

GOVERNMENT OF
THE DISTRICT OF COLUMBIA

+ + + + +

ZONING COMMISSION

+ + + + +

PUBLIC MEETING

+ + + + +

THURSDAY

JUNE 9, 2022

+ + + + +

The 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 MAY, Commissioner
JOSEPH IMAMURA, Commissioner

OFFICE OF ZONING STAFF PRESENT:

SHARON S. SCHELLIN, Secretary
PAUL YOUNG, Zoning Data Specialist

OFFICE OF PLANNING STAFF PRESENT:

MAXINE BROWN-ROBERTS
JENNIFER STEINGASSER

HUNT REPORTING COMPANY
Court Reporting and Litigation Support
Serving Maryland, Washington, and Virginia
410-766-HUNT (4868)
1-800-950-DEPO (3376)

OFFICE OF ZONING LEGAL DIVISION PRESENT:

HILLARY LOVICK, ESQUIRE
DENNIS LIU, ESQUIRE
JACOB RITTING, ESQUIRE

The transcript constitutes the minutes from the
Public Meeting held on June 9, 2022.

HUNT REPORTING COMPANY
Court Reporting and Litigation Support
Serving Maryland, Washington, and Virginia
410-766-HUNT (4868)
1-800-950-DEPO (3376)

T-A-B-L-E O-F C-O-N-T-E-N-T-S

OPENING STATEMENT:
 Anthony Hood. 4

PRELIMINARY MATTERS:
 Ms. Schellin. 5

PRESENTATION:
 Zoning Commission Case No. 22-08. NRP Properties, LLC -
 Voluntary Design Review at Square 5085. Final Action 6

COMMENTS AND QUESTIONS:
 Commissioners 7

VOTE:
 Commissioners. 15

PRESENTATION:
 Zoning Commission Case No. 15-20D. TBSC Master Owner I,
 LLC. First-stage PUD modification of significance and
 second-stage PUD. 50 M Street, N.W. (Square 620,
 Lot 254) Ward 6. 15

COMMENTS AND QUESTIONS:
 Commissioners 19

VOTE:
 Commissioners. 25

PRESENTATION:
 Zoning Commission Case No. 16-11. Park View Community
 and the District of Columbia - Order on Remand 25

COMMENTS AND QUESTIONS:
 Commissioners 27

VOTE:
 Commissioners. 31

CLOSING COMMENTS 38

ADJOURN:
 Anthony Hood 39

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

(4:00 p.m.)

CHAIRPERSON HOOD: Good afternoon, ladies and gentlemen. Today's date is June 9th, 2022. We are convening and broadcasting this public meeting. My name is Anthony Hood, and I'm joined by Vice Chair Miller, Commissioner May, and Commissioner Imamura. We are also joined by the Office of Zoning staff, Ms. Sharon Schellin, as well as Mr. Young who is handling all of our virtual operations, as well as our Office of Zoning Legal Division, we have Mr. Liu, Ms. Lovick, and Mr. Ritting. And if we call someone up, we will ask you to introduce yourself at that time. Typically, we don't have anyone to speak at our meetings, but if we do, we will ask you to introduce yourself at the appropriate time.

Also, let me mention, that 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 they are given. Again, we do not take any public testimony at our meetings unless the Commission asks someone to come forward.

And again, we are on our normal virtual websites. Accordingly, all those listening on Webex or by phone call-in will be muted during the meeting unless the Commission suggests otherwise. All right. I read that out of order, but we get it.

If you have any problems during this proceeding, if you have anything you want to get to us, you can call 202-727-0789.

HUNT REPORTING COMPANY
Court Reporting and Litigation Support
Serving Maryland, Washington, and Virginia
410-766-HUNT (4868)
1-800-950-DEPO (3376)

1 So with that, Ms. Schellin, do we have any preliminary
2 matters?

3 MS. SCHELLIN: No preliminary matters.

4 CHAIRPERSON HOOD: Okay.

5 MS. SCHELLIN: Maybe I should announce that the Office
6 of Zoning will not be recommending carrying forward the COVID-19
7 administrative time extensions, just to put that out there. So
8 that does expire at the end of this month, where applicants could
9 apply for those COVID administrative extensions. So we're back -
10 - we'll be back to regular time extensions, where applicants can
11 go through the regular time extension process of one year, or in
12 two years, at the end of this month. Just want to make that
13 announcement.

14 CHAIRPERSON HOOD: Thank you, Ms. Schellin. We probably
15 need to do that a few more times at our meetings as well. And
16 also, at some point, maybe starting at our next meeting, we can
17 start announcing our roundtable we're having on the racial equity
18 lens, so we make sure the word gets out. Anything
19 else, Ms. Schellin?

20 MS. SCHELLIN: No, sir.

21 CHAIRPERSON HOOD: Okay. Thank you for that
22 announcement.

23 Let's go to -- under final action, Zoning Commission
24 Case Number 22-08. NRP Properties, LLC - Voluntary Design Review
25 at Square 5058. No, I'm sorry, 5085.

1 Ms. Schellin.

2 MS. SCHELLIN: Yes, sir. At Exhibit 20, ANC 7D provided
3 resolution in support. Exhibits 23 through 23A4, we have the
4 Applicant's post hearing submissions. Exhibit 24 is a motion from
5 the Applicant requesting additional relief from the side yard
6 requirement, in addition to the request for design flexibility
7 to modify the four-foot fence around the front yard. And Exhibit
8 25 is the supplemental OP report which agrees with the two
9 additional requests for flexibility that the Applicant has asked
10 for. Exhibits 26 thru 26B, are the Applicant's response to the
11 OP supplemental report. And lastly, Exhibits 27 and through 27A,
12 are the Applicant's cover letter and draft findings of fact and
13 conclusions of law. So I believe this case is ready for the
14 Commission to consider taking final action, and so I will turn
15 it over to you.

