

GOVERNMENT OF
THE DISTRICT OF COLUMBIA

+ + + + +

ZONING COMMISSION

+ + + + +

PUBLIC MEETING

+ + + + +

THURSDAY

NOVEMBER 10, 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

OFFICE OF PLANNING STAFF PRESENT:

JOEL LAWSON, Associate Director
JENNIFER STEINGASSER, Deputy Director
KAREN THOMAS, Development Review Specialist
STEPHEN COCHRAN, Zoning and Special Project Planner

OFFICE OF ZONING LEGAL DIVISION STAFF PRESENT:

HILLARY LOVICK, ESQUIRE
JACOB RITTING, ESQUIRE

The transcript constitutes the minutes from the
Public Meeting held November 10, 2022.

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

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

OPENING STATEMENT:
 Anthony Hood 5

PRELIMINARY MATTERS:
 Ms. Schellin 6

MODIFICATION OF CONSEQUENCE:
 Case No. 06-11X George Washington University
 Modification of Consequence of Order No. 06-11R at
 Square 122 6

COMMENTS AND QUESTIONS:
 Commissioners 7

VOTE:
 Commissioners 8

Case No. 05-28AB Lano Parcel 12, LLC, PUD Modification of
 Consequence of 1st Stage PUD Block H at Square 5055 and
 Case No. 05-28AA, Lano Parcel 12, LLC, Two-year PUD Time
 Extension of 1st Stage PUD, Square 5055 8

COMMENTS AND QUESTIONS:
 Commissioners 13

VOTE:
 Commissioners 19

FURTHER DELIBERATIONS:
 Case No. 22RT1 Roundtable on Racial Equity Lens Tool) . 19

COMMENTS AND QUESTIONS:
 Commissioners 22

FINAL ACTION: Case No. 22-13 - Wesley Theological Seminary
 of the United Methodist Church 2022-2032 Campus
 Plan at Square 600. 30

COMMENTS AND QUESTIONS:
 Commissioners 31

Hearing Action: Case No. 22-29 JT EB Land Fund, LP,
Consolidated PUD & Related Map Amendment at Square 274 35

PRESENTATION:
Office of Planning Report - Karen Thomas 36

COMMENTS AND QUESTIONS:
Commissioners 39

VOTE:
Commissioners 44

Hearing Action: Case No. 15-24C
JBG/6th Street Associates, LLC & Gallaudet University
2nd Stage PUD @ Parcel 129/112 44

PRESENTATION:
Office of Planning Report - Steve Cochran 45

COMMENTS AND QUESTIONS:
Commissioners 48

VOTE:
Commissioners 53

CLOSING REMARKS:
Anthony Hood 53

ADJOURN:
Anthony Hood 54

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, also who will be handling all of our virtual operations. Also from the Office of Zoning Legal Division, Ms. Lovick and Mr. Ritting. I will ask all others to introduce themselves at the appropriate time.

Copies of today's meeting agenda are available on the Office of Zoning's website. Please be advised that this proceeding is being recorded by a court reporter and is also webcast live, Webex 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 and the ANC setdown report and the Office of Planning report. All other documents in the record will be reviewed at the time of the hearing. Again, we do not take any public testimony in our meetings unless the Commission requests someone to come forward.

If you experience difficulty accessing Webex or with

1 your phone call-in, then please call our OZ hotline number. I
2 think it's the same, 202-727-0789 for Webex login or call-in
3 instructions.

4 At this time, does the staff have any preliminary
5 matters?

6 MS. SCHELLIN: No, sir.

7 CHAIRPERSON HOOD: Okay. Let's go right in the order
8 with our agenda. This is for determination and scheduling in
9 Zoning Commission Case No. 06-11X, George Washington University,
10 a Modification of Consequence of Order No. 06-11R at Square 122.

11 Ms. Schellin?

12 MS. SCHELLIN: Yes, sir. In this case, the Applicant
13 is asking for a modification to remove the overhead canopy
14 structure, which they're saying is a -- is not a critical element.
15 Removal of the canopy will open up the courtyard up to the sky,
16 offering fresh air and unrestricted sunlight fully outdoors.

17 At Exhibit 5, there's a letter in support from the West
18 End Citizens Association. Exhibit 6 is a letter in support from
19 the Foggy Bottom Association, and Exhibit 7 is the OP report
20 stating that it finds the request does meet the standards of a
21 modification of consequence, and it also recommends approval of
22 the request.

23 Exhibit 8 is ANC 2A's resolution in support of the
24 request. If the Commission does, in fact, find this to be a
25 modification of consequence, since all of the parties have

1 responded, it could proceed with action this evening. Thank you.

2 CHAIRPERSON HOOD: Thank you, Ms. Schellin.

3 Colleagues, you've heard the course of action. I don't
4 need to be redundant. We know what's being the canopy is now
5 being moved, but I'm not going to be redundant. We've heard
6 through the course of action. Does anyone see that this is not
7 a modification of consequence?

8 (No audible response.)

9 CHAIRPERSON HOOD: Okay. We will proceed in that
10 fashion not hearing from anyone. We will do that by general
11 consensus. All right. And as Ms. Schellin has already stated,
12 we have ANC 2A, WECA and FBA, Foggy Bottom Association, and West
13 End Citizens Association all who were parties that were involved
14 previously all in support, which when I see WECA and 2A and FBA
15 all of support, to me that's a no brainer. But anyway, let me
16 see what my colleagues have to say. I think it's pretty
17 straightforward in what the request is.

18 Any additional comments or questions? I think we can
19 proceed and let -- and stand on the merits of this case. Let me
20 open it up and see if there are any questions or comments.

21 (No audible response.)

22 CHAIRPERSON HOOD: Not hearing any, not seeing anyone
23 moving, I would move that we approve Zoning Commission Case No.
24 06-11X as a modification of consequence first, and note that what
25 the Applicant has requested has overwhelming support and ask for

1 a second.

2 VICE CHAIR MILLER: Second.

3 CHAIRPERSON HOOD: It's been moved and properly second.
4 I think I've covered everything. Any further discussion?

5 (No audible response.)

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

8 MS. SCHELLIN: Commissioner Hood?

9 CHAIRPERSON HOOD: Yes.

10 MS. SCHELLIN: Commissioner Miller?

11 VICE CHAIR MILLER: Yes.

12 MS. SCHELLIN: Commissioner May?

13 COMMISSIONER MAY: Yeah. Yeah. Yes.

14 MS. SCHELLIN: Commissioner Imamura?

15 COMMISSIONER IMAMURA: Yes.

16 MS. SCHELLIN: The vote is four to zero to one to
17 approve final action in Zoning Commission Case No. 06-011X, the
18 minus one being the third Mayoral appointee position which is
19 currently vacant. Thank you.

20 CHAIRPERSON HOOD: Okay. Thank you. Up next for
21 deliberations, but you know, I think what I need to do is scroll
22 down. We need to do the time extension first. But let me call
23 them both. Let me call them both. Give me a moment, because I
24 want to scroll to it. For deliberations is a modification of
25 consequence. We have Zoning Commission Case No. 05-28AB, Lano

1 Parcel 12, LLC, PUD Modification of Consequence of 1st Stage PUD,
2 Block H at Square 5055. And then we also have a request for a
3 time extension, which is Zoning Commission Case No. 05-28AA, Lano
4 Parcel 12, LLC, two-year PUD time extension at Square 5055.

5 And Ms. Schellin, I guess you can call them, but I
6 would rather do -- I want to do the time extension first, and
7 then we'll do the modification of consequence second. And we'll
8 just vote on both together.

9 MS. SCHELLIN: Okay. Sure. Can you give me one second,
10 and let me switch over to YouTube? It appears that the court
11 reporter is telling me it hasn't started. Can you just give me
12 one second.

13 CHAIRPERSON HOOD: Okay, sure.

14 MS. SCHELLIN: Let me switch over very quickly.

15 CHAIRPERSON HOOD: Okay.

16 MS. SCHELLIN: Sorry about that. From my end, it
17 appears that it's streaming, so I'm not sure what's going on. So
18 with the time extension, they are asking for a two-year PUD time
19 extension. They've already had, I believe, five, not including
20 the COVID time extensions. So they're asking for waivers to have
21 more than two. And that the second one, which obviously this is
22 more than the second one, but that it be granted for more than
23 one year.

