

GOVERNMENT OF
THE DISTRICT OF COLUMBIA

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DISTRICT OF COLUMBIA ZONING COMMISSION

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REGULAR MEETING

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THURSDAY

APRIL 13, 2023

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The Public Hearing of the District of Columbia Zoning Commission convened via teleconference, pursuant to notice at 4:00 P.M. EDT, Anthony J. Hood, Chairperson, presiding.

ZONING COMMISSION MEMBERS PRESENT:

- ANTHONY J. HOOD, Chairperson
- ROBERT E. MILLER, Vice Chair
- PETER G. MAY, Commissioner
- JOSEPH IMAMURA, Commissioner

OFFICE OF ZONING STAFF PRESENT:

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

OFFICE OF ZONING LEGAL DIVISION STAFF PRESENT:

- JACOB RITTING, Esquire
- HILLARY LOVICK, Esquire
- DENNIS LIU, Esquire

The transcript constitutes the minutes from the Regular Public Hearing held on April 13, 2023.

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

Case No. 06-27A
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P-R-O-C-E-E-D-I-N-G-S

(4:00 p.m.)

CHAIRPERSON HOOD: Good afternoon, ladies and gentlemen. We are convening and broadcasting this public meeting by video conferencing. My name is Anthony Hood. Joining me this evening are Vice Chair Miller, Commissioner May, and Commissioner Imamura. We're also joined by the Office of Zoning staff, Ms. Sharon Schellin and Mr. Paul Young, who will be handling all of our virtual operations. Also our Office of Zoning Legal Division, Ms. Lovick, Mr. Ritting, and Mr. Liu. I would ask all others to introduce themselves at the appropriate time if the Commission requests someone else to speak.

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

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

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2 your phone call-in, then please call our OZ hotline number at
3 202-727-0789 for Webex log-in or call-in instructions.

4 Okay. So now, does the staff have any preliminary
5 matters?

6 MS. SCHELLIN: I do. I would like to ask the Commission
7 to vote on a closed meeting for a joint Zoning Commission and
8 BZA training that is scheduled for Wednesday, April 19th please.

9 CHAIRPERSON HOOD: Okay. Thank you. I'll second it.

10 Okay. All right. All right. As chairman of the Zoning
11 Commission for the District of Columbia and in accordance with
12 405(c) of the Open Meetings Act, I move that the Zoning Commission
13 poll for the following closed meetings on Wednesday -- closed
14 meeting on Wednesday, April 19, 2023, from 9:30 a.m. for the
15 purpose of receiving training as permitted by D.C. Official Code
16 2-575(b) and (12). The subject of this training is discussion
17 of DDOT evaluation and analysis process, refresher on the 10-
18 foot rule definition of unduly, IZ Plus training, OZ technology,
19 and ANC opinion letter from OAG. Is there a second?

20 VICE CHAIR MILLER: Second.

21 CHAIRPERSON HOOD: Will the secretary please take a
22 roll call vote on the motion before you now that it has been
23 seconded?

24 MS. SCHELLIN: Yes, sir.

25 Chairman Hood?

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1 CHAIRPERSON HOOD: Yes.

2 MS. SCHELLIN: Vice Chair Miller?

3 VICE CHAIR MILLER: Yes.

4 MS. SCHELLIN: Commissioner May?

5 COMMISSIONER MAY: Yes.

6 MS. SCHELLIN: Commissioner Imamura?

7 COMMISSIONER IMAMURA: Yes.

8 MS. SCHELLIN: The vote is four to zero to one to
9 approve holding the closed meeting in order to receive training
10 at the joint training session for the Zoning Commission and the
11 BZA. Thank you.

12 CHAIRPERSON HOOD: Okay. Thank you, Ms. Schellin. It
13 appears that the motion is passed. I request that the Office of
14 Zoning provide notice of these closed meetings in accordance with
15 the Act. All right. Anything else on that, Ms. Schellin?

16 MS. SCHELLIN: No, sir. And there is one other
17 preliminary matter. That one is finished.

18 CHAIRPERSON HOOD: Okay. I --

19 MS. SCHELLIN: The other one is that the applicant in
20 Zoning Commission Case No. 85-16B under a modification of
21 consequence, they sent an email late this afternoon asking that
22 we remove that from the agenda due to a conflict with noticing
23 in ANC. The ANC also joined in that request. So that has been
24 removed from the agenda. Thank you.

25 CHAIRPERSON HOOD: Okay. Thank you, Ms. Schellin. I

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1 know you just mentioned it, but by the time I get there, if I
2 call it, just stop me, so.

3 MS. SCHELLIN: Okay.

4 CHAIRPERSON HOOD: All right. So let -- next we'll do
5 determination and scheduling. Zoning Commission Case No. 06-
6 27A. This is Square 54 Office Owner, LLC, PUD modification of
7 consequences at Square 54.

8 Ms. Schellin?

9 MS. SCHELLIN: Yes, sir. This is a request for -- to
10 make some minor adjustments to the approved plans for the rooftop.
11 They'd like to accommodate the building's existing office
12 tenants, including relocating the green roof to create some
13 additional outdoor space for gathering. They'd like to install
14 a trellis to provide some shade and updating the materials and
15 design features, such as pavers and some furnishings. We have
16 an OP report at Exhibit 5. They -- OP believes that this can be
17 considered a modification of consequence, and they recommend
18 approval. And the OP asked the Applicant to provide some
19 additional details regarding the materials and extent of changes.
20 ANC 2A at Exhibit 4 filed a report stating at its duly noticed
21 meeting, they voted to support the modification of consequence.
22 The parties, WECA, FBA, Foggy Bottom Association, have not
23 responded as of yet, so if the Commission finds that this is
24 indeed a modification of consequence, then we can make a schedule
25 for those parties to respond and a determination -- I'm sorry, a

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1 deliberation date for the Commission.

2 CHAIRPERSON HOOD: Okay. Thank you for teeing all that
3 up for us.

4 Commissioners, any objections to this being -- to
5 consider this as a modification of consequence, any objections?
6 No objections?

7 Okay, Ms. Schellin, you can I guess do the scheduling,
8 and we will -- and also if -- I would ask the Applicant to move
9 on the things you mentioned about the additional requested
10 information and everything that Ms. Schellin's asked for from OP
11 as well, so we can decide on this. You have a date, Ms. Schellin?

12 MS. SCHELLIN: So if we could have the parties make
13 their submission by 3 p.m. on April 20th -- 3 p.m. by 04/20, and
14 then we can have the Applicant make their submission by 3 p.m.
15 on 04/26, we can put this on the 04/27 agenda for consideration.

16 CHAIRPERSON HOOD: Okay. Thank you.

17 Colleagues, any other comments on this? Not seeing any
18 -- thank you, Ms. Schellin. Let's go to Zoning Commission Case
19 No. 08-24D, Monroe Street Block A-1 Residential, LLC, et al., PUD
20 modification of consequence at Square 3654. Ms. Schellin?

21 MS. SCHELLIN: Okay. This one, they are asking to make
22 two changes to modify condition numbers one and four of order 08-
23 24/04-25, related to the allocation of parking spaces to use all
24 99 of the parking spaces provided on block E for retail use and
25 to have the flexibility to reallocate the mix of retail and

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1 residential parking spaces provided in blocks A1, B, and C. And
2 number two, to modify the transportation demand management plan
3 to reflect that the parking spaces in block E will be reserved
4 for retail tenants of the building, and customers' guests of the
5 retail portion of block E will be provided with 90 minutes of
6 free validated parking, and employees of the grocery store in
7 block E will be provided free parking.

