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GOVERNMENT OF
THE DISTRICT OF COLUMBIA

+ + + + +

ZONING COMMISSION

+ + + + +

PUBLIC HEARING

+ + + + +

MONDAY

JUNE 14, 2021

+ + + + +

----- :
 IN THE MATTER OF: :
 :
 Westminster Presbyterian Church, : Case No. 20-12
 Westminster Community Partners, :
 Bozzuto Development Company, and :
 Bozzuto Homes, Inc. (collectively :
 (the "Applicant") -- Consolidated :
 PUD and Related Map Amendment at :
 Square 499, Lot 52.5. :
 ----- :

The Public Hearing of the District of Columbia Board
of 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
- PETER SHAPIRO, Commissioner
- PETER G. MAY, Commissioner

1 OFFICE OF ZONING STAFF PRESENT:

2 SHARON SCHELLIN, Secretary
3 PAUL YOUNG, Zoning Data Specialist

4 OFFICE OF PLANNING STAFF PRESENT:

5 JENNIFER STEINGASSER
6 MATTHEW JESICK

7 D.C. OFFICE OF THE ATTORNEY GENERAL PRESENT:

8 MAXIMILIAN TONDRO, Esquire

9

10 The transcript constitutes the minutes from the Regular Public
11 Hearing held on June 14, 2021.

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

2 (4:00 p.m.)

3 CHAIRMAN HOOD: Okay. Good afternoon, ladies and
4 gentlemen. Today's date is June 14th, 2021. My name is Anthony
5 Hood. Joining me, Vice Chair Miller --(audio malfunction).
6 Office of Attorney General staff is ready and also Offices of,
7 I mean, Office of Zoning staff, Ms. Sharon Schellin and Mr. Paul
8 Young, who will be handling all of our virtual operations.

9 I am opening up, reconvening the Zoning Commission
10 case, which is Zoning Commission Case No. 20-12. This is the
11 case of the Westminster Presbyterian Church, Westminster
12 Community Partners, Bozzuto Development Company, and Bozzuto
13 Homes, Incorporated.

14 We started this case previously. We are in the process
15 of moving forward again. Let me just read a few notes.

16 The virtual public hearing notice is available and
17 offers on his website. This machine (sic) is being recorded by
18 court reporters and the platforms used are Webcast Live, Webex,
19 and YouTube Live. And let me just state, because we're
20 reconvening most of this opening statement has already been read.
21 If you have any problems, the Office of Zoning Hotline number is
22 202-727-5471. Again, 202-727-5471.

23 At this time, the Commission will be (indiscernible)
24 any preliminary matters. Michelle, do you have a preliminary
25 matter? If not, I do.

1 MICHELLE: I do not.

2 CHAIRMAN HOOD: Okay. Let me bring up my preliminary
3 matter. Commissioners, we have realized that the (indiscernible)
4 of Friends (phonetic) thrown in the midst of going through
5 approval process. And I think the reason we postponed this, we
6 took the case previously, was because of all the moving parts
7 that needed to take place in this plan and other plans
8 (indiscernible) and other policies that we have to deal with and
9 consider.

10 And I think the most important one is the equity, which
11 we have to consider, I believe, in all of our cases, which we
12 have to figure out, because a lot of those directions will come.
13 I don't think that direction is ready or (indiscernible) ready
14 for us to be able to understand how to progress and move forward.

15 So there are some final formality that needs to happen
16 with the CP, with the comp plan. It has not happened, so, and
17 that's why we postponed it previously. What I do want to ask
18 first is I'd like for Commissioner -- Vice Chair Miller, not that
19 we're going to hold him to it, but kind of outline what happens
20 -- where we are now and what happens after, because he is -- I'm
21 not going to say former guru, but he really knows how this stuff
22 works and, unfortunately, I don't, and all this (indiscernible)
23 as well.

24 If you don't mind, Vice Chair. And we're not holding
25 you to it. We're going to have to (indiscernible).

1 VICE CHAIR MILLER: Yeah. Office of Planning may have
2 more insight into this than I do. But the Council's taking final,
3 their final action on the comp plan. As I understand it,
4 National Capital Planning Commission undertakes its required
5 statutory review. And then the Council may need to make any
6 changes, which is rare, but it's happened in the past that NCPC
7 requests, due to federal interest issues, which means the Council
8 would take it up immediately and deal with those issues.