24 They're stating that there have been issues with
25 obtaining -- or there's issues getting rental or leasing the

1 retail office and residential with those markets. So that's the
2 need for the extensions. There's an OP report at Exhibit 5,
3 which also needs a waiver, because it was filed less than ten
4 days before the meeting. Exhibit 6 is an ANC 7D resolution which
5 supports this request, so that's the time extension.

6 The modification request at Exhibits 7 and 7A, as you
7 know, you guys did find that this was, in fact, a modification
8 of consequence. You asked the Applicant to provide a statement
9 responding to your questions regarding the timeline and future
10 development at Parkside, and they've done that Exhibit 7 and 7A.
11 And then at Exhibit 8, there's a letter of support from the ANC
12 7D chairman advising that the full ANC did not take this up,
13 because of their meeting being at election time. They did not
14 have their meeting. They had to cancel it. And -- but they do
15 support this request and just to state that they would take no
16 further action on this case, but they do support it. It's just
17 no official action. So that's all that staff has on those two
18 cases.

19 CHAIRPERSON HOOD: Well, thank you, Ms. Schellin. And
20 again, for me not to be too redundant, because I think you teed
21 everything up very well, let's look at the waiver request.

22 Any objections to the waiver request on time
23 extensions?

24 (No audible response.)

25 CHAIRPERSON HOOD: Any objections?

1 (No audible response.)

2 CHAIRPERSON HOOD: Not seeing -- not seeing any. Weight
3 broke the wagon, so if you got one, you need to tell me so, I -
4 -

5 COMMISSIONER MAY: Mr. Chairman, I --

6 CHAIRPERSON HOOD: Yes?

7 COMMISSIONER MAY: -- you know, this is just is a
8 recurring thing with, you know, additional time extensions for
9 this particular PUD. And we talked about it a little bit last
10 time, the fact that this is the PUD that is just taking forever
11 to finish. And it is huge and complex, and maybe there's a lesson
12 in that. But I understand why we are where we are, and it doesn't
13 make any sense to not do a time extension and waive the rule at
14 this moment, but it's still -- it's not a great thing to have to
15 continue to do this every couple years for 10, 12, 14 years,
16 whatever it's been.

17 CHAIRPERSON HOOD: Okay.

18 All right. Any other comments on that? So we will go
19 ahead and waive the rule.

20 And I actually agree with you, Commissioner May, but I
21 know this is a big undertaking, and it seems like --

22 COMMISSIONER MAY: Yeah.

23 CHAIRPERSON HOOD: -- when we got to this point, this
24 is where we are, unfortunately. And I know that other things
25 have come into place in -- at least in the last three years that

1 were not foreseen by any of us, so. And that adds to it.

2 So anyway, I will -- so we will give the waiver -- the
3 time extension. I mean waiver of the time extension request.
4 Before I can start deliberating, let's also -- oh, no. The next
5 case. There's another waiver needed for the Office of Planning.

6 Any objections to the Office of Planning's report?

7 (No audible response.)

8 CHAIRPERSON HOOD: Okay. So we will accept that as
9 well.

10 All right. Let's go to the first -- and then let me
11 ask. We've already decided this is a modification of consequence,
12 but let me open it up for any discussion or comments. We've
13 already agreed to -- did we agree to two years or one year? I
14 think we agreed -- they requested two years, correct?

15 (No audible response.)

16 CHAIRPERSON HOOD: Yes. So we agreed to -- did we
17 agreed to two years? Any objections?

18 (No audible response.)

19 CHAIRPERSON HOOD: Okay. All right. Let's go to the
20 modification of consequence.

21 Do we have it up?

22 And I think a lot of the reason we were waiting
23 for -- while we're waiting for ANC 7D -- while we -- we can
24 necessarily -- it doesn't meet the strict application of our
25 regulations, they did let us know that they are in support of

1 | it, and they are not going to deal with it anymore, so I'm ready
2 | for us to go and proceed.

3 | Let's open it up for any questions or comments on this
4 | application.

5 | COMMISSIONER MAY: Sure. Mr. Chairman.

6 | CHAIRPERSON HOOD: Commissioner May?

7 | COMMISSIONER MAY: Yeah. The -- I appreciate getting
8 | a recap of everything that has happened on this PUD since its
9 | inception and where we are in the progress of getting everything
10 | done. And you know, it is encouraging that so much has already
11 | been accomplished. It's discouraging that the commercial space
12 | component of this has lagged so far behind. You know, I
13 | understand why, and there are lots of complications that have led
14 | to it. But it is, nonetheless, disappointing that, you know, so
15 | little of what was originally envisioned, in terms of a commercial
16 | component for this project, has actually been realized.

17 | And the little bit that has happened with the, you
18 | know, the Unity Health Building is so radically different from
19 | what was envisioned even for that site. So I, you know, I --
20 | I'm -- I don't have any issues with this temporary use. I think
21 | these are all good things. And I think I said that at the last
22 | meeting, these are all good things. And so it's -- makes sense
23 | that it would go forward as a -- as, you know, temporary amenities
24 | for that community as it has been developing.

25 | And I -- and, you know, I think the thing that -- and

1 I feel like since we're going to be seeing this again and again
2 in the future, it is worthwhile for the Applicant to kind of
3 automatically include this kind of an update because, you know,
4 we see this project reappearing every year or so, two years. I
5 don't know, every few months sometimes. And I just don't retain
6 that much information over that period of time. It's useful to
7 see it on paper, particularly the graphic, I thought, was very
8 helpful. So glad to see that. Glad to support what they are
9 proposing to do at this moment and just try to stay hopeful that
10 the rest of the PUD is ultimately going to be realized some time
11 in our lifetime. I don't know. Whatever it takes. Thank you.

12 CHAIRPERSON HOOD: Okay. Thank you.

13 Commissioner Imamura, you have any question or comments
14 on this?

15 COMMISSIONER IMAMURA: Thank you, Mr. Chairman. I was
16 not here for the last meeting on October the 17th. I did read
17 into the record and took a look at the entire project, so it
18 reminds me of the quote by Daniel Burnham, "make no little plans."
19 So a laudable effort, but something of this complexity certainly
20 it's bound to encounter scheduling difficulties.

21 CHAIRPERSON HOOD: Okay. And --

22 COMMISSIONER IMAMURA: But --

23 CHAIRPERSON HOOD: I'm not hearing you that good, so I
24 don't know when you stop and when you start. I'm -- maybe -- is
25 anybody else having that problem or it's just my stuff?

1 (No audible response.)

2 CHAIRPERSON HOOD: Oh, okay. Sharon, you have -- oh,
3 everybody's having the same problem. So I know if we're not
4 hearing you, Commissioner Imamura, neither is the public, so.

5 COMMISSIONER IMAMURA: All right. Well, thank --
6 sorry, Mr. Chairman. I guess my earbuds are a little tired, but
7 I just -- I don't have anything additional to add. I'd certainly
8 echo Commissioner May's comments that, you know, a project of
9 this complexity is bound to encounter some scheduling delays.
10 You know and definitely time extensions (audio interference). It
11 is a laudable project, and I think it does need to move forward.

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

13 Vice Chair Miller?

14 VICE CHAIR MILLER: Thank you, Mr. Chairman. And I
15 would just add that the -- I appreciate the Applicant's submission
16 in response to our request for an updated timeline of what's been
17 accomplished and what's in the works, including a senior housing
18 -- all-affordable senior housing project, in addition to, I
19 think, a previous all-affordable senior housing project of 97
20 units that they are planning to file in December. So we are
21 going to see various iterations of this project that was
22 originally filed in 2005, a long time ago, as Commissioner May
23 said. But it's a big project. Maybe it should have been broken
24 up into parts. It's gone through at least two major economic
25 downturns in the national economy since it started.

