

GOVERNMENT OF
THE DISTRICT OF COLUMBIA

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ZONING COMMISSION

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PUBLIC MEETING

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THURSDAY

JULY 14, 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, Chairperson, presiding.

ZONING COMMISSION MEMBERS PRESENT:

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

OFFICE OF ZONING STAFF PRESENT:

SHARON SCHELLIN, Secretary
PAUL YOUNG, Zoning Data Specialist

OFFICE OF PLANNING STAFF PRESENT:

KAREN THOMAS, Planning Specialist

OFFICE OF ZONING LEGAL DIVISION STAFF PRESENT:

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

The transcript constitutes the minutes from the Public Meeting held on July 14, 2022.

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

OPENING STATEMENT:
 Anthony Hood 4

FINAL ACTION:
 Case No. 21-21, Medici Road - Map Amendment
 @ Square 5154. 5

QUESTIONS AND COMMENTS:
 Commissioners 6

VOTE:
 Commissioners 7

FINAL ACTION:
 Case No. 22-13, Wesley Theological Seminary
 of the United Methodist Church
 2022-2032 Campus Plan @ Square 600 9

QUESTIONS AND COMMENTS:
 Commissioners 11

PROPOSED ACTION:
 Case No. 21-18, Dance Loft Ventures, LLC
 Consolidated PUD & Related Map Amendment
 @ Square 4704. 44

QUESTIONS AND COMMENTS:
 Commissioners 45

VOTE:
 Commissioners 61

PRESENTATION:
 Case No. 22-24, Office of Planning
 Map Amendment from MU-4 to MU-5A Zone
 @ Squares 5553, 5556, 5559, 5560, and 5579
 Ms. Thomas 63

QUESTIONS AND COMMENTS:
 Commissioners 64

VOTE:
 Commissioners 66

CLOSING REMARKS:

Anthony Hood 68

ADJOURN:

Anthony Hood 68

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

2 (4:00 p.m.)

3 CHAIRPERSON HOOD: Good afternoon, ladies and
4 gentlemen. We are convening and broadcasting this public meeting
5 by video conferencing. My name is Anthony Hood. I'm joined this
6 afternoon by Vice Chair Miller, Commissioner May and
7 Commissioner Imamura. Also I'm joined by the Office of Zoning
8 staff, Ms. Sharon Schellin and Mr. Paul Young, who will be
9 handling all of our virtual operations, and our Office of Zoning
10 Legal Division, Ms. Lovick, Mr. Liu, and Mr. Ritting. I will
11 ask all others if we ask someone to come forward and introduce
12 themselves at the appropriate time.

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

20 For hearing action items, we only have one today. The
21 only documents before us this evening are the application, the
22 ANC setdown report, and the Office of Planning Report. All other
23 documents in the record will be reviewed at the time of the
24 hearing. Again, we do not take any public testimony in our
25 meetings, unless the Commission requests someone to come forward

1 or come up and speak.

2 If you experience difficulty accessing Webex or with
3 your telephone call-in, then please call our OZ hotline number
4 at 202-727-0789 for Webex login or call-in instructions.

5 With that, does the staff have any --

6 Good afternoon, Ms. Schellin, does the staff have any
7 preliminary matters?

8 MS. SCHELLIN: No preliminary matters.

9 CHAIRPERSON HOOD: Okay. Let me pull the agenda right
10 up. And we will follow the agenda as recorded. First, final
11 action Zoning Commissioner Case No. 21-21.

12 Ms. Schellin? I think you're on mute, Ms. Schellin.

13 MS. SCHELLIN: Sorry about that.

14 CHAIRPERSON HOOD: That's okay.

15 MS. SCHELLIN: The Medici Road Map Amendment at Square
16 5154 at Exhibit 27, you have the applicant's draft order, and
17 Exhibit 28 is a letter from NCPC advising the project is exempt
18 from their review. Therefore, this case is ready for the
19 Commission to consider final action this afternoon.

20 CHAIRPERSON HOOD: Thank you, Ms. Schellin.

21 Again, colleagues, and this is what I remember, this
22 is a Zoning map amendment from MU-3A to MU-4, which is facilitate
23 a mixed-use project and some of the dynamics in Ward 7 are the,
24 you know, not as rectangular between 46th and 48th Streets in the
25 Deanwood neighborhood of Ward 7, having 103 feet of frontage on

1 Sheriff Road. There's some other attributes which are in the
2 record to the file to the south across Sheriff Road, detached
3 buildings used as residential dwellings and offices to the east.
4 There's a vacant lot and a cornerstone, just to outline a few
5 things that we're dealing with.

6 Also, if you will recall, during the hearing, we did
7 discuss the Comp Plan, which is at Exhibit 4. We also discussed
8 the racial equity lens as well as the citywide elements of the
9 Small Area Plan within Deanwood Strategic Development Plan
10 spotlights. We spoke about that as well. And then ANC-7C gave
11 us a report of both in support, which is three one to zero to
12 support the proposed map amendment. Office of Planning supported
13 it -- supports it. We're also -- I think the Office of Planning
14 recommended that it would be appropriate to include IZ Plus. I
15 think we've already made that decision on that, and DDOT had no
16 objections as well.

17 So with that, let me open up to any questions or
18 comments.

19 (No response.)

20 CHAIRPERSON HOOD: Okay. Not hearing any, I think this
21 is ready for us to move forward, unless I have any objections.

22 (No response.)

23 CHAIRPERSON HOOD: Not seeing any, I would move that
24 we approve Zoning Commission Case No. 21-21, Medici Road map
25 amendment at Square 5154. And also, it's going to involve a lack

1 of affordable housing, so I want to make sure I put that out
2 there as well.

3 Okay. So that's my motion. Can I get a second?

4 COMMISSIONER MAY: Second.

5 CHAIRPERSON HOOD: It's moved and property second.
6 Potential. I know we didn't talk about projects. I just broke
7 my own rule. But I know we don't talk about projects, but
8 potential. Moved and properly second. Any further discussion?

9 (No response.)

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

12 MS. SCHELLIN: Commissioner Hood?

13 CHAIRPERSON HOOD: Yes.

14 MS. SCHELLIN: Commissioner May?

15 COMMISSIONER MAY: Yes.

16 MS. SCHELLIN: Commissioner Miller?

17 VICE CHAIR MILLER: Yes.

18 MS. SCHELLIN: Commissioner Imamura?

19 COMMISSIONER IMAMURA: Yes.

20 MS. SCHELLIN: The vote is four to zero to one to
21 approve final action on Zoning Commission Case No. 22-21, the
22 minus one being the third mayoral appointee position, which is
23 vacant.

24 CHAIRPERSON HOOD: Okay. Let's move to the next case.
25 Give it a moment, please. It's closed up on me. Okay. Hold on

1 a second. Let's go to Zoning Commission Case No. 22-13, Wesley
2 Theological Seminary of the United Methodist Church, 2022-2032
3 Campus Plan at Square 600.

4 Ms. Schellin?

5 MS. SCHELLIN: Yes, sir. On this one, Exhibits 41
6 through 41, the Chairman approved the request of the opposition
7 parties to reopen the record to accept the written testimony,
8 which was approved, as I said. Exhibits 42 through 43B, you have
9 the applicant's closing statement and their post-hearing
10 submissions. Exhibit 45 was an OP supplemental report that was
11 received, Exhibits 46 and 47 was the opposition party's
12 responses, and Exhibits 48 and 49 are the draft orders from the
13 applicant and the opposition party. So they ask the Commission
14 to consider final action on this case this afternoon. Thank you.

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

16 Before I go to the main issue -- well, one of the main
17 issues, I believe, that I'd like to talk about first is the
18 commercial use -- whether it's commercial use or not. But I want
19 to talk about ANC-3D. ANC-3D, they had a few issues and concerns
20 raised by -- that were raised by ANC-3D. And in the response,
21 meaning the applicant's response, and throughout deliberations,
22 they did not respond to a few of those things. I don't
23 necessarily need to respond all that they are, but I would ask
24 before, depending on how we move, that they will respond on those
25 outstanding issues as well, or point us to where they are in the

1 record. And I think they can figure out what they were.

2 There were some concerns raised by ANC-3D, especially
3 talking about the egress, reaching out to an agreement to remove
4 the fence. Some of those issues, I didn't see them in there. I
5 don't know if others did. But I would ask that the applicant
6 would respond to those issues. And I don't believe our counsel
7 did either, as well. But I -- we didn't see it, so I'm going to
8 put that out there.

9 The next issue is a commercial issue. You know, we've
10 had comments about whether -- the use, whether it's commercial,
11 whether it's not commercial, whether it's University use, and
12 that whole gamut of discussion, which I think we prefaced as
13 being relevant. And I want to thank our counsel for going back
14 and looking at all the other cases, which -- none of them
15 unfortunately were necessarily germane. So I know this will be
16 precedent setting. But this case will be specific as though the
17 other cases -- just like other cases were in their own right and
18 how the Commission ruled.

19 So I think that with that, we can open it up. And we
20 know the dynamics of the commercial versus the educational use.
21 The applicant says this is a part of the educational extending
22 use for our Wesley Seminary with the involvement of AU. And the
23 NLC and Spring Valley Wesley Heights Association -- Citizens
24 Association thinks otherwise. So I think that's the first
25 threshold issue for us. Depending upon that, I think -- and I

1 will ask counsel, but depending upon that, would be very relevant
2 to how we move on that.

3 So let me open up for any questions or comments.

4 Commissioner May?

5 COMMISSIONER MAY: Yeah. So this is not very easy.
6 This issue is not very easy. It breaks new ground in what a
7 university tries to do with its property. And, you know, there's
8 been this emphasis on the question of, you know, is it a
9 commercial use? Does it fit into the ancillary commercial use,
10 or is it, you know, a more significant commercial use, or is it
11 a dormitory? And, you know, the Zoning Administrator has opined
12 that it's a dormitory.

13 I think that all of that sort of -- the focus on the
14 exact words and trying to split hairs about what they mean is
15 not -- isn't going to help us get to this -- get to a conclusion
16 on it. This, from my perspective, is very clearly a commercial
17 venture. They are -- I mean, you know, I don't know what it is,
18 70 or 80 percent of the dwelling units in this building will be
19 marketed to people outside of the university.