8 And at Exhibit 5, OP finds that the application can be
9 considered a modification of consequence. They do find that the
10 changes are generally consistent with the intent of the original
11 approval and should not have significant impacts, subject to a
12 resolution of the issues discussed in their report. So there are
13 some things that they are asking for. As of today, there's no -
14 - excuse me, no report from ANC 5F or 5A. So again, if the
15 Commission decides that this is a modification of consequence,
16 then we could set a schedule and proceed accordingly. Thank you.

17 CHAIRPERSON HOOD: Okay. Commissioners, you've heard
18 the request before us. Any objections to this being a
19 modification of consequence? No objection? So we will consider
20 this a modification of consequence.

21 Ms. Schellin, could you give us the dates please?

22 MS. SCHELLIN: Sorry. I'm moving back and forth because
23 one of the next cases I have an email from the applicant I was
24 trying to find.

25 So on this one, it seems like there are a few more

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1 issues to resolve. So maybe I'll move this, and so we're not
2 bombarding all of our agendas. If we could have the Applicant
3 provide or have the parties provide their reports by April 20th,
4 again 3 p.m. That would be for the ANCs, and I'm assuming the
5 Applicant will work with the ANCs on getting these reports in by
6 3 p.m. on 04/20. And if the Applicant would provide their
7 information by 3 p.m. on May 4th -- actually, I'm going to make
8 that May 2nd -- May 3rd to allow OZLD a little more time to be
9 able to review it. So May 3rd by 3 p.m., then we can put this
10 on the May 11th agenda for consideration. Thank you.

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

12 And I'm not going to call Zoning Commission Case No.
13 85-16B. Did you have something you wanted to say on that? Okay.
14 All right. Okay. All right. I think you said it at the
15 beginning. I wasn't sure.

16 Okay. Let's go to the Zoning Commission Case No. 16-
17 18E, Georgetown University Campus Plan, modification of
18 consequence at Square 1226 and 1248.

19 Ms. Schellin?

20 MS. SCHELLIN: Yes, sir. On this one, it's a
21 modification of consequence to change -- for a change of use, as
22 allowed under the flexibility of condition seven of the campus
23 plan, regarding the future use of the property and other townhouse
24 properties for either residential/campus life or
25 academic/administrative uses, subject to the Commission's

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1 approval of the modification of consequence. This modification
2 would permit a change in the use for 1316 36th Street, N.W., 3619
3 O Street N.W., from academic/administrative to residential/campus
4 life, which will result in 2 net beds, 10 student beds total,
5 and change in use from 3610 O Street, N.W. and 3612 O Street,
6 N.W. from residential/campus life to academic/administrative use,
7 which will serve as the administrative home for the Institute for
8 the Study of Diplomacy.

9 Exhibit 4 is an OP report, which recommends the
10 approval of the modification as a modification of consequence.
11 They -- ANC 2E and ANC 3D have not yet submitted a report, neither
12 has the Burleith Citizens Association, Foxhall Community
13 Citizens, I'm sorry, yeah, Foxhall Community Citizens
14 Association, Georgetown University Student Association, or the
15 Citizens Association of Georgetown. So if you find this one to
16 be a modification of consequence, then a schedule needs to also
17 be set. Thank you.

18 CHAIRPERSON HOOD: Thank you. Thank you, Ms. Schellin.

19 Commissioners, any issues with this being a
20 modification of consequence? Okay. Not seeing any.

21 Okay, Ms. Schellin, we'll do scheduling please.

22 MS. SCHELLIN: I do have an email in here from Mr.
23 (audio glitch) have to find it, I'm sorry.

24 CHAIRPERSON HOOD: We can't hear you, Ms. Schellin.

25 MS. SCHELLIN: Okay. Just one second.

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1 CHAIRPERSON HOOD: Okay.

2 (Pause.)

3 MS. SCHELLIN: I apologize. I'm looking for an email
4 I received from the Applicant's attorney regarding timing of the
5 submissions. I believe they were working with the parties. If
6 you could just give me one second, for some reason, that's not
7 popping up, just give me a second.

8 (Pause.)

9 MS. SCHELLIN: I believe it was -- it wasn't
10 Mr. Tummonds, it was Mr. Avitabile I believe. Ah. And he did
11 not send me an email about timing. Okay. So it must have been
12 another case. All right. So in that case, I guess I'll go ahead
13 and set a schedule. So it doesn't look like there was a lot
14 requested on this, other than the parties just need to respond.
15 So I will set the same schedule as the first one and have the
16 parties respond in one week. I'll leave it to the Applicant to
17 work with the parties, let them know when their submissions are
18 due, which would be by 3 pm on the 20th. If the Applicant wishes
19 to respond, or if there is something else that they need to
20 provide, they would do that by 3 p.m. on the 19th, and we'll put
21 this on for the 27th. Thank you.

22 CHAIRPERSON HOOD: Thank you, Ms. Schellin. Don't get
23 like us, we need somebody to be sane. Don't mix up stuff like I
24 do all the time or the rest of us.

25 MS. LOVICK: Wait. What did you say?

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1 MS. SCHELLIN: I, obviously, did. But I'm pretty sure
2 I was --

3 MS. LOVICK: Excuse me?

4 MS. SCHELLIN: Go ahead.

5 MS. LOVICK: Oh, sorry. What -- did you say April 19th
6 for the -- what -- what's the response date for the Applicant?

7 MS. SCHELLIN: The parties provide their responses by
8 the 20th, and the Applicant provide theirs, I'm sorry, by the
9 26th -- 04/20, 04/26, and the meeting's the 27th.

10 MS. LOVICK: Oh, great. Thank you.

11 MS. SCHELLIN: Uh-huh.

12 CHAIRPERSON HOOD: Okay. Let me go back to my point.
13 Ms. Schellin don't get like us, and I'll leave it at that. All
14 right. Let's go to proposed action.

15 MS. SCHELLIN: I'm already there.

16 CHAIRPERSON HOOD: Zoning Commission Case No. 22-29,
17 JT EB Land Fund, LP.

18 MS. SCHELLIN: Okay. On this one --

19 CHAIRPERSON HOOD: Go ahead. Go ahead. I don't need
20 to read all that.

21 MS. SCHELLIN: I'm sorry. I think my volume's down or
22 something, because I just interrupted you, and I shouldn't do
23 that. Go ahead, Chairman Hood. You run this show.

24 CHAIRPERSON HOOD: So I don't even feel like reading
25 it no more, so you go ahead and read it now. No. Okay. Let me

1 do what I need to do. Zoning Commission Case No. 22-29 JT EB
2 Land Fund, LP, consolidated PUD and related map amendment at
3 Square 274. And I apologize, I may not have been speaking up.

4 MS. SCHELLIN: Yeah, well, I'm turning my volume up
5 too, so there we go. So both of us. There we go. So we're in
6 good shape now. Everything starts to go over 60, and you're not
7 there yet, but it happens. Anyway, so as you know, you granted
8 party status to the SPP group and don't ask me what it stands
9 for, because I can't remember now. So see what happens? The
10 memory goes too. But that party met with the Applicant, and I'm
11 not sure if the ANC attended that meeting or not, but they did
12 provide an update on that meeting. That's at Exhibit 68.