16 CHAIRPERSON HOOD: Okay. And Ms. Schellin, I'm not
17 sure what's going on. I mean, we could make you out, but you
18 sound a little garbled. I'm not sure.

19 MS. SCHELLIN: Okay.

20 CHAIRPERSON HOOD: I don't know if you need to cut off
21 and come back on or turn something off.

22 Commissioners, was I the only one hearing that, or was
23 it? No. Okay. So you sound a little garbled. All right. We
24 can work on that.

25 Okay. We have heard -- thank you, Ms. Schellin. We

1 heard it teed up from Ms. Schellin.

2 Let's see if we have any questions or comments. It
3 looks like everything has been satisfied from the OP perspective.
4 I know others have asked questions.

5 Let me start with Commissioner May.

6 COMMISSIONER MAY: First of all, I have a question for
7 Ms. Schellin. Did I hear you correctly reference the Applicant's
8 response to OP's supplemental report?

9 MS. SCHELLIN: Yes, at Exhibit 26. Did you see that?

10 COMMISSIONER MAY: I did not see that. It was not in

11 --

12 MS. SCHELLIN: ZDOCS.

13 COMMISSIONER MAY: I did not see it in ZDOCS. Let me
14 refresh ZDOCS.

15 MS. SCHELLIN: Yeah. I believe we released everything
16 that they've submitted. Let me see when that came in. Let me
17 switch over.

18 COMMISSIONER MAY: No, it's not showing up in ZDOCS at
19 all.

20 MS. SCHELLIN: Okay. Mr. Barron, could you make sure
21 -- could you switch over and make sure that that has been
22 released?

23 CHAIRPERSON HOOD: Okay, let's do this. Let's go to
24 the next agenda item while we're getting there, because we're
25 going to need some time to review it. I know we -- I hate doing

1 this, but I don't -- I want to save us some time.

2 COMMISSIONER MAY: Well, I can talk a little bit about
3 what's not covered.

4 CHAIRPERSON HOOD: Okay. Go right ahead.

5 COMMISSIONER MAY: You know, I think the Applicant,
6 generally speaking, has done a very good job of responding to all
7 our concerns from the hearing. I think I'm very pleased that
8 the Applicant found a way to redesign the ground floor so that
9 we don't have all the mechanical space across the front of the
10 building, and that we have the conference rooms and other things
11 that are -- and offices and things that are going to actually
12 have, you know, people in them, you know, facing outside.

13 The bike room is actually now located in a really good
14 spot because, you know, you can ride into the garage and park
15 your bike off that, or you can go in through the lobby, either
16 way. So that's a big improvement.

17 I think that the -- let's see, what else was changed.
18 Oh, clarification on the yard relief. So clarifying that rear
19 yard relief is what it is and that there is no rear yard there
20 now. So they need 100 percent of that. And then clarifying what
21 is needed on the sides. And that it's not courts, but it is side
22 yards, and they requested that relief for the side yards. And I
23 think that given the constraints of the property, it makes sense
24 that that relief would be granted. So I feel like -- I feel
25 comfortable with that, since we now understand what's needed and

1 they've requested the appropriate relief.

2 You know, there are some other tweaks and changes that
3 were made to the design that I think are generally an improvement.
4 I didn't get to do a really detailed side-by-side look at them,
5 but I think that generally speaking it is more handsome. I do
6 appreciate seeing the details of how they are going to -- how
7 the building will be built and how the frames will be constructed
8 out of the Nichiha cladding material. So all of that I think is
9 very helpful.

10 Some of the other smaller things having to do with, you
11 know, the ventilation access points and even the, you know, how
12 the edge of the building kind of comes down on top of the garage
13 opening. I mean, the former issue with the ventilation, I think
14 is -- I didn't think was a big issue. I still don't love the way
15 that the edge of the building comes down on the top of the garage.
16 They did some work on that, so it's better than it was, but it
17 is still less than ideal. But generally speaking, I think it is
18 significantly improved.

19 And so -- and I am curious now to see what's in the
20 Applicant's response to the OP report, because as I recall, there
21 was one or two outstanding issues still that the Office of
22 Planning was recommending that we get information on before we
23 made a decision, as I recall. Anyway. So I'd like to hear --
24 to see that exhibit. All right. I've talked as much as I can.
25 And I still don't see that document up in ZDOCS, so. I mean, we

1 could pull it up from IZIS if need be.

2 That's it, Mr. Chairman. Back to you.

3 CHAIRPERSON HOOD: Okay. All right. Thank you.

4 I believe everything, though, that was (indiscernible)
5 corrected was resolved and OP had opted, but we will wait and
6 see, looking at the Applicant's letter.

7 Commissioner Imamura.

8 COMMISSIONER IMAMURA: Thank you, Mr. Chairman. I will
9 help, Commissioner May buy some time and take a look at that
10 document.

11 I agree with Commissioner May that the reconfiguration
12 of the ground floor space plan, I think, is much improved,
13 especially after the hearing when (indiscernible) felt that there
14 really wasn't any opportunity there to reconfigure those spaces.
15 But clearly, with a little bit of nudge, they have a much better
16 and improved floor plan done, so certainly appreciate that.

17 In terms of the other small design issues that
18 Commissioner May had pointed out, at least. The termination
19 point over the garage with the half wall that they've added there
20 still isn't great, but not enough to really outweigh the benefits
21 of this project. I will say that there is an inconsistent corner
22 treatment there as identified in the OP report on page three,
23 sheets A27 and A21, as well as A61 and A62. But those are just
24 illustrative images, at best, so.

25 They did provide door access to the central green roof

1 on the north elevation. Still no access to the green roof on
2 the east elevation. However, they did describe that it would be
3 up to the property owner to provide either a hatch or a ladder,
4 that was means and methods. Although I don't really agree that
5 that's really a means and methods achievement. Again, not enough
6 to really overcome the public benefits of this. Otherwise, I
7 think in general, I think they did a great job on how they fixed
8 the landscape plans for consistency, landscape plan and site
9 plan. So I think overall the work that they did is an
10 improvement. So with that, I will yield it back to you, Mr.
11 Chairman.