20 I don't see how that fits in with the university's
21 purpose, other than to provide revenue for the university. And
22 frankly, I don't think that's enough. It is, you know, the other
23 cases where we had commercial entities leasing portions of
24 campuses, it actually has been tied to an educational purpose.
25 There's not an educational purpose that is specific to housing

1 all these additional people there. And the fact that it happens
2 to be next to AU, and there's a, there's a REIT market for
3 students who have enough money to live in these high-
4 end -- higher-end apartments, rather than living on the, you
5 know, the standard -- living in the standard fare kind of
6 apartments that are offered in university, I mean, that's almost
7 irrelevant.

8 I think that, you know, we could be looking at this as
9 if it was just an apartment building. Right? And a regular
10 apartment building on campus, with people from outside the campus
11 using it. So -- and I don't I mean, I don't think it fits into
12 the category of ancillary commercial uses. I just think it's -- I
13 think it's a straight up commercial apartment building. It's --
14 and I think it would be a -- it would not be appropriate for us
15 to approve this as part of a campus plan.

16 It would be different, in my view, if there were, you
17 know, if the proportions were reversed. Right? If they
18 were -- if there were some legitimate reason perhaps to have, you
19 know, 80 percent of a building occupied by Wesley students, and
20 then there happens to be some extra capacity, and so that can be
21 leased out to others, and they're providing more than necessary
22 with the thought that, you know, they could probably lease it and
23 get a little extra money out of it. I think it would be a
24 different calculus in that circumstance. But in this one, I just
25 don't see how this is anything other than a commercial operation.

1 I mean, I'm not trying to fit it into anybody's
2 definition of what the commercial operations are. And I know
3 that, you know, that the applicant's submission, they talked
4 about Subtitle 200.2(j)(2), and that, you know, the use
5 can -- uses can include accessory athletic and recreation uses,
6 dormitories, cafeterias, ancillary commercial uses, multiple
7 academic administration buildings, and sports facilities. Well,
8 all of those things, it is implied, are related to the educational
9 purpose. In other words, it's dormitories for students, not just
10 a dormitory. Right? I don't think that's enough.

11 I think it has to be dormitories for the students at
12 that university in order to fit into this category. Maybe we
13 need to clarify that regulation, so that people don't try to do
14 things like this. And not just about dormitories, also for sports
15 facilities. Right? I mean, this could be a case where a
16 university, you know, builds a, you know, a big arena, but leases
17 it to some professional sports team, and the income from that
18 feeds into the university. Well, sports facilities are allowed
19 under the regulations. It's the same -- it's an analogous
20 situation.

21 So I, I mean, it's unfortunate, and I'm, you know, I
22 appreciate the fact that Wesley really needs to have some
23 extraordinary support in order to stay -- in order to thrive in
24 places, like (indiscernible) says, but I'm sorry, I just -- I
25 don't believe that this works. I think that it's possible that,

1 | you know, they might look at this as a PUD instead. We have done
2 | campus plans as PUDs instead. And that we could judge it using
3 | PUD standards rather than a campus plan standard. I just don't
4 | think that this works within a campus plan, because it is
5 | undoubtedly a commercial venture in my view.

6 | CHAIRPERSON HOOD: Okay. Thank you, Commissioner May.
7 | I do want to have a dialogue, but let me hear from everybody
8 | else, and then we can just open up and have a free for fall is
9 | what I'm going to call it, because that's probably -- it sounds
10 | like that's what it's getting ready to be.

11 | Commissioner Imamura?

12 | COMMISSIONER IMAMURA: Thank you, Mr. Chairman.
13 | Commissioner May brings up some very good points. This is a case
14 | that I'm conflicted about. What troubles me most is the fact
15 | that the applicant had made some -- had made an argument about,
16 | you know, creating sort of this rich community between AU and the
17 | Seminary. You know, the dormitory would provide sort of this
18 | rich community. And I know there'd be some residual benefit
19 | there, free up sort of the housing stock in the area, you know,
20 | but all of that -- and the fact that even though the Zoning
21 | Administrator does support it as a dormitory view, you know, it's
22 | an issue of function versus operation.

23 | And, you know, the joint programs that they have, the
24 | adjacency to AU, all of that, to me seems sort of a matter of
25 | convenience. I certainly understand that this would enable them

1 | to achieve their mission. But going back and looking at it,
2 | whether it's commercial use or an education use is sort of the
3 | first consideration there. I think it all boils down to which
4 | lens you look through on this.

5 | My biggest concern and caution is about the precedent
6 | that this sets. So I have a concern about that. And I'm
7 | interested to hear what Vice Chair Miller and Mr. Chairman, you
8 | have to say.

9 | CHAIRPERSON HOOD: All right. Vice Chair Miller?

10 | VICE CHAIR MILLER: Thank you, Mr. Chairman. Yeah,
11 | obviously, this is a -- an unprecedented situation where the
12 | university -- the Wesley would be allowing a university -- will
13 | be allowing a dormitory. It is a dormitory. I think it is a
14 | dormitory. But it's not a dormitory for Wesley students mostly.
15 | It's a dormitory for the adjacent American University students,
16 | and they've been adjacent, I think, for over 100 years, or for a
17 | long time. And I think Commissioner May and Commissioner Imamura
18 | raised some appropriate concerns about that precedent.

19 | However, I think I come down on the -- there are just
20 | a number of factors at play here. The -- Wesley
21 | states -- Reverend Dr. McAllister states that they will not be
22 | able to exist where they've existed for all this time, but for
23 | this revenue that will come from this arrangement. So -- and you
24 | know other -- Wesley's not just a educational institution,
25 | they're a religious institution. There are other religious

1 institutions that have found creative ways to stay in the District
2 of Columbia, stay at the site that they've been at for decades.
3 We've considered them as PUDs, as Commissioner May said. Maybe
4 that's more -- a more appropriate vehicle, but I don't really
5 want to get hung up on processes.

6 For me, I think the bottom line is they -- it is a
7 dormitory use. It's not a dormitory mostly for their own
8 students, but for the adjacent AU students. The revenue from it
9 is going to support Wesley's ability to stay in the District of
10 Columbia where they've been and fulfill their mission, which
11 includes all the synergy that existed originally between these
12 Methodist-born institutions and the continuing dual graduate
13 degrees that exists.

14 I don't know how many people are actually taking
15 advantage of -- on both campuses of the other school's courses,
16 but I do see the synergy between -- and the physical, obviously
17 the physical synergy, but I also see the mission -- the
18 educational and religious mission of Wesley as being aided by
19 this arrangement.

20 Aided -- not aided. It's critical to their being able
21 to stay, according to what we've been given by Wesley. So I
22 think -- I think it is -- and I don't think it's insignificant
23 that where these 590 or 600, wherever it is, students would be
24 located, if they're not located there. This isn't affecting AU's
25 on-campus housing requirement of that 100 percent of all freshmen

1 and sophomores have to be on campus, and I think 67 percent, I
2 think, of the rest.

3 I think we're all in agreement, and I think all parties,
4 that it doesn't affect that those obligations remain. But where
5 would these students go if not for -- where would it be more
6 appropriate for these students to be housed, if not adjacent to
7 the campus on another campus, and not maybe disturbing the rental
8 housing market or disrupting the rental housing market in the
9 various neighborhoods that are adjacent to American University
10 and Wesley seminary?

11 It seems like a, you know, a creative solution which
12 has been used, not this type of solution, but a creative strategy
13 that other religious institutions have used to get revenue to
14 stay in the District of Columbia, particularly since they need
15 this revenue, because they are -- they don't have an endowment,
16 they don't have rich students. They have -- their whole mantra
17 is diversity, equity, and inclusion. And in order to be able to
18 continue that mission, they need this project to exist.

19 And so I don't have -- I guess I come down that
20 I'm -- that I think it's okay to consider it as a campus as part
21 of Wesley's campus plan. And the precedent it sets is for, as
22 the Chairman alluded to, it's only this case. I don't know if
23 there is another case where you got two campuses right next to
24 each other, both offering educational opportunities, both which
25 had a history together for decades, and are still continuing

1 mutual agreements amongst each other, in terms of learning
2 education.

3 So I'm might, even though it is an unprecedented, I, and
4 although I have maybe other concerns about the matter, including
5 the ANC's concerns and other concerns that we deal with as part
6 of the Wesley campus plan, but to dismiss it out of hand that it
7 shouldn't even be before us because it's not appropriate. I
8 understand that concern, but I just don't share it at the -- at
9 this current time. So I guess that's where I am on that
10 particular issue, Mr. Chairman.

11 CHAIRPERSON HOOD: Okay. Thank you.

12 I want to thank you all for your comments. And want
13 to bring mind and figure out how we proceed. When I read -- and
14 I know this might not come into play, but to a certain point,
15 but it does come into play. So when I first looked at this, I
16 thought, I made sure that this proposal was not a ending (around).
17 Because, you know, I don't like when people try to find a way
18 around our regulations. I have problems with that, and I'm sure
19 we all do. I looked at the master lease. And I think, Vice
20 Chair, you kind of alluded to something I was -- this was a savvy
21 way of trying to make sure they sustain.

22 But what got me was Exhibit 42, and that's where I'm
23 going now from, you know. This is what I believe. The people
24 who want to be left out of this process and the people who are
25 not going to be able to attend and come in that neighborhood to

1 go to school are going to be people that look like me. And I
2 went, yes. Because I appreciate the Office of Planning calling
3 it like it is. And I think in Exhibit 42, he spells that out.
4 We're requiring a look at the racial equity lens. Yes, sometimes
5 we have to come up with innovative ways, especially now since the
6 racial equity lens is in play. And while this may not necessarily
7 be a direct thing, but this is a way of being innovative, and I
8 think the people who are going to miss out are going to be people
9 who look like me. And that's what usually happens.

10 And I know about the commercial use, and I know about
11 educational use, and I know about all the semantics of trying to
12 stop it from doing this. But I would like to ask Spring Valley
13 and NLC, what other alternatives do you have to make this work?
14 You gave me all alternatives of how not to make it work. Give
15 me the alternatives of how to make it work. How can folks that
16 live in my neighborhood, the two or three people that live in my
17 neighborhood that go to American University, how do they get to
18 be able to participate some time, even though we're talking about
19 Wesley?

20 And then the way I understand it in the record, they
21 have programs. They've been having dual, I guess, dual degrees
22 and some kind of way they work. And I'm not familiar with,
23 because I didn't have opportunity to come up there to go to
24 school. My parents couldn't afford it. So, you know,
25 what -- well, to me it's bigger than that. And I would agree

1 with the Vice Chair. And I don't -- do not disagree with
2 Commissioner May or Imamura, but I think that, to me, I'm taking
3 it a little further of where we need to be. We need to stop
4 finding ways to put roadblocks and stop -- I think this is an
5 innovative way. Yes, I looked at see whether or not this was in
6 and around, and I didn't think it was. I think it was a very
7 savvy way of trying to exist, as the Vice Chair said.