13 The Applicant provided a post-hearing submission at
14 Exhibits 66 through 66E and a draft order at Exhibit 69. At
15 Exhibit 70, OAG made a request to reopen the record, which was
16 -- the Chairman ruled to deny it, since nothing further was asked
17 of OAG. And at Exhibit 71 is an OP supplemental report, where
18 they provided an IZ calculation as if this were a straight map
19 amendment. That was something that the Commission asked for, and
20 so they provided that an Exhibit 71. Other than that, I believe
21 this case is ready for the Commission to consider proposed action.
22 Thank you.

23 CHAIRPERSON HOOD: Thank you, colleagues, and thank
24 you, Ms. Schellin, for teeing all of that up. I do know that
25 SPP was the party in opposition and neighbors' last names. That

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1 begins with their last names. I just did not review what their
2 names were. But anyway, so we'll continue to call them SPP for
3 the purpose of this deliberation. And also, the Applicant always
4 has the last word. And I'm sure our Attorney General, who
5 counseled us for many years, knows that as well.

6 So either way, let's proceed. I think we can break
7 this up as being advised. I think we can talk about the
8 comprehensive plan, consistency of the PUD related map amendment
9 for the U Street parcel from ARTS-1 zone to the ARTS-4. And I
10 know there were some potential inconsistencies with the portion
11 of the FLUM designation, also potential inconsistencies with the
12 neighborhood conservation area designation on the generalized
13 policy map for the townhome parcel, because it states that when
14 changes occur, it will typically be modest in scale. And this
15 is arguably not -- for the most part, they say it's not arguably
16 modest in scale.

17 So let's open it up. There are different issues on
18 that, and let's see what others may have to say on that.

19 Who'd like to start us off? I'm going to go to
20 Commissioner May or whoever would like to start us, yes.

21 COMMISSIONER MAY: Yeah, I can start. I may want to
22 say more as we go around the room, as it were. I -- you know,
23 this is a very complicated case, and a lot of that has to do with
24 the constraints on the property. I mean, building on top of a
25 Metro -- sorry, I've got an ambulance going by and I can't hear

1 myself think, so give me one sec. Anyway, the constraints on
2 the property having to do with the Metro being under the portion
3 of the building on U Street, that certainly is a constraint on
4 the development of the property. And then the alley lots that
5 are a part of it, which, you know, have been vacant for years in
6 search of an appropriate form of development.

7 So I -- you know, I think generally speaking, this is
8 just -- it's not been an easy one. And there's a fair amount of
9 relief associated with it, but it's not unusual. Right? I mean,
10 this is definitely within the realm of the sorts of things that
11 we consider as a PUD, and it is exactly why it should be handled
12 as a PUD. It's not a case for a straight up IZ Plus map amendment
13 because of those complications on the property, the extent of
14 relief that would be needed if there were any kind of development
15 associated with an IZ Plus map amendment. And not to mention
16 the fact that there isn't really an amendment to the map for a
17 portion of the property. So it -- it's, as I said, it's
18 complicated, but certainly within the realm of what's normal for
19 a PUD, and it's ripe for development under a PUD.

20 What the Applicant has proposed I think is reasonable
21 and I believe that they have made the case with regard to the
22 consistency with the comp plan, with regard to the specifics of
23 the proposal and the relief that's necessary. So I was concerned
24 -- you know, I had asked questions about the parking relief and
25 the hotel use, and I think they had a good response to that. I

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1 think the way we envision hotels and hotel use and lodging is
2 different now from the way it was ten years ago or when we were
3 considering, you know, the last time we considered any kind of
4 changes to the zoning regulations under ZR '16. It's a different
5 kind of model.

6 And I think this is a hotel that is basically just a
7 series of rooms. It's not really -- it's not, you know, there
8 are no banquet halls, there are not the kind of crowds that you
9 would expect that would come to hotel use and then not the kind
10 of truck traffic that's necessary to supply it. It's really --
11 it's more akin to an apartment building than it is to a hotel
12 use.

13 I was concerned about the relief necessary for the
14 setbacks on the upper floors, and I think that they made the case
15 that it's appropriate and necessary in this circumstance. And
16 it is the sort of relief that we have granted in the past to
17 that, you know, the particular ways that we have tried to contour
18 this zone. And I think, you know, the fact that this is -- the
19 setbacks -- the impact on the surrounding neighborhood by the
20 fact that we don't have the setbacks in this circumstance I think
21 are de minimis.

22 The -- I'm going to just keep going -- rambling on a
23 little bit. It may be -- may not be in the most structured order.
24 Back to the IZ Plus suggestion for a moment, I agree with my
25 colleagues that have -- that said this during the hearing that

1 the Office of the Attorney General did a better job of explaining
2 their perspective on this and brought up some new and novel
3 arguments. However, I think there remains a fundamental problem
4 with the approach that the Office of the Attorney General applies
5 in PUD cases where they seem to think that IZ Plus is a metric
6 that effectively is a floor for any kind of inclusionary zoning
7 component of a PUD.

8 And I won't belabor this, but that's not the right
9 perspective. The PUDs are not judged in the same way that IZ
10 Plus is judged as an -- as part of a map amendment case. And in
11 order to get some of the other benefits that are typically
12 associated with a PUD, we can't expect to have full IZ Plus level
13 inclusionary zoning components on a, you know, on a PUD, otherwise
14 we would, you know, we would wind up with no other benefits. And
15 so why would there be a PUD in that circumstance?

16 So I just -- I think that they need to understand that
17 there's a difference here, and we want them -- you know, we want
18 their feedback and we want them to make arguments in favor of
19 inclusionary zoning and maximizing the inclusionary zoning that
20 can be achieved in the context of a PUD, but that's not what
21 we've gotten so far. So I think a lot of what they provide us
22 is not very persuasive, and certainly that's the case here.

23 I thought it was interesting that, you know, there were
24 -- during some of the hearing, there were suggestions that the
25 number of townhouses could be reduced and that if it were reduced,

1 and there were only ten units, and two of them were affordable,
2 that OAG thought that that would be consistent with IZ Plus. And
3 yeah, okay, maybe it would be consistent with IZ Plus, but you
4 wind up with a lot less -- a lot fewer units, and you wind up
5 with some very strange incentives for development that, you know,
6 pushes away from trying to make the most of these properties that
7 are ripe for development, particularly townhouse development.

8 I mean, this is not a neighborhood where you're going
9 to see a whole lot more townhouses developed, simply, you know,
10 given the number of -- or the amount of available land here and
11 the way that available land is owned. We're not going to see,
12 you know, large groups of townhouses in this context, generally
13 speaking. So I think that this is a -- you know, if we were to
14 buy into some of the OAG's arguments, we'd wind up with some
15 perverse incentives, and we'd wind up with fewer larger units,
16 including potentially fewer larger affordable units. So I just
17 don't think that that makes sense.

18 Let's see. The -- you know, I think the concerns from
19 the neighbors who are potentially affected by some loss of
20 sunlight due to three-story townhouses, yeah, I think we got a
21 much better solar study, so that impact was clear in the
22 subsequent submissions. But the way I read it, there were certain
23 times of the year when there'd be somewhere between 12 and 30
24 percent -- sorry, 12 and 30 minutes of reduced sunlight hitting
25 the rears of -- the rear of these townhouses. And you know,

1 honestly that, in my book, given the number of solar studies
2 we've seen for projects at the Zoning Commission and at the BZA,
3 it's not a really significant impact. It's -- yeah, there is
4 some impact, but it's not a truly significant impact.

