

GOVERNMENT OF
THE DISTRICT OF COLUMBIA

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BOARD OF ZONING COMMISSION

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REGULAR PUBLIC MEETING

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THURSDAY

JULY 8, 2021

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The Regular Public Meeting of the District of Columbia Board of Zoning Commission convened via videoconference, pursuant to notice at 4:00 p.m. EDT, Anthony Hood, Chairperson, presiding.

ZONING COMMISSION MEMBERS PRESENT:

- ANTHONY HOOD, Chairperson
- ROBERT MILLER, Vice Chair
- PETER SHAPIRO, Commissioner
- MICHAEL TURNBULL, Commissioner
- PETER G. MAY, Commissioner

OFFICE OF ZONING STAFF PRESENT:

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

OFFICE OF PLANNING STAFF PRESENT:

- JONATHAN KIRSCHENBAUM
- ARTHUR RODGERS
- JENNIFER STEINGASSER
- KAREN THOMAS

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D.C. OFFICE OF THE ATTORNEY GENERAL PRESENT:

ALEXANDRA CAIN, Esquire

The transcript constitutes the minutes from the
Regular Public Meeting held on July 8, 2021

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

2 (4:00 p.m.)

3 CHAIRPERSON HOOD: Good afternoon, ladies and
4 gentlemen. We are convening and broadcasting this public meeting
5 by videoconferencing. My name is Anthony Hood, and joining me
6 this evening are Vice Chair Miller, Commissioner Shapiro,
7 Commissioner May, and Commissioner Turnbull. We are also joined
8 by the Office of Zoning staff Ms. Sharon Schellin and Mr. Paul
9 Young; Office of the Attorney General, Ms. Cain. I ask that all
10 others introduce themselves at the appropriate time.

11 Copies of today's meeting agenda are available on the
12 Office of Zoning's website. Please be advised that this
13 proceeding is being recorded by a court reporter and is also
14 webcast live. Accordingly -- I'm sorry -- webcast live via Webex,
15 and YouTube Live. I'm speeding.

16 The video will be available on the Office of Zoning's
17 website after the meeting. Accordingly, all those listening on
18 Webex or by phone will be muted during the meeting unless the
19 Commission suggests otherwise.

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

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2 your phone call-in, then please call our OZ hotline number at
3 202-727-5471 for Webex login or call-in instructions.

4 Does the staff have any preliminary matters?

5 MS. SCHELLIN: The staff has no preliminary matters
6 unless the Commission wants to talk about rearranging the agenda.

7 CHAIRPERSON HOOD: Okay. Yeah. Let's do that. Give
8 me one second to let my agenda come up. There it is.

9 What I would like to do -- and this is for the public
10 and the Commission and others, I would like to move the discussion
11 about American University to last. The first thing we will hear
12 will be hearing action Zoning Commission Case 16-20A, and then
13 we will have a special report by the Office of Planning. I think
14 we requested it. And then we will deal with American University,
15 which, I think, may take us a little -- not a lot of time, but
16 take us more time than the other two. Any objections?

17 (No audible response.)

18 CHAIRPERSON HOOD: Okay. So we're moving that on.
19 Anything else, Ms. Schellin?

20 MS. SCHELLIN: No, sir.

21 CHAIRPERSON HOOD: Okay. So with that, let's bring up
22 the Office of Planning. And Mr. Young, if can bring up whoever
23 is going to do the hearing action, as well as the -- I know Ms.
24 Steingasser is going to be involved with the report, and I'm not
25 sure what else she has. So, it looks like Ms. Thomas is going

1 to do the hearing action. So we'll begin.

2 Ms. Thomas, are you doing the hearing action? You may
3 begin. Good afternoon.

4 MS. THOMAS: Yes. Good afternoon, Mr. Chair, Members
5 of the Commission. Karen Thomas with the Office of Planning.

6 The Office of Planning is requesting the Commission
7 setdown for a public hearing the application of 3443 Eads, LLC,
8 to modify its approved PUD for the development of the vacant site
9 at 3450 Eads Street, Northeast.

10 Next slide.

11 The revisions before you today were made consistent
12 with community concerns upon dismissal of the appeal of the
13 original HUD finding, D.C. Court of Appeals, in 2017. Our report
14 highlights the revisions made primarily to its building program
15 and design, and I'll briefly highlight the key elements of the
16 current proposal relative to the original approval.

17 Next slide.

18 The building program now reflects the reduction in the
19 number of units from 70 to 49 units, with a mix that now includes
20 one, two, and three bedrooms, compared to the approved PUD which
21 was studios and one bedrooms.

22 The range of affordability has been expanded from 30
23 percent and 50 percent MFI, formerly solely for seniors, and
24 would now include unrestricted age tenancy of 30 through 80
25 percent MFI.