8 So that's why I'm -- I don't know -- I'm ready to
9 proceed with the other discussions. But let's talk about
10 that -- let's talk about this a little more. Let's talk about
11 this a little more. Let's go around one more time.
12 Commissioner May?

13 COMMISSIONER MAY: Yeah. So I think one of the
14 concerning aspects of this is that even, you know, that this may
15 be a unique situation in the District, where we have two
16 universities that are right next to each other, two educational
17 institutions that share some, you know, common bonds, et cetera.
18 I don't think that what's being proposed here is at all tied to
19 that, right. Because I don't think that the -- I mean, we're
20 not going to make a decision that says, or I don't think that we
21 can make a decision that says that okay, well, it's only going
22 to be open to AU students and Wesley students.

23 I'm not sure how we could do that, particularly when
24 you try to factor in inclusionary zoning, right. I mean, you
25 know, the inclusionary zoning thing is a real complication

1 | because while there may be folks who would -- I mean students who
2 | would live here, students with families who would live in these
3 | buildings, who might qualify for inclusionary zoning apartments,
4 | I don't know how you steer that to particular students. So I
5 | mean, that that raises another complication.

6 | I mean, I think this is really, what it comes down to
7 | is that this is just an apartment building on a college campus
8 | that's going to be used -- a bunch of the apartments are going
9 | to be used by the residents of those -- or the students who attend
10 | that college. And then, you know, the rest are probably going
11 | to go to AU students. But I don't know that it's going to be
12 | limited to that, and I don't know that we can limit it to that.

13 | And it just sort of exaggerate -- I mean, it emphasizes
14 | the point for me, which is that what we are essentially doing is
15 | licensing or -- wrong word. That sounds too technical. We're
16 | allowing -- we would be allowing the university to lease out a
17 | portion of its property for this other use. And under the pretend
18 | circumstance that it is, quote, "a dormitory," and that it is
19 | somehow connected to the university's mission, I really don't see
20 | how the connection works to the university's mission.

21 | And I think that it's -- I mean, it's really -- the
22 | whole reason why this is happening is because of the money that
23 | this will bring in. And I, you know, I recognize there have been
24 | other creative moments when the Zoning Commission has approved
25 | redevelopments of church properties, which are typically small

1 buildings on larger parcels of land, and the property values in
2 the District are such that there's huge value in all of that
3 land, and it makes sense for the churches to sell the property
4 to a developer who builds them a new church on the property and
5 builds apartments or commercial, whatever else. And that's a way
6 of maximizing the value of property and returning some of that
7 value to the churches that, you know, that have existed there for
8 decades.

9 Yes, that -- but that's -- the path for doing that is
10 very clear. That's something that's very explicitly allowed
11 within the constraints of the zoning regulations. This is
12 something that's really outside of that, and I'm very concerned.
13 I mean, again, somebody brought up the case in the hearing that,
14 you know, this could be -- this could lead to sports facilities
15 being built, right.

16 You could build a 20,000-seat arena, or a sports
17 franchise could build a 20,000-seat arena on the campus on a
18 ground lease, and pay some money to the university, because the
19 university needs the money. And then, you know, the university
20 could use it part of the time, when it's not used by the sports
21 team. And that supports their issues -- I mean, their operations.

22 But it's still -- it would be a commercial operation
23 within the campus. I'm not sure that we're ready to go there
24 and open the door for that kind of adventure. But this action
25 would very clearly set a precedent for that -- for that kind of

1 activity. And it's not just limited to, you know, sports
2 facilities. There could be other objectional purposes.

3 We don't want to allow the campus plan rules which
4 allow universities, colleges, schools of all sorts, to have a
5 great deal of flexibility in terms of, you know, height, bulk,
6 massing, et cetera, and the variety of uses within
7 campus -- within a campus while inside of another zone, a
8 residential zone, you know? And you can do things on the campus
9 that you couldn't do across the street from the campus.

10 And we would be, you know, we allow those things because
11 we have this control over the plan and because we can make sure
12 that those things don't have an impact on the surrounding
13 neighborhood.

14 This is a way of sort of sneaking in other commercial
15 ventures of a whole range into the campus plan tent, just to be
16 able to get these things done. I don't think that that's the
17 right way to do it. Again, you know, maybe it could work as a
18 PUD. Maybe Wesley could sell off part of their property and have
19 it redeveloped into, you know, some sort of venture that's going
20 to provide money for them in another way, or maybe they just need
21 to sell the property and find another location.

22 It's not -- I don't think it's our job to find a way
23 to save this institution in this location. You know, I appreciate
24 the creativity, but I don't think that it's -- that it works
25 within the bounds of the zoning regulations.

1 CHAIRPERSON HOOD: Well, I really appreciate your
2 discussion, Commissioner May. But let me just say this. We have
3 done certain things with other universities to make it work. I
4 think we did one university with a 25-year campus plan, or maybe
5 it's 30. I can't remember how many. It's so many years. But
6 it was more than just our regular 10-year. And then we -- and
7 they -- that particular university instituted started doing PUDs
8 and everything within the campus. Now we work with that
9 organization as well, who I think had much more money than this
10 institution.

11 So again, when I look at this, and I hear we talking
12 about it has no mission and it doesn't go to the mission, I think
13 it does go to the mission. And the reason I believe it does go
14 to the mission, even though it's money, I believe the reason it
15 does go to mission because the people that they're
16 helping -- first of all, you're helping the university to
17 continue their education process. So it's all in semantics.
18 It's how you look at it.

19 But I believe there is a way or there is a path that
20 it goes to the mission. And it might be a stretch for others,
21 and it depends on where you fall down on. If you're like some
22 groups that don't want this to happen, yeah, you're not going to
23 go that far. But I believe that there can be a connected nexus
24 that it goes to the mission. I don't think it just fold -- it
25 just stops right there and doesn't go to the mission as far as

1 | to the -- to this university. Because we're talking about trying
2 | to save people in the District.

3 | And then to even back it up, and I'm guilty here too,
4 | as well as anybody else, maybe we need to relook at our
5 | regulations. And I know they're new, but maybe we need to relook
6 | at it. Because people now, especially with COVID, even before
7 | COVID, are trying to find innovative ways to be able to sustain,
8 | and that's what this university is doing. Whether you like it
9 | or not, this neighborhood is -- you have to be affluent and you
10 | have to have money. And that's what they're trying to reach out
11 | and do here. And I think it's a -- it was a smart plan. I think
12 | it's great. But I just don't believe we just need to cut it off.

13 | Now if there's another way we can do it to make
14 | everybody happen in commercial, then I say let's do it. Because
15 | it's a no-win situation here. If we go with one route, then
16 | people are going to lose. And the people who are going to lose
17 | the most are the people who are less fortunate. And that's not
18 | what I believe this Commission or anybody wants to do. So I
19 | don't think I'm going to -- we're going to change anybody's mind,
20 | but does anybody else have a second round they want to go for?

21 | Commissioner Imamura?

22 | COMMISSIONER IMAMURA: Thank you, Mr. Chairman. I
23 | think Vice Chair Miller shared some good points as well.
24 | Commissioner May. The dialogue that we've had here just shows
25 | sort of the difficulty of making the decision here. In my notes

1 here, Mr. Chairman, you used the word "innovative." I also
2 wrote down innovative, which makes you pause and reevaluate
3 existing business models and practices. And that's what's made
4 everybody uncomfortable. Somebody has thought outside the box.
5 This may be a unique circumstance.

6 Again, all the benefits here are, you know, or the
7 arguments here are the dual degree, the adjacency. I think I
8 read, you know, they share steam. They share telephone service
9 between universities. All these sort of connections, again, is
10 sort of a, in my mind, sort of a matter of convenience. And
11 here, I think Commissioner May mentioned, you know, to take a
12 look and apply the regulations. But there are also some public
13 benefits as well, so I'm still conflicted.

14 CHAIRPERSON HOOD: Okay. I'm actually in the same
15 place I was before I got here. So this discussion haven't helped
16 me out any. But anyway, let's see. Vice Chair Miller, and then
17 we'll go back to Commissioner May.

18 VICE CHAIR MILLER: Well, I agree with your comments,
19 Mr. Chairman, and the most recent comments of Commissioner
20 Imamura regarding the -- this being a creative, innovative way
21 for a religious institution that has an educational mission as
22 well, to be able to stay where they've been, for a very, very
23 long time. And we may -- probably do need to revisit our
24 regulations to clarify what is permitted and what's not.

25 You know, this isn't the -- this wouldn't be, if we get

1 to the point of approval -- if we got to a point of approval,
2 there's further processing that occurs that would deal with
3 objectionable impacts, and we're going to deal with -- if we get
4 to further discussion of other things, we can get to that
5 discussion today and deal with some of those may be objectionable
6 impacts.

7 But and, yeah, professional sports arena, I would have
8 a problem with that. But it wouldn't happen unless we approved
9 it. And I don't think there are three -- there would be one vote
10 to do that. So I think this is a unique situation.

11 I would have preferred, I think I said it at the
12 hearing, I think it would have been cleaner if there had been
13 another solution, if AU had somehow been able to obtain, through
14 a monetary compensation of Wesley, this land for themselves and
15 come to us with a campus plan amendment for a dormitory right on
16 their -- basically on their campus on that same hilltop. But
17 that's not where we are.

18 I'm not here to figure out how they can do this -- they
19 can't do it this way, but I'm convinced enough to know that this
20 way could work. And for this part of it, I would like to get to
21 yes, so that we can move on and deal with concerns that the ANC
22 and others have raised in terms of allowing this type of use on
23 Wesley's campus. So I don't know if that's helpful to anybody
24 else. I don't know if it was helpful to myself to say all that.

25 But I think, Chairman, your point about the mission of

1 Wesley and the type of students that are there, the racial equity,
2 inclusion, diversity is important. And I think that that's -- and
3 I think a dormitory use on a on a campus is an appropriate use.
4 It's better there than somewhere outside of the immediate
5 hilltop. I really think it is. It's a more appropriate location
6 there than almost anywhere else that would cause many more
7 objectionable impacts.