12 CHAIRPERSON HOOD: Okay. Thank you.

13 Vice Chair Miller.

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

15 And I'm having some connectivity issues as usual, so I
16 may have to log out and log on. But while I'm still here, I'll
17 just say thank you to our architectural colleagues for pushing
18 those design changes and improvements. And I would just reiterate
19 what I said at proposed action, I think, maybe at the time of
20 the hearing, or what many of us said, about the benefits, just
21 the benefits of the project. Just to remind ourselves and the
22 public, this is an all-affordable 109 unit residential
23 development, 22 units at 30 percent median family income or below,
24 65 units at 50 percent or below, and 22 units at 80 percent MFI
25 or below, and a significant number of two- and three-bedroom

1 units; 27 two-bedrooms and 22 three-bedroom. So there's a lot
2 of public benefit of this project that is supportive of priorities
3 in the Comprehensive Plan for development of housing in the City.
4 So thank you.

5 CHAIRPERSON HOOD: Thank you all. I would also just
6 concur, and I appreciate the letter that we got from Vice Chair
7 Wendell Felder from SMD 7D07, from the full Commission, who is
8 very supportive, but also talks about the great engagement of
9 NRP, as well as the Marshall Heights Community Development
10 Organization with respect to the project. Anytime when I see the
11 local development corporation involved with it, I always get a
12 comfort level knowing that there's someone to make sure that
13 everything that the community has bought into and worked on, it's
14 going to be carried out.

15 And I believe -- unless my colleagues, and I think
16 Commissioner May have alluded to some of this, I think he may
17 have been the one who -- him and maybe Commissioner Imamura, I'm
18 not sure who it was, for having -- do we have any issues with
19 the two new requests for flexibility, the four-foot fence and the
20 flexibility from the side yard. I think it was already
21 questioned, and I didn't hear anyone say they had any problems
22 with that, we will accept that.

23 Are we still waiting on Exhibit -- what is it, 26?
24 You're not waiting? It's up? Okay.

25 Commissioner May, did you have anything on that exhibit

1 that was coming in? I haven't looked.

2 COMMISSIONER MAY: I appreciate now being able to see
3 it. The key thing is that it does address sort of point by point
4 the outstanding issues. It talks about the darker Nichiha panels
5 and then alternatives for the -- how the wall on the north side,
6 I guess, comes down over the garage. I mean, again, that's --
7 it's better, it's not ideal. They address the green roof access,
8 which I think was -- I think was still an issue and then the
9 signage plan. So, yeah, I think that everything that was
10 outstanding has been pretty much addressed. It's not, you know,
11 it's not 100 percent perfect. It's not -- I would like to have
12 them work on some of these issues a little longer, but I really
13 don't want to delay the project. It is important to keep it
14 moving.

15 CHAIRPERSON HOOD: Okay. Thank you.

16 Any second round? Commissioner Imamura?

17 COMMISSIONER IMAMURA: Thank you. I agree with
18 Commissioner May not to delay or belabor the issues and appreciate
19 Vice Chair Miller's comments that this is -- to remain focused
20 on the fact that this is an all-affordable project. But just
21 for public benefit here, that, you know, we can achieve design
22 excellence and achieve the City's goals for more affordable
23 housing. You know, for the best outcome for the City and for
24 the neighbors. So, with that, I think that this is an improved
25 project and I think it's ready for final action.

1 CHAIRPERSON HOOD: Okay. Unless I hear something else,
2 would somebody like to make a motion?

3 VICE CHAIR MILLER: Mr. Chairman, I would move that the
4 Zoning Commission approve final action on Case Number 22-08, NRP
5 Properties, LLC, Voluntary Design Review at Square 5085 and ask
6 for a second.

7 COMMISSIONER MAY: Second.

8 CHAIRPERSON HOOD: Okay. It has been moved and probably
9 second. Any further discussion?

10 (No audible response.)

11 CHAIRPERSON HOOD: Not hearing any, Ms. Schellin,
12 would you please record the vote, please?

13 MS. SCHELLIN: Commissioner May.

14 COMMISSIONER MAY: Yes.

15 MS. SCHELLIN: Commissioner Miller.

16 VICE CHAIR MILLER: Yes.

17 MS. SCHELLIN: Commissioner May.

18 COMMISSIONER MAY: Yes.

19 MS. SCHELLIN: Commissioner Hood.

20 CHAIRPERSON HOOD: Yes.

21 MS. SCHELLIN: Commissioner Imamura.

22 COMMISSIONER IMAMURA: Yes.

23 MS. SCHELLIN: The vote is 4-0-1 to take final action
24 in Zoning Commission Case No. 22-08, the minus one being the
25 third mayoral appointee position.

1 CHAIRPERSON HOOD: I was just thinking. Since we are
2 minus one commissioner right now for a moment, let's let Daisy
3 vote. Anyway. All right. Let's go to --

4 MS. SCHELLIN: I have a new one. I have Belle.

5 CHAIRPERSON HOOD: Well, let's let one of them vote.
6 All right. Okay.

7 Let's go to hearing action on Zoning Commission Case
8 No. 15-20D. TBSC Master Owner I, LLC, first-stage PUD
9 modification of significance and second-stage PUD at Square 620.
10 Is that Mr. Lawson? Oh, no, Ms. Brown-Roberts.

11 You're on mute, Ms. Brown-Roberts. There you go.

12 MS. BROWN-ROBERTS: Good evening Mr. Chairman, and
13 members of the Commission. Maxine Brown-Roberts from the Office
14 of Planning on Case NO. 15-20D.

15 TBSC Master Owner I, LLC, submitted an application for
16 modification to the first-stage PUD and second-stage PUD review
17 for the North Parcel on the Sursum Corda property.

18 As you may remember, the second-stage PUD for the South
19 Parcel was approved in 2019 and, in fact, the two buildings are
20 currently under construction.

