  
14 bit of tweaking and focusing on that site would be useful. It  
15 would keep folks from getting concerned about a bus garage coming  
16 to a neighborhood near you. All right. Thank you very much.

17 MS. STEINGASSER: Uh-huh.

18 CHAIRPERSON HOOD: Okay, thank you, Commissioner May.  
19 I would agree. I think that's a good way for us to move forward  
20 and we can bring in all the rest if need be at a later time.  
21 Let's see what others think. Commissioner Imamura.

22 COMMISSIONER IMAMURA: Thank you, Mr. Chair. I think  
23 Mr. May's strategy seems to make a lot of sense and certainly. I  
24 think, his phrase of, "A bus garage near you," makes me think of  
25 the effort that OP has put into creating the vegetative buffer

1 around and some of the specific language they used about evergreen  
2 trees. And so just from my point of view, different species have  
3 different sort of porosity in screening through that, so maybe  
4 if we're tweaking the language that we just tweak it in such a  
5 way that we discuss it as a dense, increased density vegetative  
6 screen with increased density, or something to that effect.

7 I know that it calls out a wood or metal fence and a  
8 brick or stone wall. A vegetative screen that's equally as dense  
9 might work. But I think calling out an eight-foot evergreen tree  
10 could be a little too specific, or at least maybe we adjust it  
11 in some way. But it's sort of a smaller issue compared to some  
12 of the matters that Commissioner May brought up. So, other than  
13 that, I'm going to support it for a setdown.

14 MS. STEINGASSER: Okay. Thank you.

15 CHAIRPERSON HOOD: Thank you. Vice-Chair Miller.

16 VICE-CHAIR MILLER: Thank you, Mr. Chairman, and thank  
17 you, Ms. Steingasser, for your report and recommendation, and the  
18 comments of my colleagues, which I generally agree with. And  
19 we've also seen in the public record comments from others. I  
20 don't know how appropriate -- you can cut me off, Mr. Chairman,  
21 if it's inappropriate -- it is a comment on a setdown hearing on  
22 public comments that we've received in the record from Kalorama  
23 Citizens Association, Committee of 100, not appropriate. I see  
24 a nix (indiscernible) from our Director.

25 There are comments I see in the public record from

1 various groups. I think they're there. I think they're  
2 legitimate. I would like, I appreciate OP's responsiveness to  
3 my colleagues' comments to provide -- to work with the OZLD,  
4 Office of Zoning Legal Division, on refining the language to  
5 maybe come up with alternative ways to publish a public hearing  
6 notice that maybe makes it site-specific or just accommodates.

7           It's obviously a city-wide need to have bus garages  
8 throughout the District of Columbia in a fair and equitable way  
9 distributed. And I appreciate Ms. Steingasser saying that at the  
10 time of a public hearing, if we set this down, she would, however  
11 it's set down or however many alternative forms it's set down,  
12 that they would provide a racial equity analysis because this  
13 would be a map amendment where zoning consistency and racial  
14 equity analysis needs to be evaluated.

15           And bus garages are always a flashpoint. I've seen the  
16 signs in my own neighborhood and other neighborhoods throughout  
17 the city, but it's a necessary part of our infrastructure, a  
18 critical part of our infrastructure and public service. So to  
19 the extent that it can be applied city-wide, I think it was a  
20 laudable goal. But there may need to be more opportunity for  
21 public input for such a non-residential use in a residential  
22 neighborhood, even if it is publicly facility designated on the  
23 Comp Plan as the Friendship Heights bus garage is now designated  
24 so. But, you know, these, well, like I say, these sites, as I  
25 said, these facilities are critical, critically that they be

1 equitably distributed throughout the city and there are  
2 opportunities for the mixed use development, particularly  
3 housing, particularly affordable housing development, as we've  
4 tried to encourage at all of our public transit stations and  
5 corridors. And it's been a long missed opportunity at this  
6 particular site in Friendship Heights.

7           So they can be done in a way, it's always developing  
8 in a way that's managed to mitigate it, that adverse effects are  
9 mitigated and buffered. But there are opportunities here where  
10 this could be a win-win situation throughout the city. And so I  
11 appreciate OP bringing this forward, working with OZLD going  
12 forward to refine it, address some of the concerns that have been  
13 raised in the public record as we go forward, if we go forward  
14 with a public hearing, including the racial equity analysis for  
15 such a map amendment. So thank you, Mr. Chairman.