1 The building design changes include a reduction in
2 height from 58 feet to 49 feet, with one floor removed, and
3 changes to the ground floor, parking, and placement of HVAC in
4 the basement as opposed to on the roof, which would now support
5 solar panels and a green roof.

6 The flexibility request would remain the same,
7 including from the rear yard, side yard, alley centerline, full-
8 size parking spaces, and screening requirements for the
9 penthouse.

10 The modifications are generally not inconsistent with
11 the Comprehensive Plan, remains consistent with the purpose of
12 the PUD process, and is generally ready for a scheduled public
13 hearing, and OP will work with the Applicant to address some --
14 any of the concerns you, the Commission, might express here this
15 afternoon.

16 Thank you, and I'll be happy to take any questions.

17 CHAIRPERSON HOOD: Thank you very much, Ms. Thomas, for
18 your presentation.

19 Let me see, Commissioners, do we have any questions or
20 comments? Commissioner May.

21 COMMISSIONER MAY: No, I do not. Thank you.

22 CHAIRPERSON HOOD: Commissioner Shapiro.

23 COMMISSIONER SHAPIRO: (Negative head shake.)

24 CHAIRPERSON HOOD: Commissioner Turnbull.

25 COMMISSIONER TURNBULL: Just a couple, Mr. Chair.

1 Ms. Thomas, do you think that the Applicant can provide
2 us with a breakdown of the affordability, how many are going to
3 be at each increment? I didn't see any --

4 MS. THOMAS: Yes.

5 COMMISSIONER TURNBULL: -- in your report.

6 MS. THOMAS: Okay. Okay.

7 COMMISSIONER TURNBULL: And the only other thing that
8 I saw, they are looking for relief for rooftop equipment? I
9 believe it was on there.

10 MS. THOMAS: On -- yes. It's for the stairway, I
11 believe. It's for the stairs.

12 COMMISSIONER TURNBULL: Okay.

13 MS. THOMAS: Uh-huh.

14 COMMISSIONER TURNBULL: But there's also, I noticed,
15 that there was a parapet around the whole building, which is at
16 five feet --

17 MS. THOMAS: Oh, okay.

18 COMMISSIONER TURNBULL: -- it's five feet. And is five
19 feet -- I thought parapets could only be four feet?

20 MS. THOMAS: Yeah. I will take a note.

21 COMMISSIONER TURNBULL: Okay. That's it, Mr. Chair.
22 Thank you for your report, Ms. Thomas.

23 MS. THOMAS: Thank you.

24 CHAIRPERSON HOOD: Okay. And Vice Chair Miller.

25 VICE CHAIR MILLER: Thank you, Mr. Chairman, and thank

1 | you, Ms. Thomas, for your presentation, and I support the setdown
2 | of this modification of significance, and I support Commissioner
3 | Turnbull's request that at the time hearing we get a further
4 | breakdown of the affordability of the different levels of the
5 | different 49 units. And it's great that they are increasing the
6 | size of the units beyond the one bedroom to two and three
7 | bedrooms. So if we can see all of that, in terms of where it
8 | all lands in terms of affordability and the breakout.

9 | And I see in your report, you say the modifications in
10 | design were made in response to community concerns. I'm not sure
11 | I saw on the record anything from the community, ANC. I guess
12 | -- I hope we'll get -- I guess we'll get, by the time of the
13 | hearing, the ANC 7F, I think it is, comments, but if there --
14 | did -- Ms. Thomas, did you have any specific interaction with the
15 | community that you can share with us that wasn't in our record
16 | so far?

17 | MS. THOMAS: I haven't had any interaction with the
18 | community -- no interaction with the community, but speaking with
19 | the Applicant, this was -- this is one of the reasons why they
20 | went to appeal in the first place. They did not want a senior
21 | building, it seems. So I can provide more clarification of that
22 | in our final report.

23 | VICE CHAIR MILLER: Okay. Okay. Thank you.

24 | CHAIRPERSON HOOD: Thank you. And Ms. Thomas, I know
25 | this is still kind of new, so I'm going to be asking this,

1 especially with new hearing cases, have we -- I know we go to
2 other government agencies, and I know this is new. I'm not sure
3 which -- do we go to the Mayor's staff at the Racial Equity
4 Office, or do we go to the Council's staff at the Racial Equity
5 Office, but I would like them to start, at some point, reviewing
6 and looking into our cases to make sure we meet their
7 qualifications or their input. So I'm going to be asking that
8 until I figure out -- or until I'm told that those offices are
9 going to work for you all. But I would like for us to send the
10 information to them so they can review the case, and they may
11 have some input to help us, and I've asked for this before, but
12 if -- and I will ask Ms. Steingasser at another time -- I don't
13 know if she's listening now -- to let's -- I don't know if we
14 need to put in our regulations or what, and I really don't know
15 -- because some of this is still new, but I would like for this
16 case and all other hearing action cases that we look at to go to
17 the Racial Equity Office for their input that they have to make
18 it better for us and what we do in our extremely small piece of
19 it.