21 Slide number one. Can I get slide number 2?

22 The proposed modification to the first-stage PUD would
23 include modifications to the theoretical lots to accommodate
24 right of ways dedication which resulted in a reduction in the lot
25 area and modifications to the building density, massing, and

1 height.

2 The second-stage PUD for the North Parcel would include
3 715 residential units in two buildings; approximately 12,000
4 square feet of residential and/or nonresidential uses, including
5 retail, service, and/or eating and drinking establishment; below
6 grade parking spaces to serve both buildings; a second portion
7 of the central promenade connecting M and L streets; courtyards,
8 gardens, rooftop pools and terraces. The building height would
9 range from 65.4 feet adjacent to lower density developments along
10 First Street and First Place and up to 110 feet along M Street.

11 Slide number three. Third slide.

12 Since the approval of the first-stage PUD, the FLUM
13 designations have changed from moderate density residential,
14 parks, recreation and open space, to high density residential and
15 medium density commercial. And the policy map has changed from
16 a land use change area to being in the central Washington area.
17 These changes are reflective of the recommendations of the Mid-
18 City Area Plan, which identifies high density and medium density
19 commercial uses as appropriate for the property. The proposal
20 is not inconsistent with the designations and other policies and
21 elements of the Comprehensive Plan.

22 In analyzing the proposal through a racial equity lens,
23 the residents of the former Sursum Corda community are
24 predominantly black, and the disadvantage of the development was
25 that the residents were displaced from the property to various

1 locations around the City. The buildings were demolished and the
2 residents are now awaiting redevelopment of the property to
3 return. The opportunity for residents to return after
4 redevelopment is an outcome of the zoning action and has been an
5 integral part of the overall PUD and the redevelopment process.

6 The PUD was approved for 1,131 units, of which 199
7 would be affordable units. The 199 affordable units would be for
8 families with incomes not exceeding 80 percent of MFI, or a
9 blended affordability not to exceed 60 percent of MFI. Of the
10 199 affordable units, 122 units are for former Sursum Corda
11 households at their respective income eligibility levels and will
12 have unit sizes from studios to four-bedroom and would be provided
13 up front in the South Parcel currently under construction. The
14 remaining 77 affordable units would be provided throughout the
15 North and South parcels.

16 Other elements of the proposal, which would promote
17 equity, would include improved connectivity through connection
18 to the street grid through construction extension and street
19 dedications, the inclusion of green roofs and solar panels and
20 LEED certification and first source agreement. The provision of
21 various amenities both within the overall development and
22 contributions to various neighborhood schools, library, and other
23 organizations. The proposal continues to meet the requirements
24 of the C-3-C PUD zone and had flexibility to consolidate parking
25 and loading to serve both buildings, to vary the number of units

1 by plus or minus 10 percent and other minor areas of flexibility.

2 The Office of Planning recommends that the Zoning
3 Commission set down the requested modification to the first-
4 stage PUD and second-stage PUD for the North Parcel, and has
5 requested additional information and issues to be addressed by
6 the Applicant, including a racial equity analysis and update on
7 the number of inclusionary zoning units to be provided on the
8 North Parcel, their sizes, location and median family income, and
9 the updated tenant relocation and replacement plan. The Office
10 of Planning will continue to work with the applicant to address
11 these and any issues identified by the Zoning Commission prior
12 to the public hearing.

13 Thank you, Mr. Chairman, and I'm available for
14 questions.

15 CHAIRPERSON HOOD: Thank you. Ms. Brown-Roberts. That
16 report was very well done. So, I mean, I really appreciate you
17 hitting the highlights and I'm sure others do.

18 Let's see if we have any follow up questions and
19 comments.

20 Commissioner May.

21 COMMISSIONER MAY: Yeah. I don't have a lot to say.
22 I appreciate the Office of Planning's report and their comments
23 about things that still need to happen.

24 I do have to say that there's something a little bit
25 underwhelming about the design of these two buildings, in that

1 they look just kind of like a whole lot of other buildings in
2 Washington. And they look more office-like than housing-like.
3 And believe it or not, I think maybe it would benefit by having
4 more balconies. You know, the Vice Chair would think every
5 building benefits from more balconies, and sometimes I agree.
6 And this time, I would agree. I think it could use more balconies.
7 The ones they have I think are -- it was pretty good the way they
8 have some of the cut-outs and things like that, but more of that.
9 More things to sort of widen it up a little bit, because it just
10 it feels kind of deadly.

11 Now, having said that, I think there are some spots in
12 the design where they have zoomed in on some of the details. And
13 you can see how -- a little bit more about how the facade will
14 be made. And there are -- I think there are some interesting, I
15 don't know if they're metal panels or what, but they're more
16 decorative in nature. And then there's some attempt to represent
17 like a structure of steel beams or something like that, forming
18 the openings. And I just feel like that when you look at it
19 close, those things are interesting features, but they all kind
20 of get lost in the big building and are not really, not really
21 showing through. So I think I, I mean, it's not like it's --
22 the building is really, the buildings are really way off the
23 mark, they're not. I think they're you know, they're good. But
24 I do think they could be better and, you know, take a few steps
25 to liven it up a little bit and to take advantage of some of

1 those features that we can really only see when we zoom in more
2 closely. More balconies. Otherwise, I think the rest of it,
3 you know, the changes to it, it is pretty much what we had talked
4 about before. And I think the changes to the first-stage are
5 not hugely significant from my perspective.

6 And I will note that the park that had been part of,
7 it's part of the overall program, it's down at the southwest
8 corner of the development, the jurisdiction for that has finally
9 been transferred to the District. And the developer has worked
10 a deal with the City to rebuild and maintain it. So all of that's
11 now in a good place. It was a long and painful process getting
12 it to that point. I'm glad that it's finally over with and I
13 don't have to mention it ever again.