8 So I think we're caught up in a theoretical thing, and
9 our regulations didn't clearly contemplate this. It would have
10 been cleaner if there was another way to go. I'm not their lawyer
11 to figure that out. I don't want to figure it out. I want to
12 move on, if we can, to discuss the case.

13 CHAIRPERSON HOOD: Well, my problem, my concern, Vice
14 Chair Miller, is I think if we don't get this straight, then we
15 don't move -- I mean, we can go through all the other stuff, but
16 I believe, and I'm going to ask counsel to pop-up, I believe we
17 need to get this straight. I mean, we can run through all the
18 issues about the bell and some of the egress issues, and the bell
19 tower. We can do that. But I think this is a threshold issue
20 that if we don't do this, then we would have to send them back.
21 Let me see if counsel, opine or say yes or no, that's the right
22 direction, wrong direction.

23 Mr. Liu?

24 MR. LIU: Hi Mr. Chair. Yes, you're correct. You do
25 need three votes to move forward with approving or denying the

1 campus plan. So if you can't agree on resolving this issue, then
2 you don't have -- seems like you don't have the required number
3 of votes. Yes.

4 CHAIRPERSON HOOD: Mr. Liu, I think I got that point.
5 I just want to know, is this -- so what you're saying I
6 probably -- we probably should vote on this issue, and then to
7 move forward?

8 MR. LIU: No, you don't need to vote on this specific
9 issue, but you do need to resolve it before you move on to taking
10 your final vote tonight, yes.

11 CHAIRPERSON HOOD: All right. Thank you, Mr. Liu.
12 Thank you for popping up and telling me that.

13 All right. What I want to do, and I can run through
14 the other stuff with my colleagues. What I'm going to do, I'm
15 going to put it back on the parties. I don't think we necessarily
16 need -- and they've heard our discussion, and I don't know. I
17 want to hear what you all think, because guess what, things are
18 probably going to go this way at some point in time. It's only
19 a matter of time. But how do we get there?

20 Unfortunately, right now -- now, maybe some years from
21 now, somebody have it -- the regulations be right and there will
22 be a newer commission sitting here, and they'll breeze right
23 through this. But I think the Vice Chair's point is, the mistake
24 or whatever we may do now to this university may be detrimental
25 for the -- for years to come. So that's kind of where I am on

1 this.

2 I don't know. Do I kick it back to the applicant?
3 They've heard our discussion, and to Spring Valley. And I don't
4 need a book. And the ANC, they've heard our discussion. They
5 heard our dilemma. Or do we just plow forward and make a decision
6 and move on?

7 COMMISSIONER MAY: Mr. Chairman, if I may?

8 CHAIRPERSON HOOD: Yes.

9 COMMISSIONER MAY: Sorry. You know, I would certainly
10 be open to the idea of revisiting the regulations to put
11 sideboards on anything like this, if we are to consider that in
12 the future, and maybe to refine the language with regard to campus
13 plans, so that it's explicit that all these issues, you know,
14 have to be tied to the primary university use, things like that.

15 I'm certainly open to that. That doesn't necessarily
16 help us here, but it would help us resolve things going into the
17 future. And, you know, it's -- I think it's pretty clear that
18 the way -- what we have in front of us right now, I do not believe
19 should be approved. And I know that Mr. Chairman and the Vice
20 Chair are very much in favor of it. Mr. Imamura, I think, remains
21 conflicted. And it looks like he's been wanting to talk, so
22 maybe he wants to either confirm the deadlock, or perhaps side
23 with you. In which case, we can move on to other issues, and
24 I'll just vote no in the end. But maybe we should hand things
25 over to him.

1 COMMISSIONER IMAMURA: Well, thank you,
2 Commissioner May. It does appear that I could be that swing
3 vote. So I was waiting for a moment to just sort of pause and
4 let there be sort of this grand crescendo here. So I recommend,
5 Mr. Chairman, that we move forward, so that way we can tackle
6 the other issues and move on through the rest of our meeting and
7 address the other cases. So I am prepared to vote.

8 CHAIRPERSON HOOD: Okay. All right. I can count to
9 three, at least. Actually to four. So let's -- and regardless,
10 let's go ahead and move to the other issues. And we can -- out
11 of respect to Commissioner May, who's a longtime member whom I've
12 served for years on this Commission, I still want to -- I
13 still -- I don't feel like we have resolved this. I think there's
14 resolution to this whole issue. And I'm just going to put that
15 in the parking lot and come back to it. Even though we differ,
16 I still think it can be some resolution here that is a win-win
17 for all. And I'm not talking about the Commission. I'm talking
18 about the community and the City.

19 COMMISSIONER MAY: Right.

20 CHAIRPERSON HOOD: Okay. Let's go to -- I'm not sure
21 who bought up -- okay, we know that at approximately what 550 of
22 the 659 beds in the new dorm would be rented as AU. So we
23 got -- we kind of got through all of that, unless someone has
24 any concerns or marked any -- okay. I'm just going by what
25 counsel has kind of laid out for us, which I appreciate. It's

1 | always good to have help.

2 | Now, the -- okay, the bell -- I'm not sure who -- I
3 | don't know if it was you, Vice Chair, that wanted to know the
4 | height of the bell. Somebody. I can't remember right off. But
5 | the issue about the bell tower -- maybe it was the Commission.
6 | Maybe the Commission asked the question about the height of the
7 | bell tower. Are you satisfied -- that was an Exhibit 36, I
8 | believe.

9 | VICE CHAIR MILLER: No, I'm not satisfied. But I -- I
10 | think I did ask, or I was one of those who asked for the
11 | relationship between the height of the proposed dormitory and the
12 | height of the chapel and bell tower. I'm not -- I saw the
13 | applicant's response that the bell tower is at 90 feet. And this
14 | is apparently considerably shorter than that.

15 | But they -- we didn't -- I don't know if we heard about
16 | the height of the chapel. And we certainly didn't see any, I
17 | don't think, pictorial or a rendering or illustrative rendering
18 | there, which might have shown from Massachusetts Avenue, for
19 | example, the perspective of what the chapel -- it has the statue
20 | of Christ on it you see very visibly from Mass Avenue, whether
21 | the dormitory that's going to take up a lot of room, whether
22 | that's obstructing that view or just how it relates.

23 | So, yeah, I would like to see that relationship and
24 | understand what the height of the chapel. I'm not sure we already
25 | -- heard about the height of the bell tower, 90, but not the

1 chapel. So I think it -- I think Spring Valley group is correct
2 that we didn't quite get a fulsome answer or response to that
3 question that we -- the Commission wanted that question, so.

4 CHAIRPERSON HOOD: Okay. So that's something that
5 we'll be looking for possibly. You -- we'll be looking for it.
6 I'm not -- the reason I say possibly, because I don't know whether
7 we're going to do -- I don't know where we're going. I think
8 this is a one-vote case, right? This is a one-vote case. Yeah.
9 So that's something we will be looking for, I believe, before
10 taking a vote, so we can make sure we have everything we need in
11 the record.

12 The other thing, I'm not sure who brought this up about
13 the request for Wesley to work with AU on providing access to
14 the Metro via AU shuttle. I think that was one of my colleagues.
15 I'm not sure who.

16 Was that you?

17 VICE CHAIR MILLER: I know I raised it. I may have
18 but somebody else might have as well. And I would like more of
19 a commitment, at this point, if that's the case. I mean, that's
20 -- they say -- they responded that for years Wesley students have
21 been able to use the AU shuttle, and then we saw something in
22 the record that everybody's been able to use the AU shuttle,
23 apparently, in the neighborhood. But apparently there might have
24 been some announcement by the AU president recently, I think this
25 came from the Spring Valley or a Neighborhood for Livable

1 community that it's going to be exclusively limited to AU
2 students.

3 Now this dormitory is mostly going to be for AU
4 students, so maybe it's all mute. But I think the shuttle, the
5 Metro shuttle, it provides a valuable service to the people who
6 will use this campus and the public by discouraging vehicular
7 traffic from going into -- going in and out of this area.

8 So I think we can -- I think we should be able to get
9 a better commitment that that use by those who are on the Wesley
10 campus will be continuing. I don't think it's that difficult a
11 question, if -- especially if it's -- they did say that it's been
12 going on for years. But then they didn't go to next step and
13 say yes, of course, we would continue that. So I think I would
14 like a more fulsome response to that question as well.

15 CHAIRPERSON HOOD: I think they told us, Vice Chair,
16 in the further process, as you alluded to first, unless you want
17 it here and now or for this proceeding.

18 VICE CHAIR MILLER: I don't know. I mean, it doesn't
19 seem to be that difficult to make that commitment. It seems like
20 they've -- they're doing it. They've been doing it for years.
21 They're coming up with a big project here. I want those people
22 who are going to be there, whether they're Wesley or AU, or
23 students, or families in the -- of those students, I want them
24 to be able to use the Metro shuttle.

25 And I really, yeah, that is one of the issues. All the

1 | issues -- most of the issues could be taken care of further
2 | processing. But if we end up asking for more information, either
3 | at the at the conclusion of today's deliberations, that be one
4 | additional request or reiteration of requests that I would make.
5 | At this point, make the commitment.

6 | CHAIRPERSON HOOD: Okay. And also the taxable status
7 | of the dormitory. While that's not necessarily -- I'm not going
8 | to use the word, in our jurisdiction. That's not in our
9 | decision-making process. I don't know, you know the response.
10 | Well, I just want to clarify. The question was raised, and that's
11 | not in our decision-making process. But I'm not sure who asked
12 | that question. Was that you too, Vice Chair? Okay.

13 | VICE CHAIR MILLER: I did. And I saw the applicant's
14 | statement that it would be taxable as a possessory interest
15 | without any backup information as that would be the case. I
16 | think I had asked them -- I think I had asked Office of Planning
17 | to check with Office of Tax and Revenue and the Chief Financial
18 | Officer's office to get us a confirmation or get us some
19 | information on that, and OP, instead, relied on the applicant's
20 | statement.

21 | I, you know, I was asking more out of curiosity and the
22 | impact on the City, in terms of, to get back to what Mr. May was
23 | talking -- Commissioner May was talking about, whether, you know,
24 | an apartment building would be generating revenue outside of this
25 | campus. And this does -- it -- so I wanted to know, well, is it

1 taxable or not, since it isn't strictly only for Wesley students
2 and their families.