9 And the Mayor has to sign it and then it goes, of
10 course, to our lovely Congress for their 30-congressional-day
11 review. So OP may know when this is on NCPC's agenda. It could
12 be as early as, I guess, the July agenda, although it may not
13 have gotten submitted to them for their 30-day whatever they
14 require. And they may need more time anyway.

15 So NCPC certainly wouldn't consider it before July at
16 the earliest. Probably more likely September. So and then
17 there's the Congress. And so I guess if we're putting off this
18 case for another hearing day, I would say the end of September
19 would be safer. Even if they were considering it in -- NCPC was
20 considering July, and the Council was able to address any issues
21 that unlikely are raised by NCPC, and the Mayor signs it and
22 sends it to Congress, Congress is probably going on in August
23 recess of some sort. So they want those days won't count in
24 August. So the end of September is probably a safer time, but
25 OP, I think could have some guidance on that, Mr. Chairman.

1 CHAIRMAN HOOD: Okay. I think -- I think -- I
2 appreciate that, Vice Chairman, and I think that's a suitable
3 just kind of outline, not necessary to all the time frames. And
4 then again, on advice of Counsel and others, I think we need to
5 continue to do the process we've done. Not just this case.

6 We have another one that's coming up and that we
7 delayed. And I think I want to bring that up at another meeting.
8 I probably going to try to do that in advance. But I will just
9 say this, unless I hear any objections of continuing this hearing
10 to sometime in September, and we'll work that out -- and here's
11 the thing. I understand this puts the burden on (indiscernible),
12 but I think -- I think it's well advised from a legal perspective
13 that we wait until we have all of our directions instead of doing
14 it half-baked and then have to keep coming back and straighten
15 up what we've done half baked.

16 So I don't know if anybody has any objections to that.
17 But I do have an outline. I want to make sure that we are all
18 on the same page. So so going forward, we plan to postpone again.
19 The Zoning Commission will continue the hearing to allow to CP,
20 the comp plan revisions that the Council just approved to go
21 through the rest of the legislative process.

22 But I will ask the Applicant, after, once that's --
23 looks -- they think that that is taken care of, the legislative
24 process, and be ready -- we ready to move forward, going to ask
25 the Applicant to file a supplemental prehearing statement that

1 addresses application's consistency with the revised comp plan,
2 including the racial equity analysis.

3 And for the Office of Planning, hopefully, I'm sure
4 they're listening, Office of Planning file a supplemental report
5 with its own analysis so that it it in the case record for the
6 Zoning Commission to consider when the hearing does occur. I
7 will ask if you didn't catch what I said or I read maybe too fast
8 that you follow up with Michelle and our office staff. And in
9 that way, we can proceed in that manner. I think that's more
10 clean and more efficient.

11 And even more than that, unfortunately, I want to wish
12 Mr. Turnbull feel better since that all these things
13 (indiscernible) and he's not here. I would like for this to be
14 a full commission, as well.

15 So we need to set a date. Michelle, we heard from Vice
16 Chair Miller -- but I will tell my colleagues we do have another
17 case, it's just like this, and I need to consult with Counsel
18 and figure that one out, but I think we'll discuss that at a
19 meeting, that one. Hopefully, we can do that in advance. So
20 unless I see an objection, or Mr. Redding, if I have not covered
21 everything -- okay -- unless I see an objection, because we too
22 want to go ahead and move forward with this case.

23 Again, I apologize to the Applicant, but I think it's
24 just we would have everything in front of us instead of moving
25 half-baked time, and then we have all these other problems that

1 -- it's like a snowball. We start off having some problems.
2 It's going to be a snowball effect. Let's start off and do it
3 right for the best interests of the residents. and the Applicant,
4 and the City as a whole.