14 Thank you very much.

15 CHAIRPERSON HOOD: Okay. You have any questions,
16 Commissioner Imamura?

17 COMMISSIONER IMAMURA: No questions for Ms. Brown-
18 Roberts. Thank you for your report. I think, you know, as
19 Commissioner May talked about, vanilla can be good, in this case,
20 and maybe there can be some design refinements to articulate the
21 elevations a bit more, but I am not opposed to good vanilla
22 sometimes. All right. Thank you.

23 MS. BROWN-ROBERTS: Okay.

24 CHAIRPERSON HOOD: I am sorry about that. Hold on a
25 second.

1 Vice Chair Miller.

2 VICE CHAIR MILLER: Okay. I thought it was me, so I -

3 -

4 CHAIRPERSON HOOD: No, it was me.

5 VICE CHAIR MILLER: Okay.

6 CHAIRPERSON HOOD: This thing is sticking some.

7 VICE CHAIR MILLER: I'll get my turn. Can you hear me?

8 Thank you, Ms. Brown-Roberts, for your report.

9 I support setting this modification down for a public
10 hearing, and I agree with all of the requests that the Office of
11 Planning has made for information and changes to the Applicant,
12 and I support my fellow Commissioners' request for design
13 improvements, even though apparently we approved this without
14 those design improvements many years ago. And so it's important
15 to get this project done. Thank you.

16 CHAIRPERSON HOOD: Thank you, Commissioners.

17 Ms. Brown-Roberts, where are the residents now? Where
18 are the residents?

19 MS. BROWN-ROBERTS: (Indiscernible.)

20 CHAIRPERSON HOOD: Where are the residents who were
21 located on the property? Where are they at now?

22 MS. BROWN-ROBERTS: They are in a number of places
23 across the District. I can -- do you need that list? It is
24 something that is kept by the Applicant, so I can get that.

25 CHAIRPERSON HOOD: I think it may be some PI

1 information, so I don't necessarily need the list. I just want
2 to make sure we know where they are.

3 MS. BROWN-ROBERTS: Yes.

4 CHAIRPERSON HOOD: And I want to make sure we cover all
5 the things that we need to cover. So, again, this won't fall into
6 some of things where we could get challenged in court, people get
7 lost, they're not able to come back. You know, I don't want to
8 have to go down the road here. I want to move forward. And I'm
9 hoping that those are some of the questions I'm going to have at
10 the hearing. And I appreciate your comments about making sure,
11 though, I think it's 100 and something units, I forgot how many
12 units it is, to make sure people can return. I would like to
13 know this at the hearing. Does the Applicant already know that's
14 all the units they need for people that want to return? Because
15 I'm always interested in people being able to return back who
16 were there during the rough times and the times when things were
17 older, I want to make sure they can come back in the good new
18 times. So I'm hoping that number, that delta that you gave us
19 is the only number that needs to come back and if it needs to be
20 more. I would like for the Applicant just to kind of explain
21 how that was done and making sure everyone who wanted to come
22 back is able to come back.

23 MS. BROWN-ROBERTS: Yes.

24 CHAIRPERSON HOOD: Anyway, and I think -- and I'm saying
25 this to my colleagues and everybody, I think the way we used the

1 tool here may be a little different, but the same things apply.
2 But I think, I think we still have to use the tool. Yeah, we
3 have to. But it may be a little different because it's already
4 in operation. So anyway, those -- I'm thinking out loud, but
5 those are some of my thoughts. And I'm hoping -- I'm looking
6 forward to having this, and I'm hoping that we can move forward
7 and bring people back home if they want to come back home.

8 Thank you, Ms. Brown-Roberts.

9 MS. BROWN-ROBERTS: Thank you.

10 CHAIRPERSON HOOD: Commissioners, any follow up
11 questions or comments?

12 VICE CHAIR MILLER: I would associate myself with your
13 comments, Mr. Chairman, on the right to return and the racial
14 -- we need to add that information before we take any action just
15 to know -- we need to know where the status of where everybody
16 is, since that was the point of this project to begin with.

17 CHAIRPERSON HOOD: And when people come to the hearing,
18 please come prepared to help us. We get all the complaints. And
19 I know I can get the complaints, but some or another, I'm
20 pleading, come prepared to help us with the racial equity tool,
21 come prepared to help us implement this. If you come with the
22 complaints, that's fine, I'm used to that, but sometimes we need
23 help as well. We're human. So, I'll leave it at that. Any
24 other questions or comments?

25 (No audible response.)

1 CHAIRPERSON HOOD: All right. Thank you, Ms. Brown-
2 Roberts. That was an excellent report. I'm looking forward to
3 the hearing. I will be moving to set this down as soon as I find
4 the number. One second.

5 I move that we set down Zoning Commission Case No. 15-
6 20D, and ask for a second.

7 COMMISSIONER IMAMURA: Second

8 CHAIRPERSON HOOD: It's been and properly second. Any
9 further discussion?

10 Not hearing any, Ms. Schellin, would you do a roll call
11 vote, please?

12 MS. SCHELLIN: Who second that?

13 CHAIRPERSON HOOD: I think it was Commissioner Imamura.

14 MS. SCHELLIN: Okay.

15 Commissioner Hood?

16 CHAIRPERSON HOOD: Yes.

17 MS. SCHELLIN: Commissioner Imamura.

18 COMMISSIONER IMAMURA: Yes.

19 MS. SCHELLIN: Commissioner Miller.

20 VICE CHAIR MILLER: Yes.

21 MS. SCHELLIN: Commissioner May.

22 COMMISSIONER MAY: Yes.

23 MS. SCHELLIN: The vote is 4-0-1 to set down Zoning
24 Commission Case No. 15-20D as a contested case, the minus one
25 being the third mayoral appointee position being vacant.

1 CHAIRPERSON HOOD: Thank you, Ms. Schellin.

2 I think our last agenda item, unless we have an Office
3 of Planning report is Zoning Commission Case No. 16- -- or other
4 correspondence, I'm sorry -- Zoning Commission Case No. 16-11.
5 Ms. Schellin.