1 They have tried, from what I can see, to get commercial
2 office space through federal solicitations for office -- federal
3 and District solicitations. They haven't been successful. I
4 don't think that that's a failing necessarily on their part. I
5 think they've tried to put in the infrastructure there. I think
6 it's a failure of the government's part, both federal and
7 District, not to locate and support this project more strongly.
8 But that's been a challenge forever for the east end of the city.
9 But I think that's changing. We see it changing with this --
10 with the St. Elizabeth site and other sites. So I, you know, I
11 think it -- the interim uses, they also have done affordable
12 housing first before the market rate housing, and they're
13 increasing their commitment to the affordable housing component
14 of the project. And the interim uses that they're proposing,
15 which is what this modification of consequence is about, are all
16 recreational type uses, which I think are beneficial to both the
17 immediate neighborhood, the immediate residents who are there and
18 who will be there, and the larger neighborhood, whether it's
19 basketball courts and other parklike amenities, farmers markets,
20 the -- all the rest of the recreational open space are a good
21 beneficial use -- interim uses, which maybe can be incorporated
22 in a future commercial or residential that gets developed.

23 So I'm -- even though this is the sixth time extension,
24 which is unusual, it's an unusual project in terms of -- as it's
25 been alluded to by my fellow commissioners, in terms of its --

1 the largeness of it and the complexity of it. So I think it --
2 there has been a lot of progress, and we're going to see more
3 progress in the future, and that's good.

4 CHAIRPERSON HOOD: Okay. I appreciate it. And I agree
5 with, if not all the comments, most of the comments that I've
6 heard. I know when we first did this, we went back and forth
7 about whether they had to do the clinic first, and we thought
8 that was going to jump start it, that this area needed a clinic.
9 It was ready to move. This is a large area for us to deal with
10 as has already been stated. But then, you know, we get down
11 towards -- closer to the end of it, and we start having -- running
12 into some hiccups, which is normal.

13 We've made changes and accommodations. I'm pleased the
14 -- I appreciate the Applicant and know will stand -- with their
15 stick-to-itiveness to continue to do this, because when I look
16 at summer concerts, outdoor yoga classes, which I'd hope -- maybe
17 is open to all of us. I can go over there and do some of that.
18 But I think it's a good use until we're able to -- a good interim
19 use until we're able to capture what's really -- what was really
20 trying to achieve there, so. And also, I just -- I was -- when
21 I think about this case and the clinic, I wanted to ask Ms.
22 Schellin this. And I was thinking Phil Feola, I think, took that
23 case. Is he still practicing?

24 (No audible response.)

25 CHAIRPERSON HOOD: He's not? Oh, man, I must be getting

1 old. Okay. So he -- I don't even know when he retired. Okay.
2 All right. So with all that, would somebody like to make a motion
3 on both? Both the time extension as well as the modification of
4 consequence with the interim uses?

5 VICE CHAIR MILLER: Mr. Chairman, I would -- now that
6 I said I would, I can't even find it. I would move that the
7 Zoning Commission --

8 And I can make a combined motion, Ms. Schellin?

9 MS. SCHELLIN: (No audible response.)

10 VICE CHAIR MILLER: -- approve both Zoning Commission
11 Case No. 05-28AB, Lano Parcel 12, LLC, PUD Modification of
12 Consequence, 1st Stage PUD, Block H at Square 5055. And if I
13 can find the time extension, Zoning Commission Case No. 05-28AA,
14 Lano Parcel 12, LLC, two-year PUD time extension at Square 5055
15 and ask for a second on that combined motion.

16 COMMISSIONER MAY: Second.

17 CHAIRPERSON HOOD: Okay. It's been moved and properly
18 second. Any further discussion?

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

21 MS. SCHELLIN: Commissioner Mr. Miller?

22 COMMISSIONER MILLER: Yes.

23 MS. SCHELLIN: Commissioner May?

24 COMMISSIONER MAY: Yes.

25 MS. SCHELLIN: Commissioner Hood?

1 CHAIRPERSON HOOD: Yes.

2 MS. SCHELLIN: Commissioner Imamura?

3 COMMISSIONER IMAMURA: Yes.

4 MS. SCHELLIN: The vote is four to zero to one to
5 approve Zoning Commission Case Nos. 05-28AA and 05-28AB, along
6 with the waivers that were requested by the Applicant and the
7 Office of Planning, the minus one being the third Mayoral
8 appointee position which is currently vacant.

9 CHAIRPERSON HOOD: Okay. Thank you.

10 Next, let's go to further deliberations under Zoning
11 Commission Case No. 22-Roundtable 1, Roundtable 1, so it must be
12 some more coming.

13 Ms. Schellin?

14 MS. SCHELLIN: Sorry. So this case, as you stated, is
15 the roundtable on racial equity lens tool. We had the roundtable,
16 and it's now at the point where the Commission can discuss what
17 the next steps are for moving forward.

18 CHAIRPERSON HOOD: Thank you, Ms. Schellin.

19 I really want to thank all those who helped get us
20 ready for the roundtable; Ms. Lovick and her team, Ms. Schellin
21 and her team and everybody, Office of Planning or whoever got us
22 ready for the roundtable and my colleagues. I keep my notes
23 handy. I still have them. I keep my notes with me. But we're
24 going to discuss, and I want to thank -- helping us grapple and
25 outline some of the things that we have done. I want to thank

1 | our legal counsel for helping us kind of put this into some type
2 | of order, and I greatly appreciate it.

3 | First, let me just say that we're going to figure out
4 | how the Commission -- how we intend to formally respond to the
5 | verbal testimony and written testimony received from the
6 | roundtable. One of the things that we're going to do, and our
7 | staff is really putting all this together, we just will review
8 | it. It is -- it's actually impossible to fully address all the
9 | testimony from the roundtable in our comments tonight. There was
10 | a lot of great suggestions, a lot of food for thought.

11 | We've heard the community, and we understand the need
12 | to revise the tool, we've already done that. We're in the process
13 | of doing it. And that tool has been revised even before we were
14 | going to discuss some of it and before we put it out. We're
15 | still discussing it. We had a very robust discussion. We're
16 | still having robust discussions of the path forward.

17 | The comments that were received centered on a need for
18 | the tool to be more detailed and to include -- and also -- and I
19 | just wanted to require some of the things that we got out of it.
20 | And I want to thank our staffs putting this together and helping
21 | me concise some of this, even though we've heard it in our notes,
22 | the community engagement, number one, we've heard that clear,
23 | community engagement.

24 | And I'll be frankly honest, I'm still trying to figure
25 | out how that's going to work, because a lot of the community

1 engagement happens long before it gets to the Commission, and we
2 need to make sure we have some teeth in that community engagement.
3 And I can tell you that not only did the Commission hear it, but
4 our staff has heard it, our Office of Zoning Legal Division and
5 our staff. We heard it loud and clear, so I appreciate that.

6 Then the identification of past discrimination/harm.
7 Disaggregated race data, we've heard that when we were grappling
8 with how we're going to concise and make that work. More
9 consideration of displacement, both direct and indirect.

10 And these are just a few of the issues that are raised.
11 There are much -- many more. So if I didn't call it, it's not
12 that we don't -- we're not having -- we don't have it on the
13 radar, it's just that tonight to go through a four hour or four-
14 hour hearing and try to grapple that in a few minutes is not
15 going to work. You're going to hear a lot more from us. And we
16 will -- who have compiled all the testimony and intend to respond
17 in writing with a submission to the case record, hopefully by
18 mid-December. And again, our staff is working very, very
19 diligently on that.

20 So that's the first part of the question, I mean, of
21 the issue. But let me open it up for any comments, anything my
22 colleagues want to say. I'm not necessarily trying -- we're
23 trying to debate. I'm just taking this as it's been codified
24 for me and for us to be able to kind of have a joint discussion.
25 I thought the discussion was going to be a lot more than this,

1 | but after we started looking at this, it's a lot more involved.
2 | So let me open it up, and I'll go the same way I usually go.

3 | Commissioner May?

4 | COMMISSIONER MAY: I think you've summed it up pretty
5 | well, Mr. Chairman. There's a lot that we have to take under
6 | consideration here, and I'm feeling very confident at this point
7 | that the Office of Zoning Legal Division, who has been helping
8 | us a great deal on this, is helping us develop the right kind of
9 | tool that will be helpful in all future zoning cases. And you
10 | know, we will have to have further public discussions of how
11 | that's coming along and respond to the comments that we had gotten
12 | at the roundtable in September in some form, not necessarily
13 | point by point, but on each one of them individually, but some
14 | sort of aggregate responses. I think that's all in order, and I
15 | don't think I have anything else to add. I'm feeling optimistic
16 | that we will get this over the finish line with some further
17 | discussion and study. Thank you.