3 So I would have liked something from our own OTR people
4 on that issue. It's not -- I'm not sure how consequential it
5 is, except it's -- it gets to the campus with the proposal, the
6 project's impact on the surrounding neighborhood, the City, and
7 in this case, the City's revenues. So I -- if it's going to be
8 taxable either way -- of course, if it's going to be taxable,
9 that kind of gives credence to Commissioner May's argument that
10 it's not an education or religious use.

11 So and I embrace it for that purpose. I really want
12 to know the impact on the City and the neighborhood, but -- from
13 this type of creative solution. So I would like an OTR. If
14 we're asking for more information, I would like an OTR statement
15 about this, not an applicant conclusionary statement without any
16 backup of what -- similar situations. So yes, another question
17 of mine that I would like a more fulsome response if we get to
18 this point.

19 CHAIRPERSON HOOD: Commissioner May? Yes?

20 COMMISSIONER MAY: Yeah, I'm not terribly troubled by
21 this, only because I know from our own experience in the Park
22 Service, that when we lease property out to a private
23 organization, no matter what their status is, they do have to
24 grapple with the possessory interest tax or whatever it's called.
25 So, yeah, when we lease property out for a commercial operation,

1 as we have done with our golf courses, as we have done with the
2 Washington New Club, the outside organization that we've lease
3 to is responsible for paying a, what is essentially in lieu of
4 property tax, you know, taxes.

5 So, is it -- is the commercial income from that taxable?
6 I assume that's always the case. Right? So it's really just
7 about the property tax. And there's, you know, when federal
8 agencies rent out land, you know, the people they rent it to has
9 to pay -- have to pay the tax. Have to pay a tax. I don't know
10 if it's the same rate, what it is. But that's been our
11 experience. So I'm not too concerned about it. I assume it's
12 going to be taxed.

13 CHAIRPERSON HOOD: Okay. And Vice Chair, I think, to
14 your comments, I believe that we're going to be leaving record
15 open for some of this information. Not a book, but certainly we
16 want sound bites. We already have the book. So some of the
17 questions that we follow up on. I will go over the conditions
18 that the Office of Planning had raised. And I'll just read --
19 I'm not going to read all of it. It's in their report, which is
20 Exhibit 12 -- in 12(a)(7), I believe, Proposed New Condition for
21 47.

22 "The applicant shall be responsible for the
23 construction of the University Avenue sidewalk and ADA-compliant
24 pedestrian ramps recommended in District Department of
25 Transportation's report on this application in a proposed new

1 Condition No. 48. If we get this far, the Zoning Administrator
2 having determined that Subtitle C, 1001.6(c) does not exempt
3 penthouse habitable space in the proposed new dormitory from the
4 requirements of Subtitle C, 1507.

5 AAt further processing of the proposed new dormitory,
6 the applicant shall demonstrate how these requirements will be
7 met. At Proposed Modification Condition 14, the new dormitory
8 will be developed on lot 819 after further processing in
9 substantial accordance with the plans attached as Exhibit,"
10 whatever exhibit numbers is, "the new dormitory will house only
11 enrolled Wesley students and their," parentheses, (and their
12 immediate families) and American University students, not
13 otherwise required by the American University campus plan to be
14 housed on the American University campus." And then in
15 parentheses, (And those American University students immediately
16 immediate families, if any.)"

17 And then it goes on. It's quite a bit more. And I
18 would ask folks who would like to see it to read page 9 and 10
19 of the Office of Planning report. But what's underlined,
20 "(immediate families are defined for the plan as the spouse or
21 domestic partners and dependent children under the age of 18
22 living in the same apartment unit as enrolled Wesley students and
23 American University students who are residing on the campus." So
24 much more to that, but I want to put that on the record.

25 Also DDOT submitted their hearing report, and we said

1 -- okay, the conditions that the applicant and DDOT confirmed at
2 the hearing that they're (indiscernible) conditions for what DDOT
3 in their report, not necessarily really satisfied the applicant's
4 updated TDM plan. So Neighbors for Livable Community and Spring
5 Valley, Wesley Height Citizen Association has mentioned stuff
6 about the ground lease, and, you know, we've read through all
7 that. And then there was a response from the applicant. We've
8 read through all of that.

9 VICE CHAIR MILLER: Mr. Chairman? Mr. Chairman, I had
10 a question about Office of Planning's --

11 CHAIRPERSON HOOD: Okay. Let's go ahead.

12 VICE CHAIR MILLER: -- proposed new conditions that you
13 read. I, with all of this material, I may have missed this. Do
14 we know that the applicant has agreed to these additional
15 conditions that the Office of Planning has recommended?

16 CHAIRPERSON HOOD: I actually, Vice Chair, I don't
17 remember, but they're listening. Let us know if you did or not.
18 I believe they --

19 VICE CHAIR MILLER: Yeah, that's what I want to know.
20 I just want to make sure -- I want a confirmation that the Office
21 of Planning's additional proposed conditions that you just cited
22 have been agreed to by the applicant. And, yeah, and then I have
23 another question for you, Mr. Chairman.

24 CHAIRPERSON HOOD: And then we have letters in support
25 and letters in opposition. So that -- I think that's -- I believe

1 that -- I don't know if I left anything out. Probably have, but
2 we can always tighten it up later.

3 But question for me. Go ahead, Vice Chair.

4 VICE CHAIR MILLER: The question was you brought up the
5 ANC-3D conditions that they asked for, or they requested. And I
6 guess I want clarification, unless somebody can clarify here,
7 that the applicant is agreeable to them, or if not, why not? I'm
8 not sure that we got that explanation. But if we're going to
9 get more information, those issues were involving ingress from
10 University Avenue.

11 ANC suggested limiting egress from University Avenue
12 to emergency and limited service and delivery vehicles only. The
13 applicant's current proposal is to, I guess, prohibit it during
14 rush hour -- peak hours. DDOT indicate it supports that plan.
15 I guess I want to know if the applicant is open -- would be
16 willing to go beyond that to do something more of what the -- in
17 line with what the ANC is suggesting on that -- on the egress
18 -- on that University Avenue egress issue.

19 The fence issue, I think we did have testimony or
20 dialogue about the fence between the two universities, and I
21 thought that they were going to facilitate pedestrian flow. But
22 I guess I want clarification that that's the case, if we're going
23 to get more information from the applicant, and OP, and others.

24 CHAIRPERSON HOOD: Okay. Does anybody have anything
25 else? And we're still going to keep that commercial conversation

1 on the table for when they come back. It's only a one-vote case,
2 so we will not be voting on this tonight, because we have
3 information that we're asking for. Looks like we're going to
4 revisit this conversation, as we grapple and think about it more
5 and digest it, you know, we may come back with a different
6 outcome, once we get some submissions we asked for. And that's
7 pretty much all I have on this. Anybody have any other comments
8 on this?

9 COMMISSIONER MAY: Yeah. I mean, I had asked a bunch
10 of questions about the height of the building and the visibility
11 from University Avenue. And they did make a submission. I mean,
12 specifically, like what did it look like before. And I think,
13 you know, before they submitted what they submitted, that the
14 neighbors had objected to. And frankly, I found that, you know,
15 more viable. I'm not terribly concerned about the impacts of
16 that building on the residents of University Avenue, because of
17 the distance, and the, you know, just that separation. I think
18 it's pretty substantial.

19 So I'm really -- you know, my concerns about that
20 building are the use of the building, not how its configured.
21 And of course, we will go through all this in great detail at
22 further processing. So just wanted to make that point. Thank
23 you.

24 CHAIRPERSON HOOD: Thank you.

25 All right. Moving along. Ms. Schellin?

1 COMMISSIONER IMAMURA: Mr. Chairman?

2 CHAIRPERSON HOOD: Yes, Commissioner Imamura?

3 COMMISSIONER IMAMURA: Sorry. I just wanted to add.
4 This is a very important case and a serious case, but if you'll
5 allow me, I just wanted to add a little bit of levity. Take a
6 moment here to take all of this in as the most junior commissioner
7 here, that my vote, if we were to vote -- voted tonight, would
8 perhaps make a difference in this case. So with that, we will
9 let the suspense continue to build. I still remain a little
10 conflicted about this. But we will allow a few additional things
11 back into the record. So again, thank you for forbearance, Mr.
12 Chairman.

13 CHAIRPERSON HOOD: (Indiscernible), Commission
14 Imamura, but I appreciate your comments. But I want to tell you
15 something. After you've been here a week, you're not green
16 anymore. Being green is done. Maybe we'll get our fifth member
17 eventually, and then we'll -- we definitely won't have any splits.
18 But we'll see. If it splits, it splits. That will make us work
19 towards -- if it did, I'm just saying this, that'll make us work
20 towards a final -- that'll make us all work harder, including the
21 public. That's the way I look at it, but anyway.

22 All right. Ms. Schellin, do we have any dates for this
23 when we're going to revisit this, or?

24 MS. SCHELLIN: I think so. Since the Commission asked
25 for some documents, we'll need to set a date and allow a date

1 | for responses from the parties. What meeting did you want to
2 | bring this back?

3 | CHAIRPERSON HOOD: And let me ask this. I know two
4 | weeks is going to be, because I think we have a meeting, that's
5 | going to be too soon, I believe.

6 | COMMISSIONER MAY: Uh-huh.

7 | MS. SCHELLIN: Yeah.

8 | CHAIRPERSON HOOD: So what about the first meeting in
9 | September?

10 | MS. SCHELLIN: Okay. That would be September 8th. And
11 | that would require --

12 | CHAIRPERSON HOOD: Give everybody a chance to
13 | communicate.

14 | MS. SCHELLIN: That would allow the ANC an opportunity
15 | maybe to meet before their recess in October --

16 | CHAIRPERSON HOOD: Ms. Schellin? Ms. Schellin? Hold
17 | on. Hold on for a second. I forgot about the ANC. Let's do
18 | the last meeting in September, because the ANC may not meet -- I
19 | don't know when the ANC meets. And if we're getting ready to go
20 | into August recess, they may be in recess now. I know my ANC
21 | is. They recess for two months. So let's go to the last meeting
22 | in September.

23 | MS. SCHELLIN: Okay. In that case, if the applicant
24 | could make their submission by, let's see, working backwards, if
25 | the applicant could make their submission by September 8th, 3

1 o'clock p.m. Actually, I'm going to say September 1st, that they
2 make their submission. And then the parties, other than the ANC,
3 could make their submission by September 8th, 3 o'clock p.m. And
4 we could have the ANC make their submission up until September
5 22nd, because we don't know when they meet. We'll give them some
6 extra time. And then we can put this on for September 29.