6 MS. SCHELLIN: Yes, sir. This is a case that came back
7 to the Commission under remand from the D.C. Court of Appeals.
8 And since the order was issued, the party, Bruce Monroe Neighbors
9 filed a motion for reconsideration and stay of the order. And
10 then we have from Park Morton Resident Council, a motion for
11 reconsideration and a request to hold a limited scope hearing in
12 Zoning Commission Case No. 16-12. And then you have the
13 Applicant's responses to those motions. So I would ask the
14 Commission to please consider these motions and responses before
15 you.

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

17 Commissioners, this is a request from both parties. I
18 think they were both parties in the case previously, who are
19 asking for reconsideration, Bruce Monroe as well as Park Morton.
20 I think typically, if there was an error, I don't think anyone
21 has pointed out any errors. There may be a difference of opinion
22 of how things were done. And I did read some other submissions.

23 But before I turn it over to my colleagues, I would
24 just ask, dealing with this whole racial, we're going to be having
25 a roundtable. And I specifically would like for the groups here,

1 as well as everyone who responded to this case, to come to that
2 roundtable, come to the roundtable with some resolutions and
3 solutions of how the Zoning Commission looking at how to, how we
4 can improve upon it. Again, like I just said, in the other case,
5 we get the complaints. This is a tool, I think. I think we have
6 a great tool. It could be tweaked, it could be advanced, and it
7 is not necessarily before us, but I think it is very important
8 as we go through this and try to improve upon everything we're
9 doing. And even though this particular (indiscernible) was not
10 in place at that time, we work with the best operation -- I mean,
11 the best information and the way we have operated at the time. I
12 think this is sufficient. It may just be a disagreement in how
13 it was done and things we should look at. That's what the
14 roundtable is going to be for. But I think this case predates
15 where we are here with our tool.

16 But let me open it up for my colleagues. Any questions
17 or comments?

18 Commissioner May?

19 COMMISSIONER MAY: I think you have pretty much summed
20 it up. There's -- there really is nothing in the motions to
21 indicate that the Zoning Commission made an error, and so I don't
22 see any reason to grant either motion.

23 CHAIRPERSON HOOD: Okay. And I think, Commissioner
24 Imamura, you did not participate. So I just want to say that
25 for the record, why I'm skipping over you.

1 Vice-Chair Miller.

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

3 I concur with your comments and those of Commissioner
4 May that no clear error has been shown in the motions, in both
5 motions, in neither motion for reconsideration of a case that we
6 -- was filed six years ago, which has been delayed substantially
7 by litigation, which is the right of those who oppose what we
8 do. But it's just unfortunate that this project continues to be
9 attempted to be delayed because there are a lot of benefits,
10 public benefits, which were supported by the ANC, the affected
11 ANC in this case, and don't need to go there. But I agree with
12 you. There's no error in the motions for reconsideration and so
13 I think we should deny them today.

14 CHAIRPERSON HOOD: Okay. So with that, I think we all
15 agree for those who participated.

16 Would somebody like to make a motion on both? I think
17 we can do them both en bloc. Because I think we two, there's
18 two requests.

19 VICE CHAIR MILLER: I will make a motion, Mr. Chairman,
20 that the Commission deny the motions for reconsideration of Case
21 No. 16-11, Parkview Community and the District of Columbia, our
22 remand order -- the motions were made by Marc Poe on behalf of
23 the Bruce Monroe Park Neighbors and Shonta High on behalf of the
24 Park Mark Park Morton Residents Council. So I would move that
25 we deny the motions for the reasons that we have articulated here

1 today. Thank you.

2 CHAIRPERSON HOOD: Okay. It has been moved. Hold on
3 a second.

4 VICE CHAIR MILLER: I'd like to ask for a second.

5 CHAIRPERSON HOOD: It's been moved, yeah. Let me ask
6 for a second. The motion is on the table.

7 Is there a second?

8 I'll make the second.

9 Now, Ms. Schellin -- I'll make the second.

10 Commissioner May, you can make the second.

11 COMMISSIONER MAY: I second the motion.

12 CHAIRPERSON HOOD: All right.

13 COMMISSIONER MAY: Did you want me to second it, or
14 not?

15 CHAIRPERSON HOOD: I was going to say -- I was just
16 trying to move. I know we got something that we got to add to
17 it. I was trying to get there, but since it's a motion.
18 Parliamentary procedure, let me go there. Since there was a
19 motion on the table, I need to deal with that first before I do
20 anything else. So it's been moved and properly second by Vice
21 Chair Miller, I mean, moved by Vice Chair Miller and second by
22 Commissioner May, for the record.

23 Now, Ms. Schellin has something -- discussion.
24 Typically, staff does not discuss it, but I think we want to make
25 sure we have everything. So, I will also go to Mr. Ritting too.

1 Ms. Schellin.

2 MS. SCHELLIN: There's a motion for a limited scope
3 hearing in Case No. 16-12. And I just wanted to -- since there
4 was only, the motion only, that Commissioner Miller made was a
5 motion to deny the motions for reconsideration. So I just want
6 to make sure that you include that in your motion, that you're
7 also denying the motion for the limited scope hearing in 16-12.
8 That was also --

9 CHAIRPERSON HOOD: Okay. Well, Vice Chair Miller,
10 would you add that to -- would you add that to the motion?

11 VICE CHAIR MILLER: I apologize for leaving out that
12 part of it. It is a motion for -- the motion was for
13 reconsideration and stay of order of 16-11 and a motion for
14 reconsideration and request for limited scope hearing in 16-12,
15 an entirely different case. Well not entirely, a different case.
16 Yes, those were both part of my motion and I assume they were
17 part of your second as well, Commissioner May.

18 COMMISSIONER MAY: Indeed, I will gladly second that
19 entirely restated motion -- restated motion in its entirety.

20 CHAIRPERSON HOOD: Okay. Thank you. So we restated,
21 we accepted that, so we have added everything that's been
22 requested. It's been seconded and added -- it's been accepted.