18 | CHAIRPERSON HOOD: Thank you.

19 | Commissioner Imamura?

20 | COMMISSIONER IMAMURA: I'll be brief so my earbuds
21 | don't get tired. But I share Commissioner May's optimism, and I
22 | think your summary, Chairman Hood.

23 | CHAIRPERSON HOOD: Okay.

24 | And Vice Chair Miller?

25 | VICE CHAIR MILLER: Thank you, Mr. Chairman. I concur

1 with all the comments that you and my fellow commissioners have
2 made thus far.

3 We are taking seriously the important comments that we
4 have received from the public at our September 22nd public
5 roundtable. That was -- that won't be the only opportunity
6 to -- for the public to comment on whatever we develop in response
7 to the comprehensive mandate that we develop a racial equity
8 lens, which we preliminarily have a initial lens. And even before
9 the Council mandate, we were looking at those issues as the
10 Chairman always noted.

11 So I appreciate our staff's -- they've reached out to
12 stakeholders in response to the Chairman's direction at the
13 hearing that they do that and have come up with drafts for us to
14 look at. And we are looking at them and seriously, and we want
15 to -- this will be an evolving thing, as it's an evolving thing
16 right now. But we want to get it right before we put out something
17 else out there for public -- further public comment, which there
18 will be further public comment. I don't know how much more I
19 want to say or should say at this stage.

20 It's an important responsibility that we have to view
21 the Comprehensive Plan consistency in all zoning cases through
22 the racial equity lens. I personally don't want it to become a
23 weapon -- an additional weapon in all the arsenal of weapons that
24 already have been used against the Zoning Commission on projects
25 that we've approved with the Office of Planning's support and

1 usually the affected ANC's support. So I want it to be something
2 that we evaluate and modify -- get modifications in the projects
3 as appropriate in each case going forward. They're all individual
4 cases. But I think we can get that tool and work on it and put
5 it out there for public comment, much more detailed than our
6 current tool that's on our website and that we're officially
7 using.

8 So I -- the other -- only other initial comment I would
9 make, don't know if I should make, is that I don't want to put
10 too much burden -- yes, the applicant needs to provide -- needs
11 to do that community engagement upfront, the Office of Planning
12 needs to do the community engagement upfront before it ever gets
13 -- before these cases ever get with racial equity and other
14 evaluation tools for the project's consistency with the Comp
15 Plan, most importantly. But I don't want to put too much burden
16 on applicants who aren't developers, applicants who are just ANCs
17 or neighborhood associations, non-profit associations who come
18 forward with cases, whether they're text or map amendments, I
19 don't want to put too much burden on whatever we develop.

20 And so I think we just have to be aware of that
21 distinction between a developer coming forward that has the
22 resources and a neighborhood group that wants to make a -- propose
23 a map or text -- a neighborhood or nonprofit group that wants to
24 propose a map or text amendment before us. We don't want to put
25 any -- we don't want to create -- add barriers to those amendments

1 coming forward.

2 And then the final thing I would say is the Office of
3 Planning is very resourced with a demographic and data division
4 and a neighborhood community planning division, and they've shown
5 that in the Small Area Plans that they've developed over the
6 years, including, I think, the Chevy Chase plan that was developed
7 most recently, which had a racial equity component in it.

8 So I think we -- there is -- we are an independent
9 agency. We will make the final decision on whether we think
10 information is adequate before us and if we need more information,
11 but they are -- the Office of Planning has the resources and
12 expertise to develop -- to provide us and the public with
13 information about neighborhood planning, historical trends,
14 market and affordable housing rates in the neighborhood, trends
15 going forward, backward. They have it all, thanks to the Council
16 and the Mayor providing them those resources, and we need to not
17 place it on ourselves or on applicants to be the ones to have to
18 develop that information to -- in order to evaluate projects
19 through a racial equity lens.

20 I had one other point. Oh, we are an independent
21 agency, so we will make the decision in the end on any and each
22 case. No, that wasn't the point, but maybe I'll think of it
23 before we close out. But we're not going to -- this isn't the
24 end. This is the beginning of a process. We -- we'll have much
25 more public discussion and public input as we go forward. And I

1 | guess that's it, Mr. Chairman.

2 | CHAIRPERSON HOOD: Thank you, Vice Chair Miller. I was
3 | going to -- we -- to me, being in the Office of Planning, we're
4 | going to get to that, because that's -- really that's a
5 | deliberation point. It's always been about process to me. The
6 | Office of Planning gives us a report now. We -- I need to make
7 | sure if it's -- it's within any agency, whether it be Office of
8 | Planning or some of the other task force or wherever it goes, we
9 | need to make sure we have the expertise in that area. I don't
10 | know. You know, that's some of the things that I need to come
11 | up to speed on, but that's a discussion, and I'm putting it out
12 | there for the public.

13 | I'm putting that up -- out there as a discussion,
14 | because the Vice Chair did mention the Office of Planning. But
15 | I -- if it was to go into the Office of Planning, you're right,
16 | they're the experts. But if it was to go there, it would need -
17 | - for me, it would need to be somewhere, not necessarily a
18 | development review, somebody who has some knowledge of racial
19 | equity to help us with our reports and make sure that they look
20 | at those things that we don't see. But I -- that's something
21 | that we all can get into, because that's part of deliberation and
22 | debate, so I didn't really want to go there.

23 | But I do want to let the public know this, that we have
24 | instructed the Office of Zoning to meet with various internal and
25 | external stakeholders, not just them, but I've talked to some,

1 and I've also been looking around. And when people see me, and
2 -- because it's not case specific. I've also attended the
3 Rappaport class. They -- it's online, so I'm trying to see what
4 other people are doing as well. And I'm sure others are doing
5 their own individual analysis to try to make this be effective
6 and efficient. So I don't want people to start dodging me because
7 "Oh, Anthony is going to ask me some questions about something."
8 But I can tell you that I have done that for full disclosure. I
9 have been asking around. I've been talking to people trying to
10 get educated up on this and getting different ideas, not just in
11 this jurisdiction either. I've been in other jurisdictions, and
12 I was speaking to the chairman of different councils, one in
13 particular, I won't name him. I'll name it, Prince George's
14 County. So I've been talking to them to find out what they're
15 doing and how they're doing it.

16 I know people are talking about Montgomery County, but
17 we're doing our own work as well, because we've really -- I think
18 the Commission's intent is to really make sure that this works,
19 because the directive is there, and I think all of us really want
20 to leave that for the next group that comes along something in
21 place so they can better what we have.

22 Also, the efforts have been -- that we have -- through
23 our efforts, we have developed a revised tool. We've revised the
24 tool as everybody saw during the roundtable. But we all know
25 and we all agree, the Office of Zoning and Legal Division have

1 worked very hard. I won't take nothing away from them, because
2 I think had it not been for them, we wouldn't be having this
3 discussion. But we all know it still needs work, and we all know
4 that.

5 We're actively working to edit and draft a revised tool
6 now. I know that our Office of Zoning Legal Division says they'll
7 have it ready by early January, but I don't want to put that on
8 them because it -- we'll be talking about it some more, and it'll
9 probably change again. But I'm in no rush. But I don't want it
10 to take a year, but -- or six months. I want us to eventually
11 get something out. But we know that even what we put out is not
12 going to be the last iteration. And we want to also ensure that
13 to revised tool not only responds to the community feedback from
14 the roundtable, but also improves our evaluation of actions
15 through a racial equity lens.

16 And I will tell you that I really appreciate our Office
17 of Zoning Legal Division and our staff because without -- we all
18 have other things that we do, other jobs or whatever we do. And
19 to come -- put all this -- we read it, and it's all extrapolated,
20 but they helped put it in some type of order or format for us to
21 be able to decipher it so we can make good decisions. So that's
22 where I am. We're going to really have the deliberations. And
23 I know the Vice Chair may not agree with what I said, or he may
24 agree with it, but that's the kind of give-and-take that we're
25 doing to make this thing work.

1 So anybody have any closing remarks before we move on?

2 VICE CHAIR MILLER: I agree with what you said,
3 Mr. Chairman.

4 CHAIRPERSON HOOD: Oh, you did? I thought we were --
5 okay, good.

6 VICE CHAIR MILLER: Yes. I do. I do. And I -- and I
7 want to publicly thank you for your leadership and community
8 engagement on this issue and all of our zoning-related issues.