20 All right. So I'll be looking forward to that, too.
21 And I know it's pretty new, so, you know, I don't know whether
22 to go to the Mayor's side or the Council's side, or which one,
23 but I guess you all can help us figure that out.

24 Thank you, Ms. Thomas.

25 Anything else, Commissioners? Any other follow up?

1 (No audible response.)

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

3 Would somebody like to make a motion to set this down
4 with the comments? Vice Chair Miller.

5 VICE CHAIR MILLER: Mr. Chairman, I would move that the
6 Zoning Commission setdown for public hearing Zoning Commission
7 Case 16-20A, 3450 Eads Street, Northeast, modification of
8 significance, and ask for a second.

9 COMMISSIONER SHAPIRO: Second.

10 CHAIRPERSON HOOD: It has been moved and properly
11 seconded. Any further discussion?

12 (No audible response.)

13 CHAIRPERSON HOOD: Not hearing any. Ms. Schellin,
14 would you do a roll call vote, please.

15 MS. SCHELLIN: Commissioner Miller.

16 VICE CHAIR MILLER: Yes.

17 MS. SCHELLIN: Commissioner Turnbull.

18 COMMISSIONER TURNBULL: Yes.

19 MS. SCHELLIN: Commissioner Hood.

20 CHAIRPERSON HOOD: Yes.

21 MS. SCHELLIN: Commissioner May.

22 COMMISSIONER MAY: Yes.

23 MS. SCHELLIN: Commissioner Shapiro.

24 COMMISSIONER SHAPIRO: Yes.

25 MS. SCHELLIN: The vote is 5-0-0 to set down Zoning

1 Commission Case No. 16-20A as a contested case.

2 CHAIRPERSON HOOD: Okay. Next, we're going to have a
3 presentation by the Office of Planning, I believe, Ms.
4 Steingasser and Mr. Kirschenbaum and Mr. Rodgers are going to
5 take the lead on this. So I will turn it over to them at this
6 time.

7 (Pause.)

8 MS. STEINGASSER: Good evening, Chairman Hood,
9 Commissioners. Art Rodgers is going to give a briefing this
10 evening on our initial approach to the D-Zone review. With that,
11 I'm going to turn it over to Art.

12 MR. RODGERS: Good afternoon, Chairman Hood, and
13 Members of the Zoning Commission. My name is Art Rodgers. I'm
14 the senior housing planner for the Office of Planning. I'm going
15 to give a very brief presentation on the report that we presented
16 to you today that goes at a very high level, identifies some of
17 the Office of Planning's concerns about the D zone and outlying
18 inclusionary zoning in the D zones.

19 We'll also go into, sort of, what's the context --
20 what's the current context, what's the historical context of this
21 area of Central Washington.

22 And then, finally, I'll lay out what are OP's next
23 steps in researching what we feel we need to do to come up to -
24 - with a recommendation for the Zoning Commission on applying
25 inclusionary zoning in Central Washington and in the D zones.

1 With that, could I have the next slide, please.

2 So as I said, this is a brief presentation. I'm going
3 to go into just some very high-level basic things, the economic
4 and land-use context of Central Washington and the D zones. I'll
5 cover the District's Housing Equity Report that was published in
6 October of 2019. But more importantly, how the recommendations
7 from that report were adopted by Council into the City's
8 Comprehensive Plan.

9 I'll talk a little bit about the current market
10 uncertainty that has been created by the COVID public health
11 crisis and how that's affected both housing and office in Central
12 Washington, and then I'll go into what's the zoning context of
13 the Downtown Development District and what's now called the D
14 zones and inclusionary zoning.

15 And then, finally, I'll close with, as I said, what are
16 OP's next steps in researching all the elements, all the moving
17 parts of applying IZ in the downtown D zones. And after that,
18 I'll be happy to take questions from the Zoning Commission.

19 Go to the next slide, please.

20 So as the Commission is aware, the D zones in Central
21 Washington is the historic core of the District's office market,
22 and it has been for that way for many times -- for many years.
23 And as a result, for the most part, the land values have been
24 historically set by office use. They tend to be much higher land
25 values than what residential use has been able to achieve.

1 Housing has been successful in portions of downtown.
2 This tends to be the periphery of downtown, either in the Mount
3 Vernon Triangle area to the north or to NoMa to the northeast,
4 and then, finally, to the Capitol Gateway area in the southeast.
5 But housing has not been very successful in the core office
6 markets of Farragut and Franklin Squares. There's been very
7 little housing that has been developed. Basically, there's been
8 about four projects.