7 CHAIRPERSON HOOD: Okay. Are we all on the same page,
8 colleagues?

9 (No response.)

10 CHAIRPERSON HOOD: Okay. All right. Thank you for a
11 robust discussion, and I'm hoping that we'll come back even closer
12 together on this, hopefully.

13 Okay. Let's go to proposed action. Does anybody need
14 a break? That's a lot. Okay. All right. Let's go to proposed
15 actions, Zoning Commission Case No. 21-18. This is the Dance
16 Loft Ventures, LLC, Consolidated PUD And Related Map Amendment
17 At Square 4704.

18 Ms. Schellin?

19 MS. SCHELLIN: Yes, sir. At Exhibit 795 through 795C
20 and 796, you have the applicant's post-hearing submissions. At
21 Exhibit 797, the opposition party requested an extension of time
22 to file their response, which was granted by the Chairman. And
23 their response is then at Exhibit 798. At Exhibit 799, the
24 applicant filed a motion to strike a portion of the opposition
25 party's response and Exhibit 800 and 800A, you have the

1 applicant's draft order. So this case is ready for the Commission
2 to consider proposed action.

3 CHAIRPERSON HOOD: Thank you, Ms. Schellin.

4 And colleagues, if we get some of this stuff mixed up
5 with the other case, then forgive us, because we don't -- we're
6 doing our best. I will tell you that the motion to strike, I am
7 not inclined to grant a motion to strike, because the information
8 that has been provided is not relevant to our proceeding or to
9 our -- to zoning. So I don't necessary have a problem. We get
10 a lot of stuff that's not relevant. We can decide what we
11 deliberate upon and what's important to our decision making in
12 that case. So let me hear from others on that motion to strike.

13 Commissioner May?

14 COMMISSIONER MAY: I agree with you, Mr. Chairman. I
15 don't think the information is relevant to the zoning decision
16 that we have to make. I don't -- so I don't see any harm with
17 it being in the record. So I just say leave it there, and we
18 won't give it the consideration that it warrants, which is none
19 in my view.

20 CHAIRPERSON HOOD: Commissioner Imamura?

21 COMMISSIONER IMAMURA: I have nothing to add to that.
22 Mr. Chairman. I'm in agreement with both you and Commissioner
23 May.

24 CHAIRPERSON HOOD: And Vice Chair Miller?

25 VICE CHAIR MILLER: I concur also. Thank you.

1 CHAIRPERSON HOOD: Okay. Okay. So we'll continue to
2 move on with our proposed action. And as we all know, and I
3 appreciate the issues being helped -- helped me lay it out the
4 issues. Grant application not inconsistent with the
5 Comprehensive Plan. That's one of the things we have to look
6 at. And that after balancing the relief, benefits, and potential
7 adverse effects, the application warrants our approval, and then
8 the Commission -- we as the Commission must give our great weight
9 to our ANC -- the ANC and any issues and concerns that they have
10 in their written report, and also to Office of Planning
11 recommendations.

12 So in this case, we had a lot of testimony both ways.
13 And I would just start right off. One of my major concerns were
14 the -- I'm going to call it the square where people want to be
15 located. And I appreciate it being pointed out to me and also
16 in the record where it showed the view that I asked for, which
17 really gave me a lot of -- I may have to get it first-hand.

18 So first, I think the first question is we have to talk
19 about consistency with the Comp Plan. While I know it may be
20 some inconsistencies and I also know there may be some impacts.
21 Some of the other things I believe that way into -- when we talk
22 about affordable housing, this affordable -- you know, this City
23 has -- we've been talking about affordable housing. This is
24 almost a reoccurring -- it comes up in every conversation. And
25 I think this is an attribute of trying to achieve affordable

1 housing.

2 So, but also know the impacts on the community that are
3 right there in the square, like I call it, are very detrimental.
4 And it means a lot to them, because they're the ones who are
5 going to be impacted in there. So let's talk about the
6 consistency. Who would like to start us off? Anybody.

7 Commissioner May or -- I know I always start with you
8 anyway, so.

9 COMMISSIONER MAY: Sure. So, I mean, it seems very
10 clear that just when you look at the Future Land Use Map
11 exclusively, that what's proposed here is consistent. And I
12 mean, it doesn't -- that makes a whole lot of sense. It looks I
13 mean, as I recall the history of this, that that change to the
14 FLUM was driven, at least in part by this project in particular,
15 but certainly something to take advantage of that very deep
16 property and its potential use for greater density. I think that
17 the -- I would also say that, you know, that we have to, when we
18 are considering this, you know, consider other policies that
19 support its approval.

20 I mean, certainly there are aspects of our approval
21 process on a PUD where we have to take into consideration adverse
22 impacts that might weigh against those. But I think, you know,
23 that all of the other policies, as supporting development of
24 affordable housing, and this is a highly-affordable project, it
25 also, you know, supports a local business, which is important to

1 | the community. We certainly saw ample evidence of that in the
2 | testimony that we received, many, many letters I saw, although
3 | most of them were not from the immediate neighborhood. But it's
4 | not just about the immediate neighborhood when we are thinking
5 | about a PUD and why it should be supported.

6 | So yeah, I mean, I think that, you know, on balance,
7 | there's substantial support in the Comprehensive Plan for
8 | granting approval for this project. I'll talk more about adverse
9 | impacts when we get to that aspect of it, unless you want me to
10 | go ahead right now.

11 | CHAIRPERSON HOOD: Yeah. Yeah, you can go ahead. Yeah,
12 | and let's just put it all out there.

13 | COMMISSIONER MAY: I will say, you know, probably the
14 | strongest argument against the project was actually the
15 | applicant's most recent submission, which included those views
16 | from the neighbor's properties, right, where we saw how big that
17 | building was from the backyards of those houses. And I understand
18 | why they didn't necessarily want to show that to us initially,
19 | but we did ask for it. And we did hear testimony from other
20 | neighbors who were concerned about the project, that it was going
21 | to have a very significant impact on their properties, having,
22 | you know, that tall building next to them.

23 | That being said, I don't believe that taking a floor
24 | off of that building would reduce that impact significantly. So
25 | all this argument about taking off a floor and then putting the

1 density on 14th Street, I think is a non-starter, not just because
2 it doesn't make financial sense from the applicant's -- based on
3 the applicant's testimony, but it also, you know, just visually,
4 it's not going to be that much less impactful if it's one story
5 less. Maybe if it's two stories less, it will be less impactful,
6 compared to, you know, what's there right now.

7 So, yeah, I mean, there's -- there is, you know, we
8 can't say that there's no impact. We can't say that there's --
9 that the impacts are capable of being mitigated. I mean, I think
10 that they have done what they can to reduce the impacts by pushing
11 the face of the apartments into the property by 15 or 16 feet
12 all around what projects into that block. All that being said,
13 I think the key issue here is that the other benefits of this
14 project outweigh the impacts.

15 I mean, this is one of those cases where we -- where
16 the impacts, essentially are acceptable, given the other benefits
17 of the project. And I think that's where we -- were I land on
18 this. I will also, you know, reminded of the careful examination
19 by the ANC, who looked at this very carefully, and I think
20 understood all of the impacts that it would have, but on balance,
21 could not find any reason not to support it.

22 And I mean, it's not exactly a full-throated
23 endorsement, but I can absolutely understand that perspective.
24 And I appreciate the level of examination that the ANC got into
25 for this and their conclusions as well. I think it's -- I think

1 they are -- that conclusion is most important, and I think that
2 ultimately, this is a project that is beneficial.

3 I will also say it is -- and the impacts are clear to
4 those surrounding property owners. However, it is not uncommon
5 in RF1 neighborhoods, particularly older RF1 neighborhoods, to
6 have, or any rowhouse neighborhood, no matter what the zone is
7 surrounding it, to have some large apartment buildings nearby.
8 And this is not a super large apartment building by those
9 standards, right. Seven- and eight-story buildings are common
10 in many rowhouse neighborhoods.

11 And, you know, some people live next to them, or their
12 homes back up to them, and they are there. And they are still
13 good homes. They're still good properties. They are -- in this
14 case, it'll be different from what it was -- or from what it is
15 today, once that building is built, but I don't think that the
16 impact on those surrounding properties is unacceptable. I think
17 it is acceptable given the other benefits of the project.

18 So that was very lengthy. Sorry about that, but I have
19 a lot to say.

20 CHAIRPERSON HOOD: Okay. That's good.

21 Commissioner Imamura?

22 COMMISSIONER IMAMURA: Thank you, Mr. Chairman. I'd
23 like to say I'm conflicted, but I won't. That was for the
24 previous. Commissioner May brought up some good points, and I'd
25 like to just underscore that as a summary of the ANC level of

1 | their examination, I think it's really important to highlight and
2 | so we certainly appreciate their input.

3 | I would say that Commissioner May's also right in that
4 | if you were to remove a floor, I'm not sure that that would make
5 | much of an impact. Clearly, you know, I sympathize with the
6 | neighbors and their particular views. The illustrations or
7 | renderings that were provided by the applicant were very helpful,
8 | and just again, sort of supports what many people had already
9 | tried to express. Pictures are worth a thousand words.

10 | I think trying to increase the density on 14th Street,
11 | I certainly understand where the applicant's coming from. They
12 | had maximized the efficiency and layout of the building. So I
13 | can certainly appreciate that. They've exhausted those options,
14 | and they've really arrived at a solution that's best suited for
15 | this particular site.

16 | Commission May also use the word "difference," and I
17 | think that's really difficult for the residents to grapple with.
18 | And so it is going to be different if the cert is approved from
19 | what it was. And that's not easy. These are difficult cases.
20 | Certainly appreciate how the residents' feel with their views,
21 | right, that it will be different. But they are still very good
22 | properties.

23 | And there is sort of a larger picture to consider as
24 | well, with the City's need for more affordable housing --
25 | additional housing. I think the adverse effects are acceptable,

1 | given the quality of the public benefits for this -- these
2 | affordable housing or this. So and it is an arguably consistent
3 | with the FLUM.

4 | So with that, I am not as conflicted in this case,
5 | although, again, I do sympathize greatly. The renderings, as we
6 | saw them, that is going to be different. But that's all that I
7 | have, Mr. Chairman.

8 | CHAIRPERSON HOOD: Okay. Thank you.

9 | Vice Chair Miller?