9 The other point I wanted to raise, I probably shouldn't
10 say this publicly either, but you asked us to say whatever we
11 wanted to say. I think at some point we need to publicly consider
12 whether we need to have a racial equity officer in our Office of
13 Zoning. I'll just leave it at that.

14 CHAIRPERSON HOOD: And that's on the table. For me,
15 that's on the table. Then we're going to have to go ask for some
16 money and who knows how -- see I don't know how it's going --

17 VICE CHAIR MILLER: There are a lot of implications of
18 that, yeah.

19 CHAIRPERSON HOOD: Right. But I don't disagree with
20 that either, because we want to get it right.

21 VICE CHAIR MILLER: I said consider. I said consider.

22 CHAIRPERSON HOOD: Consider. Right. All right, but
23 we will work through it. I think -- and I hope the public knows.
24 You hear our intentions. To me, sometimes it sounds -- sometimes
25 myself, personally, I feel like I'm all over the place, but I

1 want to thank the staff for helping me come back and put something
2 in some kind of format. Because I got so much I want to do and
3 want to do it quickly, but I want it done right, and I want it
4 done fast. So I appreciate the staff. Anything else?

5 All right, Ms. Schellin. Yeah, I don't need to do
6 anything else. We will hopefully have something in January, but
7 I don't want to hold nobody to that, because when we review some
8 more stuff, it might change again. Well, it's going to change
9 probably, I'm sure. All right.

10 Let's do some hearing action cases. Yeah, hearing
11 action, that's where we are. Let's go to Zoning Commission No.
12 22- --

13 MS. SCHELLIN: I think we have a final action first.

14 CHAIRPERSON HOOD: Oh, we got a final action?

15 COMMISSIONER MAY: Yeah.

16 CHAIRPERSON HOOD: Hold on.

17 MS. SCHELLIN: Yes, sir.

18 CHAIRPERSON HOOD: When you're looking at this, it
19 starts running together. Okay. So it all looks the same to me.
20 Okay. Final action. I'm -- oh, yeah. How'd I miss that? Okay.

21 Zoning Commissioner Case No. 22-13, Wesley Theological
22 Seminary of the United Methodist Church, 2022 through 2032 Campus
23 Plan at Square 600.

24 Ms. Schellin?

25 MS. SCHELLIN: Yes, sir. So for this case at

1 Exhibit 57, we have a letter from the Applicant requesting that
2 the Commission allow them to revise their request to modify the
3 campus plan. Actually, I think it might be a new campus plan.
4 I don't have that in front of me. But -- and they want to go
5 back based on what they heard from the Commission at the last
6 meeting about, you know, are there other options or directions
7 they could proceed, and they would like to go back and file a
8 PUD case in order to proceed with what they are trying to
9 accomplish.

10 Exhibits 58 through 59A are responses from the various
11 parties in this case. And so, again, they want to hold this case
12 in abeyance until they can proceed accordingly with the PUD case.

13 CHAIRPERSON HOOD: Okay. So -- and I'll leave that up
14 to the legal folks. But if they file another case -- and we've
15 had this problem before about having two cases on the docket,
16 even though they're different types for the same thing. But I
17 won't deal with that.

18 But let me open it up for our discussion on this
19 request. And I think some of that probably came from us in other
20 deliberations. So I'll do like I normally do. Let me start with
21 Commissioner Imamura first this time. Give Commissioner May a
22 break.

23 COMMISSIONER IMAMURA: All right. Well, I'll be brief.
24 Necessity is the mother of invention, so I'm glad to see Seminary
25 think a little more creatively about this. That's in alignment

1 with our regulations. So I'm certainly interested to hear more
2 from the Applicant as we move forward and I certainly am
3 supportive of the school thriving in place as long as we can do
4 it within the regulations.

5 CHAIRPERSON HOOD: I'm sorry. I -- you know what,
6 Commissioner Imamura, sometimes I don't know when you stop and
7 -- because I can't really hear that. Again, I don't know, maybe
8 it's -- I don't know whether the earbuds or what, but -- so I
9 don't want you to think I'm cutting you off. I just don't know
10 when to start. So anyway, we will figure it out.

11 COMMISSIONER IMAMURA: No, no. You -- sir, you did not
12 cut me off. I concluded my statement.

13 CHAIRPERSON HOOD: Oh, okay. Okay, good. All right.
14 Vice Chair Miller?

15 VICE CHAIR MILLER: Thank you, Mr. Chairman. I support
16 the Applicant's request, as does the party in opposition and the
17 affected ANC 3D to put this final action on Wesley's Campus Plan
18 case in abeyance so they can develop an alternative process --
19 planned unit development process in conjunction with the campus
20 plan amendment. So I think I said at the hearing that I didn't
21 want this to become "paralysis by analysis" and us to get all
22 tied up in process questions. But I understand the process
23 questions that are being asked about what a reasonable -- what
24 an appropriate campus plan use is. So they're going to explore
25 an alternative mechanism.

1 If we're going to get to a similar outcome with the
2 similar community benefits to similar neighborhood protections,
3 I don't want it to be delayed endlessly. And so we don't have
4 to talk about that now. I probably shouldn't have raised it.
5 But as we go forward, I personally, probably only one commissioner
6 here, would be in favor of expediting that process, if it's the
7 same, it's basically the same project with a different process
8 and same community benefits, same neighborhood protections, in
9 terms of whether it's shuttle buses or whatever.

10 Anyway, that's all. Thank you, Mr. Chairman. I support
11 the request put before us to put the final action in abeyance
12 while they explore an alternative process, based on the concerns
13 raised at the public hearing by the party in opposition and by
14 my fellow commissioners.

15 CHAIRPERSON HOOD: Okay. And I'm going to go right
16 quick. I'm going to let Commissioner May go last. But I would
17 agree with the request that's been asked for. And I do agree
18 with you, Vice Chair, not to delay it, because I don't want --
19 what I don't want is Wesley Seminary to go somewhere else. That's
20 what I don't want. So whatever we need to do to make sure that
21 doesn't happen and try to work it out through our legal way of
22 doing it. I think we got here because a request of us, not
23 necessarily agreeing whether it was a campus plan use or not, so
24 they took this course. Let's get this done.

25 I don't know whether we extend it for six months or

1 less, but I would like to get this done and follow what the ANC
2 and I believe Neighbors for a Livable Community and Spring Valley
3 Wesley Heights, some of their concerns -- I think this will take
4 care of their concerns. There may be some more concerns, but I
5 think this will take care of the concerns of the process. We
6 can take that off the table, and let's move and get into the real
7 merits of the case, and let's make it work for -- a win-win for
8 not just the two schools, but for the community as a whole.

9 Commissioner May, any questions or comments?

10 COMMISSIONER MAY: I don't think I have a whole lot to
11 add. I'm glad that we are at this point and that the Applicant
12 is looking for ways to achieve their objectives that are
13 consistent with the Zoning Regulations, because it was
14 really -- it was not going to be possible for me to support it
15 the way it had been presented to us. And hopefully, we'll wind
16 up with essentially, if not exactly the same thing, something
17 that brings the same benefit to the Seminary and the community
18 as was originally proposed.

19 CHAIRPERSON HOOD: Okay. I don't think we need a
20 motion.

21 Ms. Schellin, how long do we leave it open? Are we
22 agreeing with six months that would do -- the time limit?

23 COMMISSIONER MAY: Six months.

24 CHAIRPERSON HOOD: Six months? Okay.

25 COMMISSIONER MAY: Yeah.

1 MS. SCHELLIN: That they file --

2 COMMISSIONER MAY: Yeah.

3 MS. SCHELLIN: -- the case within the next six months.

4 CHAIRPERSON HOOD: Okay. Six months. And if they
5 don't file within the next six months, we take action on the next
6 -- on the last case. But don't we -- but I'll let -- I'll let
7 OZLD handle it, because I remember not being able to have two
8 cases of the same thing on the docket, so I'll leave it at that.
9 All right let's move on.

10 Any other question or comments on that?

11 (No audible response.)

12 CHAIRPERSON HOOD: Okay. Let's move on in our agenda.
13 Now let's go to hearing action. I think I'm there.

14 Zoning Commission Case No. 22-29. This is JT EB Land
15 Fund, LP, Consolidated PUD and related map amendment at Square
16 274.