9 You heard from testimony from one of them a couple of
10 weeks ago, in a historic building downtown. All of these
11 buildings that have been built were renovated for housing in
12 these core areas of Farragut and Franklin Square, all of them had
13 some sort of factor beyond just the market supporting them. In
14 one case it was public land dispositions, in another case it was
15 a historic property, and a third case, it tapped into the tools
16 within the Downtown Development District, and I'll go into that
17 a little bit more.

18 And I think one thing that is key for the Zoning
19 Commissioners to remember, it was not just the zoning, zoning
20 requirements, and incentives that helped make the housing
21 development in Central Washington work. The District also passed
22 tax abatements for areas in the Mount Vernon Triangle and in the
23 Gallery Place area, as well as in NoMa. And in addition to the
24 tax abatements that helped residential development in these
25 areas, the District also engaged in a couple of catalytic projects

1 that helped set the stage and the market for housing, and these
2 include the City Vista project at 5th and K in Mount Vernon, as
3 well as the redevelopment of Arthur Capper/Carrollsborg and the
4 baseball stadium in the Capitol Gateway area.

5 And so it's -- housing has been successful not just
6 because the strength of housing as a -- and the value of housing
7 as a use, but also because of these other public efforts that
8 have gone in over the past, say, 20 years.

9 Next slide, please.

10 As I said, I'm going to talk to you just very briefly
11 about some of the major policies that we're looking at within the
12 Comprehensive Plan that was just adopted. And there's two main
13 ones, we think, that are very relevant.

14 The first one is one of the major goals, I think, in
15 the housing element, and that's to advance diversity and equity
16 across all planning areas by achieving a minimum of 15 percent
17 affordable housing in each and every planning area. And based
18 on our cursory review on what was published in the Comprehensive
19 Plan, Central Washington currently has 17 percent of the units
20 in the area as dedicated affordable. This is not to say that we
21 shouldn't look at every opportunity to expand the housing supply,
22 but we think it is relevant that right now Central Washington is
23 meeting that overall goal. And one of our next steps, will be
24 looking at what's the pipeline in affordable housing and market-
25 rate housing. And so we know that over say, the next 10 years,

1 the Central Washington area will maintain its stability to
2 achieve that minimum goal.

3 And then more focused, in Central Washington, the goal
4 is to absorb a lot of demand for high-rise housing in Central
5 Washington. There's a lot of reasons for this. It's close to
6 the job core, it has a high level of Metro accessibility, and in
7 the policy that's just been adopted, it does talk about
8 encouraging affordable housing through incentives and
9 regulations.

10 And just touching on it briefly, we'll be going into
11 more detail in upcoming reports, the D zones currently do provide
12 incentives for affordable housing. There is -- you might call
13 it "bonus density," but it is done through increasing the amount
14 of credits that a residential project gets when it sets aside
15 some of the space as affordable -- as dedicated affordable
16 housing. And that enables them to sell those credits to other
17 uses, office and hotel, that want to increase the density of
18 their locations. Based on a cursory review, we don't think any
19 otherwise market-rate project has taken those additional credits
20 for affordable housing, but that's going to be part of our
21 research going forward.

22 Next slide.

23 So again, a very high-level review of what have been
24 the economic impacts of COVID over the past, say, year, year and
25 a half, and of all the areas of the City, Central Washington has

1 probably been hit one of the hardest. Rents have declined 11
2 percent between the first quarter of 2020 and the last quarter
3 of 2020. They have started to stabilize. They have started to
4 rise again for apartments, but they did take a significant hit.
5 Part of this is also an increased amount of vacancy in Central
6 Washington for apartments, part of this was due to the reduction
7 in demand caused by the COVID health crisis, but also part of it
8 was due to a lot of new development that has been hitting the
9 Central Washington area.

10 There is still a lot of housing that has yet to deliver.
11 We're estimating about 4,000 units that are currently under
12 construction. This comes from CoStar data. And as a result of
13 the decrease in demand and the continued increases in supply,
14 CoStar is forecasting that vacancy could hit as high as almost
15 19 percent in the Central Washington area.

16 Now, this could very likely explain why, in 2021, there
17 has been zero new construction starts. There's a lot of vacant
18 units out there that the market would probably like to absorb
19 before any new housing gets started. As a result, starting around
20 2023, there's going to be very little new supply hitting the
21 Central Washington area as these projects that are currently
22 under construction deliver.

23 The office market has been similarly hit, but the
24 metrics are -- don't show it as much, and that's simply because
25 of the nature of and the differences between rent -- rental leases

1 for housing, which tend to be one year, and leases for office
2 space, which tend to be 7-, 10-, 15-year long leases. As a
3 result, rents have declined a little bit, but only about 1
4 percent, and vacancy has increased though, significantly. It's
5 almost 15 percent vacant right now, and unlike housing, though,
6 there's been really no significant new supply of office from
7 projects that were under construction. And so most of this
8 vacancy has been a result of just decreased demand. Over the
9 past, say, year, year and a half, there's been an increase about
10 2.7 million square feet that has been vacated, net loss of vacated
11 -- of occupied space. I'm sorry. And as a result, we're now at
12 a record level of available space, totaling 25 million square
13 feet in just the Central Washington area. And this increase in
14 available space actually did pre-date COVID, but COVID has
15 certainly exacerbated the problem and the amount of office space
16 that is actively being leased.