5 And I think that the -- so I'm not persuaded that the
6 -- that we should force the developer to come back with a
7 two-story version of these row houses. The Applicant did provide
8 some studies of what two-story row houses might be in that
9 circumstance. And you know, I don't think that -- I think that
10 those unit studies demonstrate why it would be difficult to build
11 and market those units. They may be similar in some ways to the
12 existing housing stock, the historic homes that are in that area
13 in terms of the, you know, the square footage of bathrooms or
14 closet space or things like that, but that's not what they're
15 selling here. They're not selling historic old houses that people
16 can, you know, make into their own and modify and change. I
17 mean, these are -- these have to be, you know, ready to move in
18 and meet the current desired standards for a new home. And so I
19 think I -- I am persuaded by their arguments that it doesn't
20 really work so well.

21 The -- you know, the concerns about the width of the
22 alley, I mean, there are many, many narrow alleys in the District,
23 and the idea of getting up to 16 feet I think is significant and
24 will help the neighbors who are closest to that alley and then
25 the closure of the other alley. The other alley wasn't really,

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1 I think, serving that much purpose, so I don't think it really -
2 - you know, the loss of that to the road network doesn't -- or
3 the alley network doesn't really have that much of an impact.
4 And the creation of the mews I think is going to be a benefit
5 for the neighborhood as well as to the people who live there. I
6 think there is -- I think the argument was made in the hearing
7 that -- I think it's just OAG that the widening of the alley was
8 a DDOT requirement, and so therefore it can't be considered a
9 public. I think I agree that it can't be considered a public
10 benefit because -- not because it's a requirement, because DDOT
11 doesn't get to make requirements, but I think it is -- it's
12 necessary as a mitigation of any potential impacts from the larger
13 development on U Street. So I don't think we should be
14 considering that a public benefit, but we certainly can consider
15 that as a necessary mitigation for the project. And that's one
16 of the things that we have to consider when we are developing a
17 -- or when we are evaluating a planned unit development.

18 I think that's it for the questions that I had. I
19 mean, I do appreciate the additional submissions that we got, the
20 extra 14 letters to hear what people are concerned about. It
21 said 14, but I counted more than that. I'm not sure exactly what
22 -- how that worked. But we got more information into the record
23 from folks who were concerned about the project. It does seem
24 like there are a lot of folks who were not well-informed about
25 it, but there's -- I'm -- given that there was an HPRB case,

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1 given that it was, you know, the -- this is a -- an area where
2 there's, you know, public use and -- of the -- that garden space
3 that will become townhouses, it seems to me that it's -- and
4 given, I think, there was a pretty substantial number of public
5 meetings and public discussions, I'm not persuaded that there was
6 not -- there wasn't sufficient outreach, and that was one of the
7 things that was a recurring theme in those letters.

8 And then the last thing I would say is that the SPP
9 party, I really am just not persuaded by their arguments that
10 largely have to do with the townhouse configuration and their
11 desire for a larger alley, smaller houses, and public green space
12 or public open space. It's -- it was not sufficient from my
13 perspective, and I believe that the case is worthy of our taking
14 proposed action to approve tonight. So sorry, that was really,
15 really long, but there's a lot to this case, and so I hope
16 everybody else talks as long as I do.

17 CHAIRPERSON HOOD: Sorry about that. I'm trying to get
18 my mouse to come from the other screen back down to this screen,
19 and it takes a minute. I mean, where are my grandkids?

20 Thank you, Commissioner May.

21 Let's see. Commissioner Imamura?

22 COMMISSIONER IMAMURA: Thank you, Mr. Chairman.

23 Thank you, Commissioner May, for your comprehensive and
24 thorough summary. I'm not sure that you left much of us to
25 expound upon. So we're left with some of the scraps here that I

1 can pick up on.

2 There is something actually that in the record,
3 Mr. Chairman, that kind of made me bristle a bit in OAG's report.
4 And I just want to tie this back to comp plan consistency, because
5 I know that one of the things that really concerned me was really
6 about the potential inconsistency with the neighborhood
7 conservation area. But I think that, you know, I've been
8 persuaded that the benefits of this particular project outweigh
9 those consistencies. And I mentioned OAG in their comment that
10 design benefits, you know, should be taken out of the equation.
11 And frankly, you know, design excellence is a contributing factor
12 to urban design and quality of life, and it's critically
13 important, and it must be weighed in part of the benefits.

14 You know, certainly the massing scale of this PUD might
15 be, you know, considered -- or arguably, maybe slightly a little
16 bit larger than most people might feel comfortable with.
17 Certainly is something that I was wrestling with, but it is good
18 quality design. There are a number of public benefits and
19 amenities I think that will serve the neighborhood and the
20 community. So I just want to put that out there, that I don't
21 think you can negate design excellence in a case like this. It
22 is incredibly complex. But you know, that's -- architecture
23 really shapes some of life's most important experiences at the
24 street level, at the neighborhood level, at the urban level, at
25 the urban scale, so. I think those are the only scraps that I

1 have to pick up on that Commissioner May might have missed, but
2 that's all right. I yield back.

3 CHAIRPERSON HOOD: Okay. Thank you.

4 Vice Chair Miller?

5 VICE CHAIR MILLER: Thank you, Mr. Chairman. And thank
6 you to my colleagues for your analysis, which is very helpful,
7 and I'm not sure I have much to add to that. I appreciate the
8 Applicant's post-hearing response to questions that each of us
9 raised at the public hearing and that the opposition raised at
10 the public hearing, the SPP party and Office of Attorney General.
11 There was as -- it was a very fulsome response by the Applicant
12 that took those concerns seriously. But I think that statement,
13 20-page statement, at Exhibit 66, is very thorough and helped
14 persuade me where -- to get to a point that I was comfortable
15 with proceeding with proposed action tonight, as recommended by
16 the Office of Planning and by the affected Advisory Neighborhood
17 Commission.

18 Is it 1A, Mr. Chairman, Chair Harris --

19 CHAIRPERSON HOOD: I believe it's 1B, I believe.

20 VICE CHAIR MILLER: 1B. So we have that unanimous
21 approval from the ANC that we had at the hearing. I had been
22 concerned that the affordable housing proffer, which is beyond
23 the minimum that is required in this type of PUD/map amendment
24 case, the regular IZ applies, which is a minimum of 8 percent,
25 and they are providing 15 percent affordable housing under our

1 inclusionary zoning definition. But I had been concerned that
2 it wasn't enough to outweigh potential inconsistencies with the
3 comp plan and with potential adverse effects, particularly by the
4 townhomes to be developed on the townhomes that are there.

5 But on the comp plan consistency argument, I think they
6 -- the potential inconsistencies -- well, I think it's generally
7 not inconsistent with the comp plan, both the future land use map
8 and the neighborhood conservation area. I know Commissioner
9 Imamura had a concern about the neighborhood conservation area,
10 but that definition specifically was amended, that framework
11 definition was amended to clarify that infill development is
12 favored, particularly where there is affordable housing involved.
13 And those 15 townhomes that are being offered, as Commissioner
14 May said, a rare situation in the limited land area of the central
15 planning area, the U Street area, not a lot of townhomes that are
16 going to get developed here, that they do -- that the 15 for sale
17 townhomes, I think is it four or five that are being offered at
18 the affordable level, is important.

19 And I had been concerned about the effect of the
20 townhome development, the new townhome development, on the
21 existing townhomes that were there and whose owners apparently
22 never expected there to be a development within the square,
23 although this developer I think has always has advertised that
24 community garden use or whatever is there currently or has been
25 there for a few years, while this project's been going forward

1 through historic preservation and other review processes, that
2 that was an interim use.