17 MS. SCHELLIN: If you'd bear with me just one second.
18 This is going to be --

19 CHAIRPERSON HOOD: Oh, okay.

20 MS. SCHELLIN: -- Karen Thomas. So let me get her up.
21 Find her. She is --

22 CHAIRPERSON HOOD: Is that your birthday present from
23 us that you're doing both roles tonight?

24 MS. SCHELLIN: Yeah, I think so. And let me go ahead
25 and bring Jennifer in also just in case and Joel just in case.

1 And I'm going to now pull up her PowerPoint presentation. I get
2 to do it all, so, you know, it's the first time. So let me share
3 my screen and find her.

4 CHAIRPERSON HOOD: Once you get straight Ms. Thomas,
5 you may begin once she gets you all straight.

6 MS. SCHELLIN: Okay. Wrong one.

7 MS. THOMAS: Next slide.

8 MS. SCHELLIN: Wrong one, so give me a second. Let me
9 go to the other one. Sorry, guys. Okay. I'm ready.

10 MS. THOMAS: Okay? Yes. Good afternoon, Mr. Chair,
11 members of the Commission. Karen Thomas with the Office of
12 Planning.

13 This afternoon, OP is asking the Commission to set down
14 Zoning Commission Case 22-29, the PUD and related map amendment
15 from the ARTS-1 to the ARTS-4 district for a portion of the
16 combined lots for the U Street Metro proposed for redevelopment
17 by JT East Bank Land Fund.

18 Next slide.

19 The site to be redeveloped includes a parcel above the
20 U Street Metro, which is currently developed with a four-story
21 office building and two row structures, together with vacant
22 alley lots behind the U Street parcel.

23 The U Street parcel is zoned ARTS-1, and it's
24 approximately 21,000 square feet. And this is proposed for
25 rezoning to the ARTS-4 district. The townhouse parcel consists

1 of vacant lots along historic Temperance Avenue, which is a mid-
2 block alley, and that is zoned RF-1 at approximately 17,000 square
3 feet -- square feet, sorry. And this area would not be rezoned.

4 Next slide.

5 The U Street parcel would be developed as a nine-story
6 mixed use building with approximately 130 residential units, a
7 boutique hotel and neighborhood serving retail with a new Metro
8 retail plaza and the renovated historic townhomes. Approximately
9 15 percent of the residential GFA would be devoted to IZ units
10 at 60 percent MFI. The alley portion of the site would be
11 redeveloped to recreate in contemporary form an important aspect
12 of the U Street Historic District with 15 three-bedroom
13 townhomes, where two are proposed as homeowner IZ units at 80
14 percent MFI. Our report references the importance of
15 homeownership for such homes in this location and neighborhood.

16 Next slide.

17 The Future Land Use Map assigns a mixed-use, medium
18 density residential and medium density commercial designation to
19 the U Street frontage parcel with moderate density assigned to
20 the alley parcel at the rear. The proposed map amendment from
21 the ARTS-1 to the ARTS-4 district would not be inconsistent with
22 the map and at a proposed FAR of 5 -- of 7.58 for the U Street
23 parcel, it well within the limits of the maximum FAR.

24 The property is also within the Lincoln Commons area
25 of the Duke Small Area Plan and the proposal to make the Metro

1 Plaza more pedestrian friendly and safe with enhancement to the
2 public area at the Metro Station, would be consistent with the
3 Duke Plan's recommendations.

4 Next slide.

5 Since the Applicant purchased this site in 2012, the
6 Council voted to adopt changes to the 2021 Comp Plan with emphasis
7 on equity and resilience. Both the Applicant's submission and
8 OP's setdown report highlights the project's consistency with the
9 Comp Plan Elements as viewed through the equity lens. We believe
10 this PUD and related map amendment responds to the visible
11 redevelopment of the surroundings as well as the principles of
12 equity that the Comp Plan demands to be considered as part of
13 the PUD development.

14 Generally, there would be no displacement of residents,
15 and affordable units would be included, which does not now exist
16 and would be difficult without the inclusion of the combined
17 parcels. OP is happy that the Applicant has worked with OP's
18 historic preservation office to recognize the significance of
19 reviving Temperance Avenue as part of this PUD, and it is a highly
20 valued benefit of this PUD. The project's location and access
21 to everyday residents' needs would have a positive impact on
22 transportation and access for lower income residents,
23 particularly to schools, employment, connected open spaces, parks
24 and bike trail systems afforded through the Metro system.

25 I would also like to mention that community engagement

1 is part of equity, and OP commends the Applicant's communication
2 efforts through several meetings which are well documented
3 through their interactive website, 1250ustreet.com, and that
4 includes community feedback and recommendations. Benefits from
5 this project would not only be to the neighborhood, but to the
6 District as a whole.

7 Next slide.

8 OP finds that the initial submissions and extensive
9 discussions with OP and the community are sufficient to set down
10 the PUD for a public hearing on what may be a significant
11 improvement over the existing development at this location.
12 Thank you.

13 CHAIRPERSON HOOD: Okay. Thank you, Ms. Thomas.

14 Let's see if we have any questions or comments. We've
15 heard the report. Let's open it up. Let's go in the same order.

16 Commission Imamura, you have any questions or comments?

17 COMMISSIONER IMAMURA: I'm reluctant to say anything
18 because of my audio, but I will thank Ms. Thomas for her report.

19 CHAIRPERSON HOOD: All right.

20 Vice Chair Miller?

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

22 And thank you, Ms. Thomas, for the Office of Planning
23 report.

24 I think by the time of the public hearing, we need more
25 -- maybe more explicit information from both the Applicant and

1 maybe from OP. I need to look more carefully at your -- at each
2 of the submissions so far, but I think we need it explicitly at
3 that public hearing to address potential inconsistencies with the
4 Comprehensive Plan Future Land Use Map. I know you said that it
5 is not inconsistent, but I just -- if -- I think we need
6 more -- what -- I need to evaluate that more carefully and maybe
7 have more explicit information. I also think we need more
8 explicit information on the affordable housing that's being
9 provided, how many and its -- at what levels of median income
10 and the sizes of the units and how that not only satisfies our
11 Inclusionary Zoning Regulations, but the racial equity lens that
12 we're all trying to look through for these cases.

13 And then we -- I think we need a more explicit
14 addressing of potential adverse impacts on the row homes in the
15 alley across that'll be across from the new row homes -- of row
16 houses, just to understand their relationship and whether there
17 are adverse -- any adverse impacts and how they're being mitigated
18 or why they don't exist. So at the hearing, I think these all
19 can be flushed out, and I need to do more homework and reading
20 through the -- your OP report and the Applicant's submission thus
21 far. But I think it can be more explicit -- all of -- each of
22 these points when we get to the hearing.

23 Thank you, Mr. Chairman.

24 CHAIRPERSON HOOD: Thank you, Vice Chair. And I do -- I
25 too want to touch on your last note about the row homes, and I'm

1 going to ask that they don't lightly touch that when they explain
2 it. Let's really get into the adverse impacts of that, because
3 I see that as being very adversely. So it's -- I don't -- just
4 a passive explanation is not going to work for me. So we really
5 need to make sure that we really dig down into the details and
6 find out how we're mitigating that. Because that's, you know,
7 when I think about it, I'm just trying to figure out what actually
8 are we going to achieve? What are we actually doing here?

9 And I appreciate the Vice Chair for outlining some of
10 those things, but that last one for me is a big deal. So please
11 come prepared and don't soft touch it, and don't be very passive
12 on it. We need to really get down to the nuts and bolts on that
13 issue.

14 Commissioner May?

15 COMMISSIONER MAY: Yeah, I would say I agree with all
16 the comments from my colleagues. I think that the -- that I
17 would just -- I would add a couple of things. Well, I am -- and
18 I would underscore the need for the Comp Plan and from consistency
19 understanding and having that be much more explicit.