17 Next slide.

18 So just to provide the Zoning Commission -- or remind
19 the Zoning Commission of some of the history of the zoning in
20 this area. It really started with the Living Downtown Plan in
21 the '80s, and that led to the Downtown Development District in
22 the areas of Franklin Square and Mount Vernon and the Penn Quarter
23 area and Galley Place.

24 The Downtown Development District did a couple of
25 things to encourage housing. It increased overall density, but

1 a share of that increase had to be set aside for housing
2 requirements varying from a low end of 2 FAR in the Penn Quarter
3 area for housing up to a high of 4 and a half FAR in the Mount
4 Vernon Triangle area.

5 The DD also permitted a transfer of those housing
6 requirements between sites so housing could be aggregated to one
7 site and office could be aggregated to another site. In addition,
8 it provided housing bonus density that enabled them to sell the
9 unused density through transferable development rights, or TDRs.
10 And so that was -- that helped finance the affordable housing and
11 continues in the form of credits in -- that were achieved through
12 the zoning review of 2016.

13 And one of the last things that happened in the Downtown
14 Development District in -- around 2001 was housing was relieved
15 of all FAR restrictions, and so, basically, housing could be
16 built up to the Height Act, and developers and the property owners
17 could decide just about how much housing they could fit within
18 the Height Act in most areas.

19 So what zoning review of 2016 did was it expanded some
20 of the lessons learned and the tools that were in the DD to what
21 had previously been the TDR receiving areas, such as NoMa, the
22 West End, the Southeast -- I'm sorry, the Southwest Federal
23 Center, and then the Capitol Gateway area.

24 And -- but one of the things that the zoning review did
25 not do is, while it expanded the incentives for housing, it did

1 not expand the area that -- where housing would actually be
2 required. And as I mentioned before, the D zones do provide
3 incentives for affordable housing, but we're not aware of any
4 market-rate projects that have taken that incentive. The only
5 ones that have used it have been affordable housing projects that
6 have been otherwise subsidized either through land dispositions
7 or financing from the District of Columbia. And so that's
8 something we'll be presenting in future briefings.

9 Next slide.

10 So just to review what were the original, sort of,
11 guiding precepts of inclusionary zone back in 2006. The District
12 wanted to apply the IZ as broadly as possible, but we also wanted
13 to make sure we minimized the impact of land value and the
14 feasibility of development for housing, especially in areas where
15 housing had to compete for land with other uses, such as office
16 and hotel. And so the Zoning Commission is quite aware that in
17 many of these mixed-use areas, the percent of units required to
18 be affordable were reduced, and the income targets were also,
19 initially, lower in those areas.

20 And then, finally, one of the guiding precepts was to
21 balance those affordability requirements with the incentives that
22 were available and exempt those areas where the incentives were
23 not available. And the table you see on the right, sort of,
24 presents how that played out in the D zones. There are two D
25 zones -- or I'm sorry, three D zones where IZ does currently

1 apply, the D-2, the D-4, and the D-8. And again, those are areas
2 where we could add additional density to support the
3 affordability requirements. But in many of the D zones,
4 inclusionary zoning was exempted, because, as a result of the
5 changes to the DD and ZR16, housing was relieved of FAR
6 requirements. And so there was, essentially, no more bonus
7 density to give. And that is one of our major concerns is housing
8 has been successful in some of those areas, and -- but we don't
9 want to threaten the viability of further housing development and
10 achieve a goal for Central Washington of absorbing a lot of demand
11 for high-rise living in this area.

12 And I think we can go to the next slide, which, I think,
13 is my final slide.

14 So this just outlines our next steps that the Office
15 of Planning would be taking over the next several months through
16 the fall of this year to research what we feel we need to do in
17 order to make a recommendation to the Zoning Commission on if and
18 how inclusionary zoning should be applied in the D zones. We'll
19 be looking at other jurisdictions to see how they have approached
20 the area to see if they have layered in any special incentives
21 to make it work. We'll be doing a thorough zone-by-zone review
22 of the D zones and the building envelopes to see what bonus
23 density is available. We'll be reviewing the District's efforts
24 -- broader efforts for the supply of affordable housing in the
25 pipeline of affordable housing in Central Washington. There are

1 a lot of projects that have -- that are recently done and are
2 currently underway, and so we will be providing the Zoning
3 Commission a sense of what that pipeline is and whether or not
4 Central Washington is going to continue to maintain that minimum
5 15 percent of units for the longer term.