10 | VICE CHAIR MILLER: Thank you, Mr. Chairman. Yes, I
11 | agree with the comments of both Commissioners May and Imamura
12 | on this on this matter -- the -- on this issue of height and
13 | density. Obviously, height and density was the -- I think, was
14 | the most important -- was the most significant opposition
15 | argument made. But I think that the case has been made that the
16 | enormous public benefits of the significant amount of affordable
17 | housing and housing -- of over a 100 units.

18 | I think two-thirds of them are at 30 percent, 40
19 | percent, and 50 or 60 percent. I mean, they're -- this is way
20 | beyond anything that our own zoning regulations inclusionary
21 | zoning requirements require. And so for the public benefit of
22 | all that affordable housing, I think there's also 24
23 | three-bedroom units, both affordable and market rate. There's
24 | also the preservation of this important arts use, Dance Loft,
25 | which contributes to the City and to the neighborhood and to the

1 public schools in the neighborhood.

2 But so I think all those public benefits, I think, the
3 case has been made that they outweigh any potential inconsistency
4 in terms of height and density with the Comprehensive Plan, that
5 those Comprehensive Plan policies that call for that housing --
6 that call for that arts preservation, are significant and
7 outweigh any potential inconsistency.

8 And I would use the word "potential," because the
9 Future Land Use Map for this site has changed the last time that
10 the Council considered the Comprehensive Plan land use map two
11 years ago? A year ago? It's hard to keep track. But it's
12 moderate density residential -- mixed-use, moderate density
13 residential and moderate density commercial. And it extended
14 that mixed-use moderate density striking, which increase the
15 density from what previously, I think, was there and maybe added
16 the additional strike -- striking. It extend into the square
17 that covered the entire site that Dance Loft is located in and
18 -- or proposes to be located in.

19 So I think there had -- there were -- there are
20 some -- there have been some scaling back of that building toward
21 the rear, closest to the residential homes. There is the
22 separation, I think, at 61 feet or more between the rear of the
23 Dance Loft proposal, the height -- between the building, and the
24 actual rear facade of those townhomes. It's clearly a different,
25 and I can see how it's perceived as an adverse impact upon some

1 of those neighbors to have that view now.

2 But I think the -- there -- I think there is an overall
3 non-inconsistency with the Future Land Use Map designation, and
4 the outweighing of the other public benefits in the Comp Plan
5 over any concerns about height and density, I think, are at play
6 here. So I'm comfortable with going forward for those reasons,
7 Mr. Chairman. Thank you.

8 CHAIRPERSON HOOD: Okay. Thank you.

9 So when it came to height and density, I've heard -- I
10 heard the community, especially, again, knows what I can say in
11 the square, and the -- as well as the distance. I saw what -- I
12 asked for the view, and I can tell you that -- and I think
13 applicant also mentioned that -- we know that adverse impact.
14 The question is, are they mitigated.

15 And I would say even dependent upon what happens today,
16 continue to try to mitigate on those homes. I know they probably
17 can't (indiscernible) understanding. This is a no-win case to a
18 certain point. One group is going to say you blocked our view.
19 You got that big building right behind our homes. We can't see.
20 But then we have people who are going to be able to find a place
21 for affordable living. So it's about a balancing for us as a
22 Commission.

23 I think that -- I thought it was a great idea that the
24 young lady, I forget her name, so if she's listening, forgive me,
25 when she said move everything towards 14th Street. But as you

1 know, the applicant came back and said I thought we had gotten
2 something here. I thought we had gotten a win-win. But as you
3 know, the applicant came back and said it would cost more, I
4 guess construction wise. I guess the construction would be more
5 if they did that, so. And then this is basically affordable
6 units. Then that will take away there, so we don't want to cancel
7 one thing out trying to achieve something else. So I looked at
8 that.

9 When I thought about this case, and I thought hard.
10 I'm sure all of us have, but for me, what outweighed most of it
11 is affordability, and I think that's crucial. There are -- there
12 were some other issues that came up besides height and density,
13 I think -- as I think one of my colleagues, maybe Commissioner May
14 or Commissioner Imamura, one if you all, mentioned about the
15 distance between the homes and the lot line of the project. I
16 think that extends it.

17 I think we also talked about yard space, so that
18 increases that distance even more. So, you know, that gave me a
19 comfort level. But I understand the people who are going to be
20 most affected, they don't understand anything I'm saying, because
21 I know how it is when I put myself in their position, because I
22 have other stuff in my neighborhood, where I put myself, and I
23 know how it feels when it's affecting you.

24 So I want them to know, understandably I do, but for
25 the City, we're talking about affordability for the most part.

1 | It's -- we got to give a little bit. Unfortunately, that's just
2 | where we are here. You know, I'm in a situation where I don't
3 | necessarily care to be, but we got to do our jobs and doing them
4 | best way we can with the merits of the case.

5 | Also, the privacy concerns. I think -- I'm trying to
6 | think, did we ask them to do something? I don't know if this
7 | was the case. Did we ask them to do some frosted glass or
8 | anything? Windows? Was this the case? We didn't? Okay.

9 | Does anybody have any, you know, they were nine or ten
10 | things that -- a lot that we heard from a lot of the opposition,
11 | Friends of Fourteenth Street and others. The principle concern
12 | seemed to be the potential of apartment windows and balconies to
13 | look into a private residence, especially backyards and bedrooms.
14 | Does anybody have any issues with that?

15 | Commissioner Imamura? I think you raised your hand.

16 | COMMISSIONER IMAMURA: No. And this -- I remember this
17 | was actually brought up in the case, and it -- because of the
18 | deep setbacks, both for the applicant and the structure itself,
19 | as well as the yard setbacks and the surrounding residential
20 | neighborhoods, I think the conversation led to the fact that
21 | there didn't seem to be an issue with privacy, because of the
22 | great distance between the homes -- the surrounding homes and
23 | this particular structure.

24 | CHAIRPERSON HOOD: Okay. All right. Thank you.

25 | And then I think the Vice Chair alluded to the MU-5,

1 | about the consistency. I don't think we need to touch that no
2 | more. I think we all agree with that. Parking -- opponents. We
3 | have (indiscernible) persuasion opponents talk about off-street
4 | parking. I think we talked a little bit about that. It is in
5 | -- I think, DDOT and others supported it, because it is on a bus
6 | line. But now the Metro line, you may have to go a little bit
7 | ways to get there, to a point. I can't remember the distance.
8 | I think that came up in the hearing. But if anybody have any
9 | issues with parking? Okay.

10 | COMMISSIONER MAY: Yeah, I had a question about
11 | the -- their stacked parking system, but they provided
12 | information on that. That's fine.

13 | CHAIRPERSON HOOD: Okay. Okay.

14 | COMMISSIONER IMAMURA: I would just add on the parking
15 | that I -- from what I read in the record from DDOT mostly, it's
16 | compliant with parking there. They're not asking for parking
17 | relief because of the removal of this property from any potential
18 | residential permit parking use. They're meeting -- they're
19 | providing the parking that they're required to provide -- the
20 | minimal amount of parking they're required to provide. So that's
21 | it.

22 | CHAIRPERSON HOOD: Yeah. And we talked about stacking
23 | parking. That's the -- I thought, yeah. I'm trying to think
24 | of other places that's -- typically, when we approve it, later
25 | on, they'll come back and get an amendment, either ZA, because

1 | it's not feasible for them to do the stacking parking. And I
2 | don't know -- I know, I put on a dynamite project on Eighth
3 | Street, I -- and for some reason we never got the stacking
4 | parking. So anyway, they did provide that, and hopefully, that
5 | gets done, especially for the neighbors who had the concerns
6 | about the parking issues in that area.

7 | All right. Negative effects of the static character
8 | of the neighborhood. I guess any issues with that? Design or
9 | anything?

10 | (No response.)

11 | CHAIRPERSON HOOD: Okay. Displacement of existing --

12 | VICE CHAIR MILLER: I think it's an attractive
13 | building. I -- maybe --

14 | CHAIRPERSON HOOD: I thought it looks very nice.

15 | VICE CHAIR MILLER: Maybe bigger than what's
16 | immediately next to it, but it's an attractive building. And
17 | they did make some cornice and other design changes that the
18 | community asked for, as I recall.

19 | COMMISSIONER MAY: Uh-huh. And they addressed my
20 | questions about the north side and turning the corner to that
21 | thing.

22 | CHAIRPERSON HOOD: And I know that other issues that
23 | residents brought up was about the existing of displacement of
24 | existing businesses, their impact on traffic. Talked about WMATA
25 | services as an area of concern, also raised at the narrowness of

1 the side streets and the side streets that lead to the main
2 street. So that's other concerns for -- narrowing of existing
3 alleyways and the lack of green space. So those issues were
4 raised. And I think a lot of it has been mitigated.

5 Here's what I saw in this, and I really appreciate it.
6 I think Commissioner May alluded to what the ANC chairperson, I
7 forget his name right off. I don't know if he was the
8 chairperson, but the Commissioner mentioned, they exhaustedly
9 look through this themselves, and could not find a reason, with
10 this project being consistent, the affordability component to it,
11 where it was, what it was doing, even with the impacts. Everybody
12 recognize there's some negative impacts to this project, but it's
13 already been stated, some of the other policies, and some of the
14 other things that are affordable to not just the residents in
15 that area, but to the City outweigh all that. And that's the
16 decision we had to make.

17 So I think the things that cause -- can be mitigated,
18 were mitigated. And I think it's acceptable. I think the things
19 are acceptable. Those things that adversely impact it are
20 acceptable. So I'll just leave it at that. And I know when
21 you're in this seat, you don't feel that way. But there are so
22 many things we're reconciling and balancing, to do our mission
23 and our job, I think it's critical.

24 So I know everybody's not going to be happy. But I
25 think it's going to be a win-win for the City as a whole. Once

1 we get used to it, I think one of you all may have alluded to
2 that -- once we get used to it, I think it'd be a win-win.

3 All right. I don't have anything else. Anybody have
4 anything else on this?

5 Vice Chair Miller?

6 VICE CHAIR MILLER: Just briefly, Mr. Chairman. I
7 agree with your comments, and others about the ANC looking
8 carefully at this. We also, which to whom we're required to give
9 great weight, which, and Office of Planning supports it. And
10 we're required to give that great weight.

11 We're not necessarily required to give great weight,
12 but I will note that we did receive a letter of support, or maybe
13 it was a news -- maybe it was a community news newsletter in the
14 record from the Ward 4 councilmember explaining why she supports
15 the project, which I thought was a very thoughtful letter, mostly
16 about what we talked about earlier, the public benefits that
17 outweigh any potential adverse impacts.