20 The -- I'm -- I -- this is hard because, you know, we
21 have a report in the record from the HPO staff indicating their
22 support for the design, but I'm having a hard time finding
23 anything about the design that I really love. So it's -- and I
24 guess I'm especially concerned about the townhomes, because they,
25 you know, it's -- when I look at them, I was like -- I was

1 | literally saying is this some sort of, you know, 1950s or '60s
2 | existing set of row homes that, you know, are being refurbished
3 | or something. Just from the -- based on the image, they look
4 | like something that's, you know, kind of antiquated. And maybe
5 | it's just the renderings that I have. Maybe it's the -- but
6 | maybe it's the detailing of it, the finishing, you know, the
7 | massing, the construction. They don't look like any existing
8 | townhouses in the area. They don't really look like new and
9 | modern ones either. They look like something that's, you know,
10 | from a different era. Maybe there's nothing to do about that.
11 | I mean, I don't really want to insert ourselves in the place of
12 | the design review that it would have to go through for historic
13 | preservation purposes. But I mean, I found it rather lackluster,
14 | and as I said, kind of antiquated. I mean, there are good things
15 | about it, too. I don't want to say it's, you know, completely
16 | negative. I like the idea of filling in that space in the back
17 | with row houses, and that seems to be, you know, an appropriate
18 | density. But of course, there are potential adverse impacts.

19 | One of the other things that I'm concerned about is the
20 | setback relief above a certain height. I forget what the height
21 | is. Maybe it's at 65 feet, it has to be set back at 45 degrees,
22 | and they're seeking relief from that provision. And I'm, you
23 | know, I don't remember if I was here when the -- when that --
24 | when that arts overlay was originally done, but it seems to me
25 | that that was a pretty important provision and was necessary to

1 | avoid adverse impacts on the rowhouse neighborhoods that surround
2 | or that flank U Street. And so I'm really reluctant to be
3 | granting relief on that particular aspect of that zone, so.

4 | Now I understand that, you know, there are reasons why
5 | that might be necessary having to do with the gymnastics involved
6 | in building over a Metro stop like that. But I think that, you
7 | know, we have to have that fully fleshed out in the in the hearing
8 | and have a, you know, a public discussion of that relief and
9 | whether it's appropriate. So I think that's it. I mean, there's
10 | nothing here that makes me want to not set the project down at
11 | this moment, but I do feel like there's a good amount of work to
12 | be done to prepare for a hearing. Thank you, Mr. Chairman.

13 | CHAIRPERSON HOOD: Okay. Thank you. Thank you as
14 | well.

15 | Let's see. Did I get everybody? When I go out of
16 | order, I get messed up. Did everybody have a chance to --

17 | COMMISSIONER MAY: Yeah.

18 | CHAIRPERSON HOOD: Okay. All right.

19 | COMMISSIONER MAY: I'm last. Isn't that weird?

20 | CHAIRPERSON HOOD: But don't get used to it.

21 | COMMISSIONER MAY: Oh, no, I kind of like it.

22 | CHAIRPERSON HOOD: Maybe I'll go first next time. I
23 | don't know. We'll see. Switch it up some sometime.

24 | Let's see. If we're in favor, let me -- would somebody
25 | like to make a motion?

1 VICE CHAIR MILLER: Mr. Chairman, I would move that the
2 Zoning Commission set down Case No. 22-29, JT EB Land Fund, LP,
3 consolidated PUD and related map amendment at Square 274 and ask
4 for a second.

5 CHAIRPERSON HOOD: Second it. I'll second it. It's
6 been moved and properly second. Any further discussion?

7 (No audible response.)

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

10 MS. SCHELLIN: Commissioner Miller?

11 VICE CHAIR MILLER: Yes.

12 MS. SCHELLIN: Commissioner Hood?

13 CHAIRPERSON HOOD: Yes.

14 MS. SCHELLIN: Commissioner May?

15 COMMISSIONER MAY: Yes.

16 MS. SCHELLIN: Commissioner Imamura?

17 COMMISSIONER IMAMURA: Yes.

18 MS. SCHELLIN: The vote is four to zero to one to set
19 down Zoning Commission Case No. 22-29 as a contested case, the
20 minus one being the third Mayoral appointee position, which is
21 vacant.

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

23 Let's go to -- I think this is our last hearing action.
24 Zoning Commission Case No. 15-24C, JBG/6th Street Associates, LLC
25 and Gallaudet University, Second Stage PUD at Parcel 129/112.

1 Mr. Cochran?

2 MR. COCHRAN: Thank you, Mr. Chair. Good evening. I'm
3 Steve Cochran from the Office of Planning on Application 15-24C.
4 Let me give Ms. Schellin a chance to get the PowerPoint up.

5 Thank you.

6 Okay. JBG and Gallaudet University have applied for a
7 second stage PUD for Parcel 4 of the multi-building project of
8 the Florida Avenue market. OP recommends the Commission set down
9 the application for a public hearing.

10 Slide two, please.

11 The overall PUD would have a million and a half square
12 feet spread among four sites. These are shown in red on the
13 slide. Most of the uses throughout the PUD would be residential
14 and in particular this Parcel 4, but there would also be some
15 retail and PDR and space for university uses.

16 Next slide, please.

17 The first stage approval included map amendments from
18 industrial to mixed-use zoning. So far, Parcels 2 and 3 have
19 had their second stage approvals. The overall project is slated
20 for completion in about five years.

21 Next slide, please.

22 Parcel 4 is up at the northeast corner of the market
23 area. It's between 5th and 6th Streets. All of the second stage
24 application includes some changes from the first stage approval.
25 They're minor changes, and the second stage is generally

1 consistent with the first stage approval. There have even been
2 improvements. Almost 19,000 square feet of residential use has
3 been added mostly by cutting back on some of the retail space
4 and not exercising the option the Commission gave the Applicant
5 to have office space in lieu of some residential space. There's
6 also a plaza off of 5th Street that would be larger than had been
7 proposed earlier. Otherwise, other benefits would generally be
8 the same.

9 Next slide, please.

10 Are we -- okay. The -- that's the slide that has the
11 chart that shows the affordable housing. It's number five. No.
12 Yeah, there we go. Okay. Thank you.

13 Considered through a racial equity lens, the primary
14 benefit would be 647 new residential units. They'd be rental
15 units. The 10 percent set aside and the 50 percent and 80 percent
16 MFI levels would be the same as were approved at stage one, but
17 the size of some of the units would be larger than had been shown
18 previously. Expanding the supply of market rate housing and
19 affordable housing should help to moderate upward pressures on
20 housing costs. And given the racial composition of the census
21 tract, this would likely have its most beneficial impact on
22 persons of color. The retail space and building operations
23 employment may also contribute positively, as would the
24 streetscape improvements to the public realm and other items that
25 we note in our report.

1 Slide six, please.

2 OP has asked the Applicant to consider a few
3 enhancements before any hearing. The most important would be to
4 consider expanding the affordable housing component to take into
5 account the tightening in the District's housing market since the
6 first stage PUD was approved and to give greater emphasis to
7 District policies that now, more strongly even than before, favor
8 affordable housing. OP has also asked the Applicant to provide
9 more details about the design of the facades and to consider how
10 they might better respond to the Florida Avenue market context.

11 Other requests for the hearing are noted on the slide
12 and in more detail in OP's report. So that concludes our
13 testimony, and of course I'm available for any questions.

14 CHAIRPERSON HOOD: Thank you very much, Mr. Cochran.

15 I do know that one of the things we want to ask the
16 Applicant -- I know there's are some things that OP has asked
17 for. There's some additional recommendations that were asked for
18 by OP; increase proposed percentage of multi-bedroom and commit
19 to providing a Metro card, permit request flexibility, and locate
20 the signs and decorative light strips. I don't know if those
21 things, but I'd like to know if it's set down for the hearing
22 that the Applicant agrees with what the Office of Planning has
23 mentioned. Not necessarily a question for you, Mr. Cochran. I'd
24 just like to know from the Applicant, and I'm putting that out
25 there.

1 Also, there some additional items that were listed that
2 I think you all asked for. I would -- some things -- additional
3 things that you all asked for. I will also ask that if the
4 Applicant has not done so, that they come prepared to speak on
5 that if this is set down for a hearing. So with that, let's go
6 to -- oh, let's go to Archie.

7 Archie, would you like to go first?

8 VICE CHAIR MILLER: He has his little thing in his
9 mouth, so probably not.

10 Thank you, Mr. Cochran for your report. Very
11 comprehensive. I support all of your requests for additional
12 recommendations -- additional information and your
13 recommendations for modifications. And I also support your
14 recommendation for setdown. Thank you. And Archie does too.