6 And then the last couple of steps, we'll be looking at
7 how housing in Central Washington can achieve other goals of the
8 Comprehensive Plan and where those might be. This might be
9 language supporting activating parks or other things like that.
10 We'll be reviewing the Comp Plan for that.

11 And then, finally, the two most, really, detailed
12 efforts will include a comparative analysis of office and
13 residential land values through a proforma, similar to what we
14 have done before for inclusionary zoning; however, this time
15 we'll be looking at office, as well, and that way we can compare
16 the theoretical land values of office and residential and see how
17 inclusionary zoning might threaten residential development's
18 ability to be built where there is an office market. As I laid
19 out, though, this is going to be significantly challenged by the
20 current uncertainty caused by the COVID health crisis to both
21 housing and office.

22 And then, finally, we'll be looking at what is the
23 potential remaining development capacity in Central Washington
24 and in the D zones so the Zoning Commission can get a sense of
25 what's the possible benefits of applying IZ in this area, but

1 | also the possible risks, as we've laid out, due to how IZ might
2 | negatively affect housing developments' ability to compete for
3 | new sites in the Central Washington in the D zones.

4 | That concludes my presentation, and I'd be happy to
5 | answer any questions the Zoning Commission may have.

6 | CHAIRPERSON HOOD: Thank you, Mr. Rodgers and team for
7 | that presentation. I'm sure we have a few questions, comments,
8 | and I'll start with Commissioner May. Any questions or comments?

9 | COMMISSIONER MAY: I don't have any particular
10 | questions. I thought it was helpful. I'm looking forward to
11 | hearing more, and if it's going to take a long time to get to
12 | us, I think, maybe, other periodic updates would be helpful.
13 | Seeing some of these findings outside the context of any, sort
14 | of, specific zoning proposal might be helpful, as well. So just
15 | keep that in mind. I'm not asking for anything very specific,
16 | but I feel like it's going to be lot of information to absorb,
17 | and sort of bringing us along slowly may help us absorb it.
18 | Thanks.

19 | CHAIRPERSON HOOD: Okay. Thank you. Commissioner
20 | Shapiro.

21 | COMMISSIONER SHAPIRO: I have nothing much to add. I
22 | agree with Commissioner May. That's -- what was helpful and
23 | educational about it was -- is the way that -- and I think it's
24 | good for public to hear as well as us to hear that these tools,
25 | the usefulness of them, really depends on the context. And, you

1 know, that's what I take away from what you're presenting is that
2 it's complex. This is not a black and white issue. So, yeah,
3 like Commissioner May said, though, it -- I say give us the
4 information as you get it so we can absorb it and help make sense
5 of it with you. That's all I have. Thank you for the report.

6 CHAIRPERSON HOOD: Okay. Thank you. Commissioner
7 Turnbull.

8 COMMISSIONER TURNBULL: Thank you, Mr. Chair. Thank
9 you for your wonderful little report, Mr. Rodgers. Is most of
10 the affordability in the downtown zones as 80 percent AMI? Did
11 you note that?

12 MR. RODGERS: No. It will depend on the projects, of
13 course, because each project uses different tools that targets
14 different household incomes. But for instance, the public land
15 dispositions are required to have targets at 30 percent of AMI,
16 50 percent of AMI, and 80 percent. And it does vary whether it's
17 a rental building versus a rental apartment building.

18 And then, of course, there are the finance projects,
19 as well, and those are tied to the types of subsidies that you
20 are using. Recently, there is, you know, a sort of a best
21 practice for grandparent-led households developed down on K
22 Street, as well as a project that, I think, is currently under
23 construction at New Jersey and H. And those are dependent on
24 the subsidies, whether they might be low-income housing tax
25 credits, the Housing Production Trust Fund, and the other -- or

1 | in many cases, to really achieve deeply affordable units, the
2 | District project-basing voucher programs. Either it's a local
3 | rent supplement -- primarily, it's a local rent supplement
4 | program. And so a project can achieve the really deep
5 | affordability through rental subsidies to the tenants.

6 | COMMISSIONER TURNBULL: So going forward, do you see
7 | those opportunities still out there to do these types of financing
8 | to get the affordability down?

9 | MR. RODGERS: Yeah. There are a couple of projects,
10 | and we'll be going into greater detail as to what those projects
11 | are. Like, for instance, as part of the broader Northwest One
12 | effort, there are -- there's one project that was built several
13 | years ago, but there are other sites along North Capitol on the
14 | East side. I think there's two remaining sites where the District
15 | is looking at land dispositions that would achieve deep
16 | affordability, as well as North Capitol and K there are projects
17 | that are -- the District issued a request for proposals and had
18 | been reviewing teams and looking at choosing which team provided
19 | the best project. And again, we'll be giving a thorough pipeline
20 | of all those types of efforts. And, I think to your point, we'll
21 | be -- we'll include in that review how deeply affordable they
22 | -- those projects get.