18 And so -- and on the displacement of existing
19 businesses, is this the case where they were originally parties
20 in opposition, but they withdrew it, because I think they reached
21 some accommodation with the existing businesses. I think this
22 is the case. So that -- so I just wanted to note that for the
23 record here in our deliberations.

24 CHAIRPERSON HOOD: Right. The businesses, I believe,
25 themselves withdrew it, but I think some of the neighbors still

1 | were concerned. It's the neighborly thing to do, look out for
2 | your fellow man. I appreciate that. We've been doing that as
3 | well. All right. I don't have anything else to add to this. I
4 | don't think anybody has anything else to add.

5 | COMMISSIONER IMAMURA: No, Mr. Chair. There's no
6 | suspense to this one.

7 | CHAIRPERSON HOOD: Okay. All right.

8 | Looking forward to something very beneficial in a few
9 | years. I'm going to ride by there and look at it. I guess I
10 | can see that. I'll probably be in troubled tomorrow. All right,
11 | let's -- somebody like to -- somebody else like a motion?

12 | VICE CHAIR MILLER: I'll make a motion, Mr. Chairman,
13 | that the Zoning Commission take proposed -- we're at proposed
14 | action, right?

15 | COMMISSIONER MAY: Yes.

16 | CHAIRPERSON HOOD: Yeah, proposed.

17 | VICE CHAIR MILLER: That the Zoning Commission take
18 | proposed action on Case No. 21-18, Dance Loft Ventures, LLC.
19 | This is an application for a consolidated PUD and related zoning
20 | map amendment for 4608, 4618 14th Street Northwest and ask for a
21 | second.

22 | COMMISSIONER MAY: Second.

23 | CHAIRPERSON HOOD: It's been moved and properly second.

24 | Any further discussion?

25 | (No response.)

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

3 MS. SCHELLIN: Commissioner Miller?

4 VICE CHAIR MILLER: Yes.

5 MS. SCHELLIN: Commissioner May?

6 COMMISSIONER MAY: Yes.

7 MS. SCHELLIN: Commissioner Hood?

8 CHAIRPERSON HOOD: Yes.

9 MS. SCHELLIN: Commissioner Imamura?

10 COMMISSIONER IMAMURA: Yes.

11 MS. SCHELLIN: The vote is four to zero to one to
12 approve proposed action on Zoning Commission Case No. 22-18, the
13 minus one being the third mayoral appointee position, which is
14 vacant.

15 CHAIRPERSON HOOD: Let me pause right here and thank
16 everyone, our staff as well as the Office -- our legal -- Office
17 of Zoning Legal Division for helping us to make sure we brought
18 up all the issues. And I tell you, the reason why that's
19 important is because, with the exception of maybe one of us, we
20 all have day jobs, and we work hard at those too. And hopefully,
21 my boss is looking. But we work hard on those jobs, and then we
22 come here and work hard as well. But I know that other person
23 who may be retired has another hard job, which is a gratifying
24 grateful job, and that's taking care of Archie. So --

25 VICE CHAIR MILLER: He's nearby, and I'm jealous of

1 others being able to be with him right now.

2 CHAIRPERSON HOOD: Okay. Well, when -- we hopefully,
3 we have one more thing to do, and hopefully, it won't take long,
4 and you can go over there and join him.

5 All right. Ms. Schellin, would you call the next case,
6 please? Or the next hearing action.

7 MS. SCHELLIN: Yes. Yes, sir. It is Zoning Commission
8 Case No. 22-24, Office of Planning Map Amendment At Squares 5553,
9 5556, 5559, 5560, and 5579. And this will go to OP.

10 CHAIRPERSON HOOD: Okay. Ms. Thomas? Good evening.

11 MS. THOMAS: Hi. Good evening, Mr. Chair, members of
12 the Commission, Karen Thomas with the Office of Planning for Case
13 2224, which is OP's petition for a map amendment from the MU-4
14 to the MU-5A zone for squares fronting Pennsylvania Avenue
15 between Fairlawn Avenue to the west and 27th Street to the east.
16 The related lots tabled as Appendix A in our report.

17 And this petition proposes to rezone approximately 4.6
18 acres, subject to the IZ Plus requirements as a rulemaking case.
19 And just as a reminder, this is one of the consistency requests
20 in collaboration with Ward 7 Economic Development Council with
21 their long-term planning for Ward 7 for under-utilized properties
22 and blighted sites, along the Ward's primary corridors.

23 Next slide. The proposal to rezone from the MU-4 to
24 MU-5A would not be inconsistent with the Comprehensive Plan,
25 including the Future Land Use Map, which designated this area for

1 medium density, residential, and moderate density commercial
2 development in the 2021 amendments to the Comp Plan. Similarly,
3 the policy map shows these squares within the Main Street
4 mixed-use corridor designation, and the applicable citywide and
5 area policies of the Comp Plan are included in our report.

6 And viewed through the equity lens, we find that
7 housing and related data have established that there are housing
8 and transportation access inequities for people of color in the
9 District. And when it is broken down into areas segments, this
10 disproportionality becomes obvious. And our report provides some
11 related data in that regard. The map amendment will would provide
12 opportunities and incentives to reduce inequities in housing
13 provision, close to transportation access through the provision
14 of IZ Plus, as prescribed in our report.

15 This proposal would overall encouraged new housing by
16 increasing the maximum permitted residential FAR over what the
17 MU-4 zone may permit. And, therefore, on balance, the proposal
18 to rezone the MU-4 zone to MU-5A would not be inconsistent with
19 the Comp Plan and would provide an incentive to further
20 development priorities for affordable housing in the District.
21 I asked the Commission to set down OP's petition for a map
22 amendment for the area identified in our report. Thank you.

23 CHAIRPERSON HOOD: Thank you, Ms. Thomas, for your
24 report. Let me open it up and see if we have any questions or
25 comments.

1 Commissioner May?

2 COMMISSIONER MAY: Yeah, I just want to say I welcome
3 the opportunity to look at this potential map amendment. It is
4 a part of this, where I think there is a lot of potential for
5 future development, beneficial development for the community.

6 I will also note that we've been working for a very
7 long time in the Park Service to help get that intersection
8 reconfigured at Pennsylvania and Minnesota Avenues, which will
9 hopefully yield some better park space for the community.

10 It's been a -- I won't go into details -- been a really
11 long, hard process. But it's almost done, at least from our
12 perspective. So I think this is very well timed. And the future,
13 I think, holds good things for what can happen in that
14 neighborhood.

15 I do also remember the PUD that we approved in that
16 area, and I think that's, you know, we could see more development
17 like that that would be, I think, beneficial to the neighborhood.
18 So it looks good. I'm in favor of having this discussion. And
19 of course, it's great having this work from the Ward 7 Economic
20 Council or whatever their official name is.

21 CHAIRPERSON HOOD: Okay. Commissioner Imamura?

22 COMMISSIONER IMAMURA: Thank you, Mr. Chairman. I
23 don't have anything further to add. And I'd say thank you,
24 Ms. Thomas, for your report, and the time and effort spent behind
25 it. Appreciate that. Thank you.

1 CHAIRPERSON HOOD: Vice Chair Miller?

2 VICE CHAIR MILLER: Thank you, Mr. Chairman. And
3 thank you, Ms. Thomas, for your report and for your collaboration
4 with the Ward 7 Economic Development Advisory Council and
5 bringing forward this and other map amendments and other
6 proposals to facilitate increased density that will provide the
7 housing -- affordable housing and retail that the Ward desires
8 to have without encroaching upon, negatively, upon adjacent
9 residential neighborhoods. So thank you.

10 CHAIRPERSON HOOD: Thank you, as well, Ms. Thomas. I
11 don't have anything to add. But I thank you and we appreciate
12 your report.

13 So what I will do to move things along, I would move
14 to we set down Zoning Commission Case No. 22-24, the Office of
15 Planning Map Amendment At Squares 5553, 5556, 5559, 5560, and
16 5579 ask for a second.

17 VICE CHAIR MILLER: Second.

18 CHAIRPERSON HOOD: Commissioner May, did you have
19 anything?

20 COMMISSIONER MAY: I just really enjoyed how you
21 rattled off all those numbers perfectly. I'll be looking forward
22 to the repeat of that at the hearing several times.

23 CHAIRPERSON HOOD: That's when you're trying to get
24 finished. No. No. But anyway, okay. Thank you.

25 It's been moved and properly second. Any further

1 discussion?

2 (No response.)

3 CHAIRPERSON HOOD: All right. Ms. Schellin, would you
4 do a roll call vote please?

5 MS. SCHELLIN: Commissioner Hood?

6 CHAIRPERSON HOOD: Yes.

7 MS. SCHELLIN: Commissioner Miller?

8 VICE CHAIR MILLER: Yes.

9 MS. SCHELLIN: Commissioner May?

10 COMMISSIONER MAY: Yes.

11 MS. SCHELLIN: Commissioner Imamura?

12 COMMISSIONER IMAMURA: Yes.

13 MS. SCHELLIN: The vote is four to zero to one to set
14 down Zoning Commission Case No. 22-24 as a rule-making case. The
15 minus one being the third mayoral appointee position, which is
16 vacant.

17 CHAIRPERSON HOOD: And since I can't let
18 Commissioner May have the last word, Commissioner May, I want to
19 apologize to you for saying all those bad things about soccer,
20 because when I went to it in person, I really enjoyed it.

21 COMMISSIONER MAY: Good.

22 CHAIRPERSON HOOD: I'm looking forward to my next game.

23 COMMISSIONER MAY: Did you go last night?

24 CHAIRPERSON HOOD: No, no. I actually went to see the
25 Spirit play. I enjoyed that. That was great.

1 COMMISSIONER MAY: Oh, okay. Yeah, yeah. Great.

2 CHAIRPERSON HOOD: All right. Let's see. The Zoning
3 Commission be meeting again -- Ms. Schellin, make sure I'm right,
4 because I don't want to give out wrong dates -- July 18th? Okay.
5 We'll be meeting again July 18 on these same platforms at 4:00
6 p.m.

7 I want to thank each and every one of you for attending,
8 participating in this meeting tonight, and this meeting is
9 adjourned. Good night. Have a great weekend.

10 (Whereupon the above-entitled matter went off the
11 record at 5:46 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: 07-14-22

Place: Teleconference

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

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