23 Mr. Ritting, before I call for the vote, is there
24 anything else in that motion that needs to apply?

25 MR. RITTING: No.

1 CHAIRPERSON HOOD: That's all I need to hear. Thank
2 you.

3 So any further discussion?

4 (No audible response.)

5 CHAIRPERSON HOOD: Not hearing any. Ms. Schellin,
6 would you do a roll call vote, please?

7 MS. SCHELLIN: Commissioner Miller.

8 VICE CHAIR MILLER: Yes.

9 MS. SCHELLIN: Commissioner May?

10 COMMISSIONER MAY: YES.

11 MS. SCHELLIN: Commissioner Hood?

12 CHAIRPERSON HOOD: Yes.

13 MS. SCHELLIN: Commissioner Imamura?

14 COMMISSIONER IMAMURA: Abstain.

15 MS. SCHELLIN: The vote is 3-0-2 to deny the motions
16 for reconsideration and stay of order, and to hold a limited
17 scope hearing in Zoning Commission Case No. 16-12, the minus 2,
18 Commissioner Imamura having not heard the case and not
19 participating, and the third mayoral appointee position being
20 vacant.

21 CHAIRPERSON HOOD: Okay, thank you. Do we have an
22 Office of Planning update or anything today? If not, we can
23 adjourn.

24 MS. SCHELLIN: I'm not aware of one.

25 CHAIRPERSON HOOD: Vice Chair Miller has something.

1 VICE CHAIR MILLER: Well, maybe I should wait until the
2 Office of Planning does have a report; at our last meeting they
3 had a report. I wanted to bring up something, but we were running
4 late. I just wanted, if it's appropriate, Mr. Chairman. There
5 are a few issues that have come up, as they come up whenever any
6 of us are at the BZA. Well, almost every time we're at the BZA
7 they seem to come up. And I brought it up there with the Office
8 of Planning, but I wanted to bring it up, bring up a few issues
9 that may need clarification or review, certainly review by the
10 Office of Planning about certain issues that have resulted in
11 cases before the BZA. I'll be brief. I'm not asking for OP to
12 respond. I'm just asking for OP to put it on their very long list
13 of things to look at that we've created for them in the community
14 -- communities across the City have created for them and they've
15 created for themselves and the Comp Plan has created for them.
16 I have some additional items that need, I think need
17 clarification.

18 One was a BZA case, and OP is aware of this because
19 we've had a -- we had dialogue, or they were attendees if not
20 participants in all those BZA hearings.

21 There are three issues. One, without getting into
22 those individual cases, which would not be appropriate, but
23 medical cannabis cultivation centers is one. I think the Office
24 of Planning needs to review the issue that medical cannabis
25 dispensary centers or cultivation centers are actually not set

1 forth anywhere in the zoning regulations. The Office of -- and
2 there are dispensaries and cultivation centers throughout the
3 District pursuant to a law passed by the Mayor, passed by the
4 Council, and signed by the Mayor years ago. And we have at least
5 eight, I think, cultivation centers and maybe more dispensary
6 centers, dispensary facilities, around medical cannabis
7 dispensary and cultivation centers around the City. So the issue
8 was -- the issue is that there was a locational requirement in
9 the law, there was only one locational requirement in the law and
10 said that dispensary centers, medical cannabis dispensary
11 centers, cultivation centers and testing laboratories should not
12 be located in any residential district, any residential zoning
13 district or within, I think it was 300 feet or 500 feet of
14 schools, churches, etc., that kind of language. And it also
15 should not be located in a retail priority area, which is a
16 defined term in the Comp Plan, I believe. So the zoning
17 administrator has taken the position that cultivation centers can
18 only be located in industrial -- the former industrial zone to
19 the City, PDR. Whereas dispensary centers can be located in
20 mixed-use zones. This seems to be -- there's nothing specific
21 in the zoning -- and he's done that because he's interpreting
22 what's a manufacturing use and what's an agricultural use,
23 because there's nothing in the zoning regulations that defines
24 cannabis cultivation centers or dispensary center dispensaries
25 as dispensaries. I just -- the issue needs to be looked at

1 because we've got -- in that case that I don't want to talk about,
2 which was decided against, it was an appeal of a zoning
3 administrator's decision saying a cultivation center couldn't be
4 located next to the dispensary that was in ward, it was in Ward
5 7, I believe, that case.

6 I don't think that was really the intent of what the
7 City's program was. And we have brewpubs that are in retail
8 districts throughout the City that are next to pubs that are a
9 similar manufacturing use. It just needs to be looked at. We're
10 treating like -- we're treating alcohol use different -- that -
11 - where there's a synergy between the dispensary and the
12 cultivation center. There needs to be -- it needs to be looked
13 at -- it needs to be looked at. So that's one issue that I would
14 like the Office of Planning to have on their radar screen, which
15 I hope they do, as we as result of that appeal a couple months
16 ago.

17 CHAIRPERSON HOOD: Before you go any further on that
18 one, that's something actually came up before, some years ago,
19 especially to residents in Ward 5. You talking about the most
20 PDR zones. So I can't remember where we fell, because you are
21 right, cultivation versus dispensary. That was a major issue.
22 Most of them are going to locate in Ward 5. I think that was
23 under Councilmember Orange at the time. There's nothing new. I
24 just can't -- in that interpretation, Vice Chair Miller, is the
25 same interpretation that ZA had used then, and I'm hearing it

1 again now, so I'm not particularly familiar with whatever case
2 you're talking about. I think it's good to have a discussion.
3 But I'm saying this in tune with what you are saying too, as
4 well. I want to see how things have been working overall as
5 opposed to just that one specific case, because that whole issue
6 has been out there forever. I'm just hearing it again from you
7 now. So I'm just -- the way he's interpreting that, is that
8 working? Because it went away, and I'm talking about some years
9 ago when they started putting the dispensaries and the
10 cultivation centers, which I think that whole discussion vanished
11 because I don't even see that many where we thought they were
12 all going to be. So anyway. I also want to add that to the
13 comments to the Office of Planning. So I'm looking forward to
14 seeing what they come back with. So you can go to your second
15 one.