23 | COMMISSIONER TURNBULL: Well, thank you. That's
24 | favorable news. Thank you. That's it for me, Mr. Chair.

25 | CHAIRPERSON HOOD: Okay. Thank you.

1 Vice Chair Miller.

2 VICE CHAIR MILLER: Thank you, Mr. Chairman, and thank
3 you Mr. Rodgers, Ms. Steingasser, and Mr. Trueblood.
4 (Indiscernible) for your continuing look at how to use the limited
5 zoning opportunities we had to increase affordable housing.

6 Are you hearing me, Mr. Chairman?

7 CHAIRPERSON HOOD: (No audible response.)

8 VICE CHAIR MILLER: Okay.

9 CHAIRPERSON HOOD: Yes, we're hearing you, hearing you
10 well.

11 VICE CHAIR MILLER: All right. Okay. I saw some
12 spinning wheels, which always scares me when I'm using virtual
13 hearings, so I'll try to be brief here, then. Although I am --
14 I think Elsa has passed us by.

15 So just something -- following up on Commissioner
16 Turnbull's comment and your own presentation, Mr. Rodgers, the
17 Comprehensive Plan policy that calls for advancing diversity and
18 equity of planning areas, achieve a minimum of 15 percent
19 affordable within each planning area. As to that policy, itself,
20 what does "affordable" mean? I realize that we all want to get
21 to deeply affordable, and there are (indiscernible) programs to
22 do that, but as to this specific policy that you cited, that's
23 in the Comprehensive Plan, I think that wasn't finished,
24 advancing diversity and equity of planning areas, achieve a
25 minimum of 15 percent affordable, what does "affordable" mean

1 | there, 80 percent?

2 | MR. RODGERS: So within the Comprehensive Plan, there
3 | is a pie chart, and we can include that in our next briefing,
4 | that lays out what's the overall goal to achieve for affordable
5 | housing. The overall goal is to -- of all new affordable housing,
6 | is that 40 percent of it would be at 30 percent of AMI, 30 percent
7 | would be between 30 and 60 percent of AMI, and the last 30 percent
8 | would be between 60 and 80 percent of AMI. And so those are the
9 | overall goals within the Comprehensive Plan as to how deep we
10 | need to provide affordable housing.

11 | And each tool that we use targets different bands of
12 | those incomes. IZ does tend to be a little bit more moderate in
13 | the higher income, so we get more units; whereas, to get really
14 | deeply affordable, we often use subsidies of the land that the
15 | District owns, as well as, as I mentioned, project-basing of
16 | vouchers that we can offer. And so the landlords can rely on a
17 | stream of revenue to help subsidize the management and operations
18 | of those units.

19 | And there are -- what's exciting about that is, so it's
20 | income restricted, it is housing cost restricted to make sure
21 | that the units are affordable to the households, or at least the
22 | targeted incomes, and then, finally, it is for the long term, and
23 | so it's not just five years. Typically, we're looking for a
24 | minimum of affordability through the Housing Production Trust
25 | Fund of 40 years. And as the Commission is aware, for

1 inclusionary zoning, it is for the life of the building.

2 So those are, I think, are the three things that define
3 affordability. One, it's the income targets; two, it's the cost
4 are affordable to the households; and then, three, it is how long
5 they are affordable.

6 CHAIRPERSON HOOD: Let me just interrupt. I didn't
7 want to interrupt Mr. Rodgers, because he was really -- he was
8 into that -- into his thing. But I would just ask that if after
9 we finish talking, Vice Chair and others and Commissioners, we
10 need to mute, because if you don't, the rest of us get a feedback,
11 and it sounds like it's muddled. So we want to make sure we
12 heard -- the public, especially, and us hear exactly all that
13 insight that Mr. Rodgers has. So thank you.

14 VICE CHAIR MILLER: Thank you. Sorry about not muting
15 there, Mr. Chairman. I know that was directed at me. You can
16 just tell me to unmute immediately.

17 On the -- this is very helpful information, and we
18 look forward to your future work and briefings to us and the
19 public on it. Is this available on your website and we'll ask
20 OZ -- on our website? It should be available. We should make
21 this available as -- and as the briefings go forward. These are
22 reports, so they're not part of a zoning case, but I just hope
23 we can make this as publicly accessible as possible going forward.
24 That's just a comment, not a question.

25 The bonus credits that you said are available for

1 affordable housing downtown that haven't been utilized,
2 apparently, according to your -- I think, what you said, that
3 hasn't produced affordable housing, other things have produced
4 affordable housing downtown or in the central area. So if you
5 -- as you do your further research, I think you said, you're
6 going to be looking at that to see if we can increase somehow
7 those bonus credits, or whatever other zoning incentives. We're
8 in a -- we work in a very limited realm here in zoning, but to
9 the extent we can just push that to the maximum, I encourage you
10 to keep looking -- researching that issue. That's, again, a
11 comment, not a question. I'm following up on what you just said.