3 But I think it's well designed. I think that there are
4 mitigations that have been provided that offset any potential
5 adverse impacts. And I think Commissioner May did cover a lot
6 of territory here, and I appreciate all of his analysis and
7 comprehensiveness in that -- in doing that, which saves us a lot
8 of time. So I'm prepared to move forward this evening, Mr.
9 Chairman. Thank you.

10 CHAIRPERSON HOOD: Thank you. Thank you all. I don't
11 have any problems with the consistency plan -- comprehensive plan
12 consistency. I think there are some other policies that would
13 weigh in, as in other cases. I too agree that the alley should
14 not be a benefit. I agree with OAG and also the comments of my
15 colleagues.

16 But where I'm having a problem, and I guess I'm the
17 only one having this problem, is the townhomes on the alley lot.
18 I do not believe that the -- one of the things we have to look
19 at is the safeness of the alley use. Overburdening the alley
20 creates unsafe alley systems, increased traffic and vehicles and
21 pedestrians, encroaching on existing townhomes through diminished
22 privacy, noise, and shadows. I know the regulations have changed
23 since the last time we looked at developing back there, in 2003
24 I think it was. And I appreciate the Applicant's response. But
25 if all things being equal, the only parts I can't get over are

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1 those last two pieces we have to look at as far as the alley
2 being unsafe, creating an unsafe alley system in that area. So
3 I've already been notified that I cannot vote on this in two
4 parts because I cannot bifurcate it. It's one case. So I don't
5 have a good feeling about this. I don't have a good feeling
6 about the alley. I think it needs a -- that alley's always
7 troubled me, and I'm still troubled. I know that there are some
8 components to this that I think are good, but I just -- I don't
9 have a comfort level of voting in favor of this case the way it
10 exists today. So I will not be voting in favor of this. I'll
11 just leave it at that. I don't have to say anymore.

12 VICE CHAIR MILLER: Mr. Chairman?

13 CHAIRPERSON HOOD: Even though -- let me just say this
14 though. Even though the regulations have changed, the situation
15 is still the same for me. And I know there's something that can
16 be done that can give a more safe -- if you look at those -- not
17 just this alley system, there's a lot of them. And I know we
18 have enhanced our alley systems, but they are unsafe, and I think
19 we're just exacerbating the issue in this case.

20 Vice Chair Miller?

21 VICE CHAIR MILLER: Well, thank you for your comments,
22 Mr. Chairman. I mean, I had some reluctance about the townhome
23 development too. And I asked -- I think I was the one that asked
24 for alternatives, the two-story alternatives, and they came back
25 with four alternatives. I didn't expect that all but one of them

1 would be three-bedrooms, although I understand why they included
2 the three-bedrooms. And I think it was the three-bedrooms for
3 the three that really made it not work. I could see why none of
4 those alternatives worked. They did provide a fourth alternative
5 with two-bedrooms, which also showed why it was not marketable.
6 But I -- I mean, I'm empathetic with what your concerns are about.
7 I mean, I was during the hearing with the -- both the safety and
8 the light -- the light and air issues as a result of 15 townhomes
9 being crammed into that Temperance Alley, which was approved by
10 historic preservation, the design at least.

11 But the townhome development was -- it was made clear
12 at the -- toward the end of the hearing that we held, which was
13 a very long hearing, that it was the townhome development that
14 was the concern. It wasn't the, you know, 300-unit apartment
15 building on U Street that was of concern to the party in
16 opposition. And there's the -- I would have liked to have seen
17 more alternatives with lesser number of just two-story, even
18 though that's not providing the three-bedroom family-sized units,
19 which is a very important policy in the comprehensive plan. So
20 I would have liked to have seen more alternatives that -- more
21 two-story alternatives that just dealt with the two-story issue,
22 because there did seem to be some room amongst the opposition
23 party and amongst OAG even for a lesser dense development in that
24 alley system townhome development. But I'm not sure where that
25 leaves me. I'm kind of just rambling, but I can understand your

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1 concern, Mr. Chairman.

2 CHAIRPERSON HOOD: Okay. And I will say I didn't come
3 to that conclusion lightly. It's easy for me to just go ahead
4 and say okay, everything's good. But I just, you know, our charge
5 is to protect the residents and all the businesses of the District
6 of Columbia, and I just think that outdoor -- I still have some
7 concerns. This is -- while I would always like additional
8 affordability in every case, but the laws are what they are, I
9 just -- I've been going back and forth with that issue, and I
10 just don't have a good feeling about it. So I'm going to go with
11 my gut.

12 Commissioner May?

13 COMMISSIONER MAY: Mr. Chairman, you know, we value
14 coming to consensus on projects, and it's a pretty unusual
15 circumstance that we all don't wind up in the same place in being
16 able to, you know, vote in favor for a project. And so many
17 projects change very significantly from what is originally
18 submitted to what we see in a hearing and then to what we finally
19 vote in favor of. And so I'm wondering in this circumstance,
20 because I could, you know, I -- while I'm supportive of what they
21 have proposed, I could be supportive of something that's, you
22 know, maybe configured a little bit differently to address safety
23 concerns or perhaps less dense, although I don't think that they
24 can get there without three stories. I don't think that's -- I
25 don't think three stories is your key issue. I think it has to

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1 do more with the operation of the alley than anything else. But
2 I'm -- maybe I'm wrong about that.

3 In any case, I'm wondering if it's worth it to hold off
4 on making a decision tonight in order to ask the Applicant to
5 take another look at the entirety of the alley situation and the
6 configuration of the units to see if they can further address
7 concerns that you might have or whether you're just, you know,
8 whether you just don't think it's worth it. Because if you think
9 it's worth it, I, you know, I have no problem with putting off
10 decision making for another meeting or two.

11 CHAIRPERSON HOOD: So I will -- I appreciate that,
12 Commissioner May. I will say though I know this is a difficult
13 site, but everything else for me falls into place except for that
14 one little alley lot area. And I know two stories won't make it
15 -- the Vice Chair and you and others have -- and I don't know if
16 Commissioner Imamura have mentioned that, but -- and I can tell
17 you that while I was reviewing this case and looking at what OAG
18 said as well, I was trying to push my way through it.

19 COMMISSIONER MAY: Yeah.

20 CHAIRPERSON HOOD: But I couldn't do it. So if another
21 week will help -- and I want the Applicant to understand, I know
22 it's difficult, and that's probably why I'm not an architect or
23 a developer. But I am what you may call a community person who
24 knows when you're putting -- I believe people are being put at
25 risk to a certain point, and I don't have a good feeling about

1 it. Another week, maybe I can look at it some more and go back
2 and forth like I've already done, and I may end up in the same
3 place. But if they go back and relook at it say -- and something
4 changes, then I may -- I don't know. I don't know, Commissioner
5 May. So --

6 COMMISSIONER MAY: So do --

7 CHAIRPERSON HOOD: -- if I knew that, I would play the
8 number.

9 COMMISSIONER MAY: First of all, I would dispute the
10 fact that you're not an architect or a developer, because after
11 the number of zoning cases that you've been on, where you've
12 heard all of this architectural talk and all of this development
13 talk, I feel like, you know, you could walk out the door and
14 design something and build it. But I guess what I'm -- what I
15 would want to understand a little bit better is the specifics of
16 the safety concern. And you said it's not really about the height
17 of the buildings. So it has to do with the narrowness of that
18 alley, or is it a security about -- I mean, a concern about
19 security within the mews and whether there are going to be, you
20 know, unsavory characters in a remote space where, you know,
21 people are -- families are going to be coming and going? I mean,
22 can you articulate a little bit more about the concerns because
23 I feel like there might be some areas where they could, you know,
24 they could trim a little bit of space off here or there, a little
25 bit of building off here or there and maybe try to make it safer

1 from your perspective.