5 So, Michelle, can you work on some dates?

6 MICHELLE: I --

7 CHAIRMAN HOOD: And let me ask this. Does the Applicant
8 come up, or, and the ANC, or we just fine? Okay. Okay.
9 (Indiscernible.) Okay.

10 MICHELLE: So I have one day at the end of September
11 and that is September 27th, if you think that's enough time.
12 Otherwise, I have the first week of October, the 4th and the 7th.
13 And then I have the 18th and 21st also in October. Whatever the
14 Commission wants.

15 CHAIRMAN HOOD: So I would I would ask others, do you
16 think the last of September, the 1st in October. And let me say
17 this already. I think there's a point, and I sure
18 (indiscernible), there's a point where we know we can get started.

19 I mean, you know, is it before it goes to Congress,
20 after the Mayor signs it? I don't know when it is. There's a
21 point where we should be able to get started, at least. So let
22 me open it up.

23 Commissioner May.

24 COMMISSIONER MAY: Yeah, I would prefer not the 27th.
25 I will be returning from leave from out of the country the day

1 before and probably will not be in full form by that evening on
2 the 27th. I mean, I'll do it if I have to, obviously, but you
3 know, I just -- it would be better for me if it was just a little
4 bit later.

5 CHAIRMAN HOOD: So you saying, like, the first week in
6 October?

7 COMMISSIONER MAY: Yeah, that's fine.

8 CHAIRMAN HOOD: Okay.

9 UNIDENTIFIED MALE SPEAKER: October 4th, Mr. Chair.

10 CHAIRMAN HOOD: Vice Chair Miller, first week in
11 October? And, again, I think -- I think - I'm not going to like
12 -- I think, yeah, first week in October, Michelle.

13 But I think, Mr. May, if you can do some legal research,
14 I think we can move -- proceed after the Mayor signs. I mean,
15 that's just --

16 COMMISSIONER MAY: Okay. I'll look into it.

17 CHAIRMAN HOOD: That's my Philadelphia law ship coming
18 in.

19 All right. Michelle, anything else?

20 MICHELLE: And the Commission doesn't need to hear from
21 the Applicant, is what I heard. So do you want the 4th or the
22 7th?

23 (Audio malfunction.)

24 UNIDENTIFIED MALE SPEAKER: 4th.

25 MICHELLE: 4? Okay.j

1 UNIDENTIFIED MALE SPEAKER: 7th is (indiscernible) D.C.

2 MICHELLE: Okay. So the 4th okay.

3 UNIDENTIFIED MALE SPEAKER: (Indiscernible.) I've had
4 issues sometimes with NCPC not ending quite fast enough.

5 MICHELLE: Okay.

6 CHAIRMAN HOOD: So we're doing the 4th. It's 4:00 p.m.
7 on this same platform. Any questions or comments, Commissioers?

8 And let me just say to the public, our Applicant, and
9 to the ANC, if you're listening and you have any questions, you
10 can follow up with staff, which should be able to address any
11 issues. So we'll will proceed again with this October the 4th
12 at 4:00 p.m. on these same platforms.

13 Let me -- the Zoning Commission will meet again --
14 Michelle, do we have anything else for tonight?

15 MICHELLE: Staff has nothing else.

16 CHAIRMAN HOOD: Okay. The Zoning Commissioj will meet
17 again on June the 21st; is that correct, Michelle?

18 MICHELLE: That is correct.

19 CHAIRMAN HOOD: Okay. June 21st, and it looks like
20 that was a regular -- that's going to be a hearing. We will be
21 hearing Zoning Commission Case No. 20-33. This is Campus
22 (indiscernible) University of the District of Columbia, at 4:00
23 p.m. on this same platform.

24 Commissioners, any other questions or comments?

25 Okay. So with that, I want to thank everyone for their

1 participation. Again, this meeting -- I mean, this hearing is
2 being continued to October the 4th at 4:00 p.m. With that, this
3 hearing is continued. I see everyone and stay safe. Good night.

4 MICHELLE: Thank you.

5 (Whereupon, the above-entitled matter went off the
6 record at 4:30 p.m.)

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This is to certify that the foregoing transcript

In the matter of: Public Hearing

Before: DCZC

Date: 06-14-21

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