16           CHAIRPERSON HOOD: Okay. Thank you. And, Ms.  
17 Steingasser, I don't have any other comments. Thank you. But,  
18 Ms. Steingasser, if you could stay for the next agenda item, I  
19 do have a request --

20           MS. STEINGASSER: Okay. Sure.

21           CHAIRPERSON HOOD: -- that I want to present to you.  
22 Okay. Any other questions or comments of Ms. Steingasser? All  
23 right. So would somebody like to make a motion for us to set  
24 this down and how you want to set it down? Commissioner May,  
25 would you like to do that?

1           COMMISSIONER MAY: Okay. So I would make a motion that  
2 the Zoning Commission set down Case No. 22-07, Office of Planning  
3 text amendment to Subtitles B and U to create new definition  
4 and use for WMATA bus facility. And would note that we'd like  
5 the Office of Planning and the Office of Zoning Legal Division  
6 to work together on refining that notice of setdown and consider  
7 inclusion of a specific site location where this would be  
8 applicable. And I think that probably covers it or, you know,  
9 whatever refinements are necessary to address all the  
10 considerations.

11           CHAIRPERSON HOOD: It has been moved. Can I get a  
12 second?

13           VICE-CHAIR MILLER: I will second it.

14           CHAIRPERSON HOOD: Okay.

15           VICE-CHAIR MILLER: No, I defer to you, Mr. Chairman.

16           CHAIRPERSON HOOD: Okay. I'll second it.

17           VICE-CHAIR MILLER: I'd like to ask, as part of the  
18 additional information that we've requested -- it doesn't have  
19 to be part of the motion -- but I meant to say the list, just in  
20 terms of understanding the context, a listing of all the existing  
21 and maybe potentially proposed bus garage sites throughout the  
22 city, at least the existing ones -- what the zoning is, what the  
23 land use map says. I think it would be useful for us and the  
24 public, everyone, to understand where they are located, what the  
25 zoning is, what the land use map is. And so we know maybe, you

1 know, what changes may need to be made in the future to  
2 accommodate this critical part of our infrastructure with the  
3 appropriate buffering.

4 COMMISSIONER MAY: I agree with that. I want to see  
5 where they are too.

6 CHAIRPERSON HOOD: Okay. Any further discussion? Not  
7 hearing any, thank you all.

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

9 MS. SCHELLIN: Commissioner May.

10 COMMISSIONER MAY: Yes.

11 MS. SCHELLIN: Commissioner Hood.

12 CHAIRPERSON HOOD: Yes.

13 MS. SCHELLIN: Commissioner Miller.

14 VICE-CHAIR MILLER: Yes.

15 MS. SCHELLIN: Commissioner Imamura.

16 COMMISSIONER IMAMURA: Yes.

17 MS. SCHELLIN: The vote is 4-0-1 to set down Zoning  
18 Commission Case No. 22-07 as a rulemaking case, and the minus one  
19 being the 3rd Mayoral Appointee position, which is vacant.

20 CHAIRPERSON HOOD: Okay. I don't think we have any  
21 other cases. Ms. Steingasser, and everyone, I wanted Ms.  
22 Steingasser to stay. Councilmember Lewis George today at our  
23 hearing asked for some things. There are some things that I need  
24 to follow up on with her. One thing I like to do is follow up.  
25 I don't wait. I like to get it off my plate. So I've asked

1 staff -- and we have -- I've been working on it since then. I  
2 looked -- I think one of the gentlemen said that I said reverse  
3 discrimination, which is not in my vocabulary. I have not been  
4 able to find it. I don't think it's in the transcript as well,  
5 but we're getting that together. We're going to send that to  
6 the Council.