2 CHAIRPERSON HOOD: So when I looked at this -- and I
3 may be totally off, but when I looked at this, I thought about
4 kids playing. I thought about the streets.

5 COMMISSIONER MAY: Right.

6 CHAIRPERSON HOOD: I thought about the alley lot. I
7 thought about -- I know when I was growing up in D.C. over in
8 northeast, I played in the alley. I don't know who's going to
9 buy the house, but I'm just thinking about the -- as we call the
10 pedestrian or the playing or the walkable experience.

11 COMMISSIONER MAY: Right.

12 CHAIRPERSON HOOD: So that's kind of where I am. And
13 I agree. I bought the argument of the SPP, even though I might
14 not have bought the argument about the height, but I bought the
15 argument about SPP when it comes to safety. And I just don't
16 believe that we've gotten there. Yeah, I think that there's some
17 good attributes, as I mentioned, but you know, I would leave that
18 up to -- if we do that, I would leave that up to the experts to
19 come back with something that would give me a comfort level.
20 Right now I don't have it. And I also know I don't have the
21 votes.

22 COMMISSIONER MAY: Right. So if you don't mind my
23 asking a little bit further. So for you, it's more about -- it's
24 less about sort of having sufficient vehicle width on the alley
25 that's going to be widening, right, where it's going to be going

1 to 16 feet, it's less about making that, you know, 18 feet or
2 something like that, it's more about how people who live in the
3 townhouses will be coming and going or how people who live there
4 now might be using the alley network as pedestrians; is that
5 right?

6 CHAIRPERSON HOOD: Yeah, the interaction, the
7 interplay. Now, we added in a -- I don't even know what it is
8 now. We've heard some comments about how that -- the intensity
9 of the use of the alleyways. And I know --

10 COMMISSIONER MAY: Right.

11 CHAIRPERSON HOOD: I do know when I first asked this
12 question, and I hope I'm asking the question. I haven't been on
13 the witness stand in about two weeks. But I do know that when
14 we dealt with this in ZR '16 -- and I know that's what everybody
15 says from 2013, to me it's -- nothing has changed. The only
16 thing that's changed is the regulations. The issue is still
17 there for me for alley lots and especially this one over here in
18 -- on U Street. U Street -- having had to walk through one of
19 those alleys leaving Howard one night, I can tell you it was not
20 the most -- and I'm not talking about necessarily safety from
21 somebody walking around to rob me or whatever they want to do to
22 me --

23 COMMISSIONER MAY: Yeah.

24 CHAIRPERSON HOOD: -- I'm talking about as far as mobile
25 -- motorized equipment and people playing and being in -- and

1 interacting in that alley, I just don't have a good feeling about
2 it.

3 COMMISSIONER MAY: Right. Right. So there -- I mean,
4 maybe there are some other, I don't know, alley traffic calming
5 measures or, you know, other things that might be done to further
6 protect the people who might be in the alley on foot, to protect
7 them more from that vehicle interaction or something like that
8 it sounds like. I'm just -- I'm talking through this stuff
9 because I'm trying to give, you know, if we do decide to postpone
10 decision making, it would be good for the Applicant to have some
11 idea of what they are trying to address to address your concern.

12 CHAIRPERSON HOOD: So I believe that they are the
13 experts, and I believe that they can do a lot better, especially
14 when it comes to the alley use, interchange.

15 COMMISSIONER MAY: Yeah.

16 CHAIRPERSON HOOD: I know that the neighborhood wants
17 them to reduce things, but I think they can do a lot better as
18 far as mitigation methods. I don't think they --

19 COMMISSIONER MAY: Right.

20 CHAIRPERSON HOOD: I don't think they've mitigated it,
21 from my standpoint --

22 COMMISSIONER MAY: Okay.

23 CHAIRPERSON HOOD: -- for safety measures. That's just
24 me. I don't know if others agree with me or not.

25 COMMISSIONER MAY: Right. I mean, I -- and I've said

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1 before, I have no problem with giving the Applicant some more
2 time, given that we'd have to have responses from the party and
3 from the ANC, I, you know -- and maybe we'd want to have further
4 input from DDOT and OP. I don't know. But it sounds like we'd
5 have to put this off until the May 11th meeting in order to give
6 the Applicant time to work on something and then time to get --
7 time for those parties to respond.

8 CHAIRPERSON HOOD: And --

9 COMMISSIONER MAY: And I really don't have that
10 problem.

11 CHAIRPERSON HOOD: Okay.

12 COMMISSIONER MAY: I don't know if the Applicant has a
13 problem with that, but I don't have a problem with that.

14 CHAIRPERSON HOOD: They probably do. But this is my
15 vote, and that's how I'm going to carry this vote. And I don't
16 know what's going to happen May the 11th. But I will tell you
17 if my colleagues agree to that -- I appreciate that, first of
18 all, Commissioner May -- but if my colleagues agree with that,
19 I'd appreciate it and I will guarantee you that I won't hold it
20 up any longer. It'll be -- it'll continue to be a vote May the
21 11th.

22 COMMISSIONER MAY: I think that's absolutely right. By
23 the way, I just want to point out that as I'm sitting here in
24 this zoning hearing, former Zoning Commissioner Kevin Hildebrand
25 walked by and yelled at me, so.

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1 CHAIRPERSON HOOD: Well, could you yell back at him and
2 tell him we all said hello?

3 COMMISSIONER MAY: He's long gone by now.

4 CHAIRPERSON HOOD: Oh, okay.

5 COMMISSIONER MAY: I did not want to interrupt the
6 proceedings and like start yelling out the window. But --

7 CHAIRPERSON HOOD: Well, if you see him again, tell him
8 we all said hello.

9 COMMISSIONER MAY: I will. And yes, and you're the
10 only person who served with him, so I'll tell him you --
11 I'll -- next time I see him, I'll tell him.

12 CHAIRPERSON HOOD: Okay.

13 COMMISSIONER MAY: Anyway.

14 CHAIRPERSON HOOD: Okay. All right. So I don't know
15 what others feel. I appreciate the opportunity, and I hope the
16 Applicant understands, and I just need to see a little more. And
17 I will tell you, I went back and forth with this, and I just made
18 my mind up that I --

19 COMMISSIONER MAY: Yeah.

20 CHAIRPERSON HOOD: -- I just couldn't do it, so. Let
21 me hear from you all.

22 COMMISSIONER MAY: Yeah, we need to hear from others.

23 CHAIRPERSON HOOD: Are you in line with that,
24 Commissioner Imamura, or are you ready to say move on?

25 COMMISSIONER IMAMURA: Thank you, Mr. Chairman. I'm,

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1 you know, perfectly comfortable to show deference. And I always
2 think that -- you phrased it many times that we can always do
3 better. And design often benefits from another look and further
4 refinement, right? So there, you know, all architects that try
5 to achieve perfection. And there may be something in there, just
6 another look. But what I would add and suggest to the Applicant
7 that, you know, there is a difference between an architectural
8 solution and a landscape solution in terms of separating uses
9 between pedestrian and vehicular use as well as bicycle. So I
10 would strongly urge the Applicant to look at this through a
11 landscape solution. So I think those are the only additional
12 thoughts that I would add, Mr. Chairman, and happy to put this
13 off to May 11th and would ask that they actually put an earnest
14 effort forward to look at this one more time. And I think they
15 will also be pleased with a better outcome here. And that's what
16 we're really trying to search for is a better outcome for the
17 neighborhood and for the city, so. Thank you, Mr. Chairman.