15 Right, Archie? You want to wave your hand? Yes.

16 CHAIRPERSON HOOD: Be careful, Archie. We're looking
17 for the fifth member now.

18 Commissioner Imamura?

19 COMMISSIONER IMAMURA: Thank you, Mr. Cochran, for your
20 report.

21 CHAIRPERSON HOOD: And Commissioner May?

22 COMMISSIONER MAY: Yeah. I -- Mr. Cochran, one thing
23 that's really puzzling about this project is kind of what the
24 design idea is. I mean, I saw the, you know, the precedent
25 images, and you know, it's very unusual, because it's, you know,

1 | it's a big, finished window building, but it's just, like,
2 | completely uniform. You know, no variety, no attempt to do
3 | anything formally that's -- that's is a little bit more
4 | excitement. And then, you know, there are the setback sections
5 | where there are balconies which, you know, are pretty generous
6 | balconies, but not necessarily in the -- in a prime location, so
7 | they're kind of hidden. I mean, there's -- it's -- I mean it's
8 | very -- it's definitely distinct, but I'm not sure that I'm really
9 | sold on it. And I'm wondering what you think of it at this point,
10 | because it's -- it feels, like, you know, they put in some
11 | interesting looking resident buildings but aren't -- that aren't
12 | necessarily applicable but are -- have similar kind of purity,
13 | if you will. And maybe it's just, like, the renderings aren't
14 | so great. I don't know. What do you -- what are you thinking?

15 | MR. COCHRAN: Having seen some of this design firm's
16 | buildings in New York, I do have some optimism about the way that
17 | they'll refine it. And the Applicant has told me that the
18 | patterning to those solid -- seemingly solid tower elements will
19 | be much better in their next iteration of illustrations. Those
20 | are masonry, and the devil is going to be in the details.

21 | COMMISSIONER MAY: Okay. All right. Well, I'm glad
22 | you're optimistic. That gives me hope. And again, I, you know,
23 | I think the precedent images were more compelling than the design
24 | that they present. And you know, again, some of it may just be
25 | a shortfall in the rendering. The patterning, I guess that'll

1 be, you know, that could add some greater interest and make it
2 seem not, you know, it -- you know, this seems like a really
3 interesting and high-quality building. I mean, unfortunately for
4 me it sort of conjures these images of some not-so-great buildings
5 that were done in the renewal era, even in Washington, so. But
6 I mean, again, (audio interference) optimistic --

7 MR. COCHRAN: I'm sorry you broke up at the very end.

8 COMMISSIONER MAY: Yeah. I said you're optimistic. I
9 will try to be optimistic, too.

10 MR. COCHRAN: I will work hard to ensure that my
11 optimism is not misplaced.

12 COMMISSIONER MAY: I'm sure you will. Thank you very
13 much. I appreciate all of your work on this.

14 I, you know, there were -- there are -- oh, I know.
15 There were a couple of smaller things. I mean, first of all, I
16 agree with the, you know, like, I think Vice Chair Miller said,
17 the comments where you thought, you know, we needed more
18 information or the Office of Planning was pushing for certain
19 things like more units of larger size and LEED certification,
20 things like that. The -- but I think that one of the things
21 that's missing is a sense of the building in three dimensions,
22 like from the (audio interference), right?

23 I think sometimes we ask for that, particularly getting
24 a bird's-eye view of the rooftop and seeing what that looks like.
25 I think that would be helpful to understand it. And I think a

1 little bit better imagery when it comes to the courtyard spaces.
2 So I think that would be -- also be helpful to understand kind
3 of what the placemaking will be in those locations.

4 And the last thing is, like, I don't understand how one
5 gets a bike to the bike storage area. So I'm -- it's -- I'm sure
6 it's in there, and if I read closely enough I'll find it, but it
7 needs (audio interference).

8 CHAIRPERSON HOOD: Well, I think what has to happen,
9 Mr. Cochran and Mr. -- Commissioner May, is that when one person
10 is talking, the other person has to mute, because we -- we've
11 been getting some feedback, Commissioner May. I don't know if
12 he understood everything you said, but it was kind of going in
13 and out. And maybe it's just mine. I don't know, because I'm
14 hearing --

15 COMMISSIONER MAY: Yeah, I was hearing a lot of static.

16 CHAIRPERSON HOOD: Okay.

17 COMMISSIONER MAY: So --

18 COMMISSIONER IMAMURA: I loaned Commissioner May my ear
19 buds. That was the issue.

20 COMMISSIONER MAY: Mr. Cochran, did you hear what I was
21 saying about the renderings? I mean, you looked like you were
22 writing stuff down, so.

23 MR. COCHRAN: Yes, sir. I was writing stuff down.
24 That may have been the static, my ballpoint pen.

25 COMMISSIONER MAY: I know you're working very hard.

1 Thank you. That's it.

2 CHAIRPERSON HOOD: Anyway, any other questions or
3 comments for Mr. Cochran?

4 Thank you again, Mr. Cochran, for your report. I think
5 this is flavored for us to go ahead and set down for a hearing
6 with all of the things that have been mentioned. Would somebody
7 like to make a motion to set it down? Oh, no, I can't tell you
8 how to make -- make a motion to do whatever.

9 COMMISSIONER MAY: Mr. Chairman, I will make a motion
10 that we set down Zoning Commission Case 15-24C, JBG/6th Street
11 Associates, LLC and Gallaudet University, Second Stage PUD at
12 Parcel 129/112.

13 CHAIRPERSON HOOD: I will second it. Should have let
14 Archie second it.

15 Archie, are you enjoying this?

16 VICE CHAIR MILLER: He's a very good listener. He's
17 absorbing all of it, I guarantee. He's going to ask me a question
18 about it later.

19 MS. SCHELLIN: Is Archie wearing glasses now? It's so
20 cute.

21 VICE CHAIR MILLER: He is wearing glasses now, and I
22 should have worn my blue glasses to match him.

23 MS. SCHELLIN: Yeah. Okay.

24 VICE CHAIR MILLER: Hopefully, he's doing a temporary
25 thing.

1 CHAIRPERSON HOOD: It's been moved and properly second.
2 Any other discussion besides Archie's glasses? Any further
3 discussion?

4 MS. SCHELLIN: Commissioner May.

5 CHAIRPERSON HOOD: Ms. Schellin?

6 COMMISSIONER MAY: Yes.

7 MS. SCHELLIN: Commissioner Hood?

8 CHAIRPERSON HOOD: Yes.

9 MS. SCHELLIN: Commissioner Miller?

10 VICE CHAIR MILLER: 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. 15-24C as a contested case, the
15 minus one, again, being the fifth or the third Mayoral appointee
16 position being vacant.

17 CHAIRPERSON HOOD: Ms. Schellin, do we have anything
18 else before us?

19 MS. SCHELLIN: No, sir, we do not.

20 CHAIRPERSON HOOD: I want to first of all say I want
21 to thank Archie for joining us. It's always good -- I, you know,
22 young people -- it's always good to see young people. So Archie,
23 thank you for joining us, and when you -- oh, you're waving too.
24 Okay. I like that.

25 Also, we want to wish Ms. Schellin a happy birthday.

1 We're getting you out early so you can enjoy yourself for your
2 birthday.

3 MS. HOOD: Happy birthday.

4 CHAIRPERSON HOOD: You hear, my wife. She doesn't
5 normally hear anything.

6 MS. SCHELLIN: Thank you, Camille.

7 CHAIRPERSON HOOD: All right. So the next time the
8 Zoning Commission will meet again -- I hope I have this right,
9 Ms. Schellin -- November the 14th --

10 MS. SCHELLIN: Yes.

11 CHAIRPERSON HOOD: Okay.

12 And at same -- on these same platforms, Zoning
13 Commission Case No. 22-11.

14 I want to thank everyone for their participation in
15 this meeting, and this hearing is adjourned. Good night, and
16 have a great weekend.

17 MS. SCHELLIN: Thank you.

18 (Whereupon the above-entitled matter went off the
19 record at 5:21 p.m.)

20

21

22

23

24

25

C E R T I F I C A T E

This is to certify that the foregoing transcript


In the matter of: Public Meeting

Before: DCZC

Date: 11-10-22

Place: Teleconference

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



GARY EUELL