7           Also, the D zones, if I could find out what the status  
8 is with those, where we are. And there were some other things  
9 that I would ask Ms. Steingasser if OP could work with the Office  
10 of Zoning, Ms. Schellin, and others, and Ms. Barton, because I  
11 would like for that to be packaged, and I would like for us to  
12 send our response back, and I think we need your help on the D  
13 zones, kind of where we are. I forgot where we said we were.  
14 But I think she asked the same question. I think it's your  
15 oversight. I wasn't sure. But I would like to be able to send  
16 those responses back to her and don't let them linger long,  
17 because I like to do stuff sooner than later. So if you, I'm  
18 asking you for that assistance, not that you have to respond now,  
19 but I'm just asking for that assistance. So I want to get that  
20 back over to her sooner than later.

21           MS. STEINGASSER: I'm happy to respond now and we  
22 absolutely would be --.

23           CHAIRPERSON HOOD: Okay. Well, you can --

24           MS. STEINGASSER: -- helping them.

25           CHAIRPERSON HOOD: -- respond now for the record. If



1 you can respond now, so people can hear, if you want to.

2 MS. STEINGASSER: Yeah. You had -- the Commissioners  
3 had asked us to prepare, you know, to begin analysis on the D  
4 zones and to bring something back in April. And so we are doing,  
5 you know, a new economic model and we will be bringing that back  
6 in April. And you had asked that the applicant supply also an  
7 economic analysis or some kind of financial analysis for us to  
8 comment on. And I think they were asked to provide that by March,  
9 mid-March. So we'll have that to you on schedule.

10 CHAIRPERSON HOOD: Okay. Great. I appreciate that.  
11 I couldn't think of the dates. I'm not as young as I used to  
12 be, so I couldn't figure -- I knew we had asked for it. I knew  
13 that we were in the progress process. But, Ms. Schellin, if you  
14 and Ms. Barton could send that over in the package, and if I need  
15 to call Ms. Barton, I will. But let's get that back over to  
16 Councilman Lewis George. And I'll say this publicly. I really  
17 appreciate her questions, because one thing about questions from  
18 hearing from the Chairman and other Councilmembers, and even from  
19 the public, it keeps you on your Ps and Qs. It makes sure that  
20 we stay honest and stay true to our mission. And I think the  
21 record and the Zoning Commission will reflect not just Anthony  
22 Hood, but I think it will reflect that the Commissioners, and the  
23 staff, and everybody involved with zoning in the city, and the  
24 residents are true to the mission. And that's it. We're going  
25 to stay focused. That's my goal. Stay focused. All right. Any

1 other questions or comments? Thank you, Ms. Steingasser. Thank  
2 you very much. Okay, Ms. Schellin, do we have anything  
3 else?

4 MS. SCHELLIN: I have one more thing. I want to wish  
5 you a happy birthday tomorrow.

6 CHAIRPERSON HOOD: Oh, okay.

7 MS. SCHELLIN: We're not in the office, so we could not  
8 bring you a cake, so we'll send you a virtual cake. How about  
9 that? So I hope you --

10 CHAIRPERSON HOOD: That sounds good.

11 MS. SCHELLIN: -- have a great day tomorrow.

12 CHAIRPERSON HOOD: Thank you. Thank you very much, and  
13 I appreciate all the things I've got on behalf of my sister's  
14 passing. You know, that was very dear. We were very close.  
15 That was very dear to me. But you know what? That's one way we  
16 all got to go. Just don't know when my date is. But I will tell  
17 you that there will be some thank yous coming out. My wife told  
18 me I still was in my etiquette time of proper etiquette, so I  
19 was rushing to do stuff, and she said, "Just slow down." And  
20 thank you for the happy birthday wishes. It feels good when you  
21 turning 25. I can't wait for 26.

22 All right. Thanks, everybody. With that, this meeting  
23 is adjourned, and see everybody later. Oh, the Zoning Commission  
24 meeting. I know when we're meeting again. I can get it right  
25 this time. We're not meeting again until March the 7th; is that

1 correct? Oh, I finally got that right. March the 7th, Zoning  
2 Commission Case No. 21-28. This is George Washington University  
3 on these same platforms at 4 p.m. With that, I want to thank  
4 everyone. Have a great weekend and stay safe until the next time  
5 we meet. Good night.

6 (Whereupon, the above-entitled matter went off the  
7 record at 4:48 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 Meeting

Before: DCZC

DATE: 02/24/2022

PLACE: Teleconference

was duly recorded and accurately transcribed under my  
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