18 CHAIRPERSON HOOD: All right. Thank you, Commissioner
19 Imamura.

20 Vice Chair Miller?

21 VICE CHAIR MILLER: Well, I appreciate very much the
22 comments of all of my colleagues. And so yeah, if we're going
23 to put it off to get -- and I appreciate Commissioner Imamura's
24 suggestion that -- to try to see if there is a landscaped
25 mitigation measures -- if there are landscape mitigation measures

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1 which can help address that issue that you're raising, Mr.
2 Chairman. I -- and this is unusual for me, but I do think the
3 intensity of the use -- I mean, we're getting three-bedroom
4 townhomes for sale, some of which -- many of which are affordable.
5 So I hesitate to even criticize that part of the proposal, but
6 the party in opposition seem to link in their minds, and I kind
7 of bought into it, the intensity of the use with three bedrooms
8 and the third story to the adverse effect on them on both light
9 and safety.

10 It's just -- it's a lot of new use, 15 three-bedroom
11 units and townhomes in this congested area of the city. So if
12 there are -- just because there was an amenability, if that's a
13 word, on the party in opposition and OAG to a lesser number, a
14 lesser stories that maybe are two -- two-bedrooms less intense -
15 - that maybe creates less intense use of the alleys so that there
16 aren't as many safety issues for those kids or whoever who are
17 playing in them, I would like to see those alternatives presented.

18 But I also don't want to see what I always rail against
19 and others have railed against is paralysis by analysis. There's
20 been a lot of analysis in this case, and there -- it's gone
21 through a whole HPRB review process. And obviously, if the
22 townhomes are redeveloped or relandscaped, it's going to have to
23 go back through a months-long slog, and I'm sensitive to that
24 problem. So I welcome just one more attempt by our May meeting
25 to see if there are some alternatives that can try to address

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1 some of these outstanding issues. But yes, I also do not want
2 to delay it beyond that point in time. So thank you, Mr.
3 Chairman, and my colleagues, for your very thoughtful comments.

4 CHAIRPERSON HOOD: Thank you, Vice Chair and all. And
5 let me just say this, I will say that one of the things that John
6 Parson taught me when I first got on the Commission is, Anthony,
7 we don't worry about what HPRB or anybody else does. And not
8 that I'm not taking that in consideration, I'm taking more in
9 consideration of what my job is to do, and that's to protect the
10 residents of the District of Columbia. And that's the oath that
11 I took seven times. But that's the oath that I've taken. And
12 that's kind of -- that's what gives me pause. I think it is a
13 great project. I got -- I just can't get over those last two
14 particulars. So that's where I am, Vice Chair. But I appreciate
15 everybody's comments.

16 Commissioner May?

17 COMMISSIONER MAY: Yeah. I don't happen to recall,
18 maybe somebody else does, whether they have final approval from
19 HPRB or a preliminary approval. I forget what the stages of
20 approval are at HPRB, but, because, I mean, I understand that
21 it's another hurdle for them, but maybe it's a hurdle that they
22 already had to go through. I don't know. Nobody -- does anybody
23 remember what the level of HPRB review is?

24 CHAIRPERSON HOOD: Ms. Schellin, is there any way we
25 can find out? I think -- I know one of them is concept approval.

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1 I don't know. It may be beyond that.

2 MS. SCHELLIN: Let me see if I can find out.

3 COMMISSIONER MAY: Yeah. The other question I have for
4 Ms. Schellin is, I mean, have you heard anything from the
5 Applicant? Have they said that they are okay with --

6 MS. SCHELLIN: Not yet.

7 COMMISSIONER MAY: -- May 11th? Well, they haven't
8 said they're not okay with it, right? Yeah. So silence is
9 consent.

10 CHAIRPERSON HOOD: Not really. When you read the
11 Business Journal tomorrow, it'll say Anthony Hood held up --
12 don't worry, it'll be there. It'll be somewhere.

13 COMMISSIONER MAY: Right. It's why I don't read the
14 Business Journal. I don't want to read about you, Anthony.

15 CHAIRPERSON HOOD: All my friends call me and tell me
16 you did it again.

17 (Pause.)

18 MR. RITTING: I've reviewed the record, and it appears
19 that it's received concept approval by HPRB.

20 MS. SCHELLIN: Concept approval.

21 COMMISSIONER MAY: Yeah. That's what I just saw in the
22 OP report.

23 (Pause.)

24 CHAIRPERSON HOOD: So Commissioner May, so this is not
25 a -- but if -- let's find out from the Applicant. This is not a

1 denial.

2 MS. SCHELLIN: I just got a --

3 CHAIRPERSON HOOD: This is not a denial, so --

4 MS. SCHELLIN: They're okay with May 11th.

5 COMMISSIONER MAY: Okay.

6 MS. SCHELLIN: I'm sorry, Chairman Hood, I didn't mean
7 to interrupt you.

8 COMMISSIONER MAY: No, that's fine. That's fine. I
9 was just thinking this is not a denial. But I think you're ready
10 to move forward. Either way -- you know, I'll be fine either
11 way. I just have my convictions like we all do.

12 COMMISSIONER MAY: Right. Yeah, I think --

13 CHAIRPERSON HOOD: I appreciate the opportunity.

14 COMMISSIONER MAY: Yeah, I think it's worth them taking
15 another look and coming back, and Ms. Schellin will have to figure
16 out what the dates are, but then we would take it up again on
17 May 11th. I think it makes sense.

18 MS. SCHELLIN: Yes.

19 CHAIRPERSON HOOD: Okay.

20 MS. SCHELLIN: If you -- you're ready for me to give
21 you some dates --

22 CHAIRPERSON HOOD: Yes.

23 MS. SCHELLIN: -- since you guys have already put out
24 there what you want --

25 CHAIRPERSON HOOD: Yes.

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1 MS. SCHELLIN: -- and they're okay with that? So I
2 think that -- and if Ms. Bloomfield is not okay with it, and we
3 need to go to the 27th, if they need more time, then that's fine
4 too. She can email me. But that would give them until April 27th
5 to provide what -- to make, you know, be responsive to what they
6 heard the Commission say. And then the parties, including the
7 ANC and any other parties, I believe, it was the SPP, if I'm
8 correct, would have until May 4th to provide response to what is
9 submitted. And then we could put this on for May 11th.

10 Now, Ms. Bloomfield, if that does not work for you, I
11 need a response like ASAP, so we can move it on to the next
12 meeting, which would be May 27th, if you guys need more time.

13 COMMISSIONER MAY: So while we have some quiet,
14 hopefully the -- word will also get back to the ANC that the
15 Chairman is concerned about this issue and -- as well as the Vice
16 Chair. And I would hope that the ANC would have something to
17 say about this, either in agreement or why they think that, you
18 know, that the safety concerns that Chairman has raised have been
19 adequately addressed either in what we already have or what's
20 going to be submitted. So I'm particularly interested in hearing
21 from the ANC on that issue.

22 MS. SCHELLIN: Okay.

23 CHAIRPERSON HOOD: Thank you, Commissioner May. You're
24 on the ball. You know, I'm just here thinking about it. I guess
25 I'm still stuck on trying to figure out how I can get over that

1 hurdle. But I would appreciate that. That's one way that will
2 probably help me get over that hurdle.