16 VICE CHAIR MILLER: Okay. Thank you. I agree with
17 what you're saying. I think it needs to be looked at
18 comprehensively in how they're operating and all that.

19 So the second issue was a clarification -- a review, a
20 review of the issue of alley lots in the RF-1 zone. We -- less
21 than two -- about two years ago, the Commission, in I think Case
22 No. 19-13, said that alley lots, that that record, that tax lots
23 converted, that were converted to record lots, could have an
24 alley width of less than 24 feet, which is the general standard.
25 If they were being converted from a record, from a tax lot to a

1 record lot, they could be converted, they could be, had less than
2 the 24-foot width of the alley, they could go down to as low as
3 15 feet if -- through a special exception process -- if the fire
4 and other agencies signed off. That was not done for new record
5 lots. It was only done for conversions of tax lots to record
6 lots, because there were like 23 BZA cases that had happened in
7 a period of time shortly before that case was filed and requested
8 by the Office of Planning, where BZA was considering these
9 conversions and they had to be all done by variance instead of
10 by a special exception and they had the fire sign off. They had
11 OP approval, they had the ANC approval, but you had this 24-foot
12 requirement and it needed a variance test and they -- at final
13 action, or at the hearing and at proposed action, final action,
14 we had heard from the ANCs that it didn't make any sense really
15 just to limit it, the issue to the conversion of lots. That it
16 should be looked at for all record lots. That there could be a
17 special exception process for less than 24-foot alleys that are
18 adjacent to alley lots that somebody wants to develop with
19 housing, by special exception if they get -- so it just needs to
20 be looked -- it was said at that time at final action by the
21 Office of Planning, by at least a majority of the commissioners,
22 by two ANC members at the hearing who testified. Why are you
23 only doing this -- the conversion? Why don't you just do it all;
24 if fire is signing off, if DPW is saying the trash is okay, if
25 DDOT is saying the turning radius is enough to get into the

1 garage. It's an issue. OP said at the time it was an increment
2 -- we don't want to re-advertise that public hearing that from
3 two years ago. We'll do a new case in the fall. That was the
4 fall of 2020. We never did a new case. I didn't follow up on
5 it. And I don't know if OP is looking at the issue, but I want
6 them to look at the issue and report back to us on that issue of
7 allowing less than 24-foot width of alley lots to be developed
8 with housing if there is -- through a special exception process
9 as opposed to a variance process -- if there is sign-off by the
10 fire and EMS and other appropriate agencies, mostly DPW, for the
11 trash removal services that are absolutely necessary and the
12 water -- with D.C. water for the
13 -- all the infrastructure issues. That's the second issue.

14 The third issue, I happened to see it in a BZA case
15 because somebody cited our own regulations. I don't even remember
16 what the case was, but there is in our regulations, there's
17 language. I think it's in the R-2 zone. It may be in other
18 residential zones, which talks about that, one of the purposes
19 is to prevent the invasion, literally the "invasion," quote,
20 unquote, of higher density residential structures. I just -- I'm
21 surprised that we went through the entire ZR16 process and
22 repeated language like "invasion," which is kind of a highly
23 charged word for denser development and when we're talking about
24 residential zones. So I -- if OP can just look at that. It's a
25 minor issue, but I think there's a legacy of this bad history

1 with using that particular phrase that somehow is still in our
2 zoning regulations from probably back to the 19 -- way before
3 there was a home rule government. Anyway, that's it. Those
4 three issues. If OP can look at those and report back to us at
5 some time when -- and without jeopardizing their timeline on the
6 projects that they're already working on, especially those that
7 the Chairman has identified over and over and over again.

8 CHAIRPERSON HOOD: I was getting ready to say, Vice
9 Chair, I know that those are going to come at the back of the
10 list because we have the RA, the ten foot setback that we're
11 looking at, and that's just adds on to the bottom of the list.
12 But I'm sure they have some answers. But I see Ms. Steingasser
13 is here. Let's see if she has anything she wants to respond to.

14 Ms. Steingasser.

15 MS. STEINGASSER: I just want to assure the Commission
16 that these are on the list and that we will be looking at them.
17 And hopefully we might be able to tie them into some other smaller
18 text amendments so that maybe the list doesn't get so long, we
19 can bring them forward.

20 VICE CHAIR MILLER: Thank you. Yeah, and I think there
21 are -- yeah, I appreciate that. Thank you.

22 CHAIRPERSON HOOD: Any of my other colleagues have
23 anything else you want to add to the list?

24 (No audible response.)

25 CHAIRPERSON HOOD: All right. So I don't have anything.

1 Ms. Steingasser, since you're up, do you have any
2 updates for us? I don't think you do, but I'm going to ask since
3 you're here.

4 MS. STEINGASSER: No, sir. Not this month.

5 CHAIRPERSON HOOD: Okay. All right.

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

7 MS. SCHELLIN: Nothing else.

8 CHAIRPERSON HOOD: All right. I want to thank everyone
9 for their participation in this meeting.

10 The Zoning Commission will be meeting again June the
11 13th. I believe that's yeah, that's this coming Monday. And
12 the application before us will be the Wesley Theological Seminary
13 of the United Methodist Church. It will be Zoning Commission Case
14 No. 22-13. We'll be on these platforms at 4:00 p.m.

15 All right. So with that, I want to thank everyone for
16 their participation today and for this meeting. And I hope
17 everyone has a nice weekend. Thank you. Good night.

18 (Whereupon, the above-entitled matter went off the
19 record at 4:57 p.m.)

20

21

22

23

24

25

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: 06-09-2022

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

HUNT REPORTING COMPANY
Court Reporting and Litigation Support
Serving Maryland, Washington, and Virginia
410-766-HUNT (4868)
1-800-950-DEPO (3376)