3 COMMISSIONER MAY: Yeah.

4 CHAIRPERSON HOOD: Because they're --

5 MS. SCHELLIN: They're --

6 CHAIRPERSON HOOD: -- the ones that live there. They
7 know what's going on. They're there all the time. I know they
8 were very supportive.

9 COMMISSIONER MAY: Right.

10 CHAIRPERSON HOOD: But I just have -- I'm stuck there,
11 and I appreciate --

12 COMMISSIONER MAY: Yeah, I get it. I get it.

13 MS. SCHELLIN: Okay. So the Applicant replied that
14 they are good with the May 11th date. And so I would ask them
15 to reach out to the other parties, the ANCs, advising them of
16 when they need to respond because a lot of times they do not tune
17 in for the meeting, so we always ask the Applicant to reach out
18 to them. And I believe the SPP party may be watching, but if
19 they want to reach out to them, that would be okay too.

20 COMMISSIONER MAY: Absolutely.

21 CHAIRPERSON HOOD: Okay. I really appreciate the
22 indulgence. And one thing that I don't do is delay projects. I
23 was prepared to just vote against it and move on. But I want to
24 thank my colleagues for indulging me. I try to do the same for
25 them. So today I -- it came back, so let's see what happens.

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1 And particularly if the ANC -- and please, ANC, weigh in on it.

2 All right. Any other questions or comments on this?

3 Ms. Schellin, we have everything in order?

4 MS. SCEHLLIN: On that case we do.

5 CHAIRPERSON HOOD: Okay. Yeah. Do we have another
6 case?

7 MS. SCHELLIN: We have one more item on the agenda, and
8 that's under further deliberations.

9 CHAIRPERSON HOOD: Oh, okay. I know what that is.
10 All right.

11 MS. SCHELLIN: The discussion regarding roundtable on
12 IZ in the D zones that you asked me to put on, and it's really
13 what you had asked was just more or less to talk about the
14 potential of a roundtable in the future.

15 CHAIRPERSON HOOD: So as everyone knows -- and I believe
16 that was in the Business Journal, I don't know why everything
17 makes the Business Journal. Business Journal, if you're
18 listening, you all -- you guys definitely follow us. So thank
19 you. But I will tell you that, was it last week or our last
20 meeting I believe, we did not set-down the D zones for IZ,
21 especially with everything that's going -- without rehashing all
22 that back and forth. But I know the Vice Chair and I have had
23 concerns over the years, but then like everything else, COVID
24 showed up.

25 And you know, even though I think we talked about it,

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1 Vice Chair, before COVID. We were trying to push that. I may
2 be wrong, but I think this was before COVID. But COVID is, for
3 me, has kind of put a stall on a lot of the things that we're
4 doing. I think the --

5 Yes, Commissioner -- I mean, Ms. Schellin.

6 MS. SCHELLIN: I'm sorry, Chairman Hood.

7 CHAIRPERSON HOOD: Ms. Schellin.

8 MS. SCHELLIN: There's an ANC commissioner that is
9 watching from the last case that just emailed me. I'm sorry.
10 Yeah, she just emailed me and said that their meeting is actually
11 on May the -- did she say the 3rd or the 4th? Their actual
12 meeting is on May 4th, and it would cut it very close for them
13 to deliver a response, but they do want to move forward with this
14 case. Would it be okay if we change that the parties -- that
15 that ANC be able to provide their report on May 5th, that is ANC
16 1B?

17 CHAIRPERSON HOOD: Yeah, That's fine. That's fine.

18 MS. SCHELLIN: Okay.

19 COMMISSIONER MAY: Yeah, I mean even more than that,
20 right? I mean, May 4th --

21 CHAIRPERSON HOOD: Yeah. We'll take May 11th.

22 COMMISSIONER MAY: -- we're already going to put it on
23 the next day, why -- you know, what's --

24 MS. SCHELLIN: Yeah.

25 COMMISSIONER MAY: If we got it the --

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1 MS. SCHELLIN: They usually only ask for the day after
2 to provide their report, so.

3 COMMISSIONER MAY: Okay. I mean, I would have no
4 problem if they gave it to us the --

5 MS. SCHELLIN: Following Monday.

6 COMMISSIONER MAY: -- like the Monday before the
7 hearing, which would be --

8 MS. SCHELLIN: Yeah. The 8th.

9 COMMISSIONER MAY: -- 11, 10, like 8th -- the 8th.

10 MS. SCHELLIN: Yeah. Okay. I'll let them know.

11 CHAIRPERSON HOOD: Okay. All right.

12 MS. SCHELLIN: All right. Thank you.

13 CHAIRPERSON HOOD: So back to --

14 Thank you.

15 MS. SCHELLIN: Sorry.

16 CHAIRPERSON HOOD: Back to the -- no problem.

17 Back to the D zone issue. One of the things that -- I
18 know one of the things in this city, the public likes to be heard.
19 And I'm sure when we did another roundtable recently, and all of
20 our roundtables, the public has been heard. The public has
21 brought us some grand ideas. And I think in this case, once we
22 get over this, I'm not going to say crisis, but this period of,
23 as the Mayor says, the comeback plan, once we get over things -
24 - kind of -- sorry about that. Once we get over things coming
25 back, then I think we'll relook at this at that time. It'll

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1 probably be next year. But I don't want this to fall off the
2 radar, but I do want to hear from the public. We didn't set it
3 down, but I think once we kind of see how things go, I do want
4 to hear from the public.

5 So I'm going to ask Ms. Schellin and my colleagues and
6 all, let's stay up on top of this. So maybe around October and
7 November, we can talk about revisiting this sometime in February
8 -- January or February, if that's okay. That way we'll have a
9 track record. We'll know how things are, and we might want to
10 revisit it, and maybe Office of Planning has some other things,
11 incentives that we can do from this little small piece of zoning.
12 We try to make it bigger than what it is, but it's a small piece.
13 There are other things that go along with it to make this thing
14 work, because we know that that's very crucial. OAG has expressed
15 their support for it. After the Vice -- the Vice Chair has, and
16 myself, OAG, residents in the city, I think they can help us get
17 to where we want to be at some point at the appropriate time.
18 Any comments on that, or does that make sense, doesn't make sense?

19 COMMISSIONER MAY: Yes.

20 CHAIRPERSON HOOD: All right. All right. Anybody have
21 anything else for this meeting tonight? All right.

22 Ms. Schellin, do we have anything else, OP or anybody?

23 MS. SCHELLIN: Nothing. If Mr. Young wants to bring
24 Ms. Steingasser in just to make sure that they don't have a report
25 or anything, but I wasn't notified that they did, so I don't

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1 think they do. I think we're good.

2 MS. STEINGASSER: We have no report at this moment.
3 Thank you.

4 CHAIRPERSON HOOD: Okay. Thank you, Ms. Steingasser.
5 Ms. Schellin, we don't meet again until April the 27th?

6 MS. SCHELLIN: That is correct, except for joint
7 training. So I am going to give you a little vacation.

8 CHAIRPERSON HOOD: Well, thank you. We have a little
9 time off. The Zoning Commission will meet again April the 27th.
10 And believe it or not, it's another meeting. So with that, I
11 want to thank everyone for their participation on this night and
12 -- in this meeting tonight -- today -- oh, it's still daytime -
13 - in this meeting. And with that, I hope you enjoy your few days
14 off and well-deserved colleagues and all who help us. And with
15 that, be safe, and have a great weekend.

16 (Whereupon, the above-entitled matter adjourned.)

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C E R T I F I C A T I O N

This is to certify that the foregoing transcript

In the matter of: Regular Meeting

Before: DCZC

Date: 04-13-23

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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