12 One other thing. I -- you said the downtown areas, you
13 know, land values traditionally have been based on the strong
14 office market, which is great for the City's revenue base and for
15 economic vitality, but we obviously are in an uncertain and
16 changing not so strong office market, and that may be going
17 forward. Do you think that there will be a recalibration of
18 those office -- of those land values downtown that aren't based,
19 as much, on strong office market, which might hurt the City in
20 terms of revenue, but in the end and in the long run might
21 encourage more housing to be developed? Do you have any comment
22 on that very --

23 MR. RODGERS: Only that that's what our research will
24 hope to tell us. That, you know, as I said, there's a lot of
25 uncertainty, and there hasn't been much new office development,

1 and -- in the past, say, couple years, but that's not to say that
2 there isn't sort of a maintenance of demand, I guess I would say.
3 But that's what we hope to research and report back to the Zoning
4 Commission in future briefings.

5 VICE CHAIR MILLER: Okay. Well, thank you. I look
6 forward to those future briefings. And I appreciate all the work
7 that you are doing and continuing to do on this important effort.
8 Thank you.

9 Thank you, Mr. Chairman.

10 CHAIRPERSON HOOD: Thank you, Vice Chair. And Vice
11 Chair, I just want you to know, you were not the only person that
12 was unmuted. So I'll leave it at that. I'm sure the other person
13 will tell you at a later time. I don't want you to think I was
14 picking on you, because I wasn't. I just happened to think "Vice
15 Chair," because I was looking at you. And thank you for those
16 questions.

17 And Mr. Rodgers, thank you for your presentation to us,
18 and I did have a question, but I think the Vice Chair -- while
19 he was unmuted -- no, I'm just joking -- I think the Vice Chair
20 has asked my question on -- I think you responded. My thing was
21 the uncertainty of office space, especially after this time of
22 COVID-19, but I just heard you say that it's been a -- I guess,
23 not a (indiscernible) but a decrease of office space in the past
24 few years, and especially now, with people finding out that their
25 work still gets done tele-working and being able to go into the

1 office once or twice a week or none. Some people work full-time
2 telework. So it will be interesting to see what some of the
3 responses and what everybody keeps calling the "new norm." And
4 I have an unqualified opinion on this, so I won't -- you have a
5 researched opinion. Mine is unqualified, but we will be
6 interested to see what things you can bring back to us, and I'm
7 sure there'll be an evolving, moving component for at least a few
8 years. So interesting. And thank you again for your
9 presentation.

10 Let's see. Any other follow up questions or comments?

11 Mr. Kirschenbaum, were you going to say anything?

12 MR. KIRSCHENBAUM: I don't have any comments. Thank
13 you, though.

14 CHAIRPERSON HOOD: Okay. And Ms. Steingasser, do you
15 have anything else to add?

16 MS. STEINGASSER: No, sir.

17 CHAIRPERSON HOOD: I can always tell when people don't
18 have anything else to add, because they smile and shake their
19 heads, first. "No. No. We don't have anything to add." That's
20 good, though.

21 Thank you all for all the work -- Mr. Rodgers and team
22 for all the work you've done. And as one of my colleagues
23 mentioned, we're looking forward to additional updates. I forgot
24 who --exactly who it was.

25 All right. So thank you both. I'll thank all three

1 of you. We appreciate it. So you can take them down, Office of
2 Planning. And I think the last thing we have on our agenda is
3 American University. I would like to take a three-minute -- if
4 we all could take three minutes and come back in three at 4:53,
5 4:54. Thank you.

6 (Whereupon, the above-entitled matter went off the
7 record at 4:45 p.m., and reconvened at 4:50 p.m.)

8 CHAIRPERSON HOOD: Okay. Thank you. Let's go ahead
9 and reconvene.

10 Ms. Schellin, could you call the next -- I guess, the
11 final case for tonight -- the final action.

12 MS. SCHELLIN: Yes, sir. It's Zoning Commission Case
13 No. 20-31, the American University, 2020-2030 Campus Plan.

14 As a preliminary matter, at Exhibit 70 -- I'm sorry,
15 170, we have a motion to postpone final action that was filed by
16 NLC, and at Exhibit 171, we have the Applicant's response to
17 that. If the Commission wants to rule on that motion first.

18 CHAIRPERSON HOOD: Yes, Ms. Schellin. If you could
19 just wrap it up. I am going to talk about that first.

20 MS. SCHELLIN: Okay. Sure.

21 CHAIRPERSON HOOD: Okay.

22 MS. SCHELLIN: Okay. And after that, it's just very
23 simply at Exhibits 165 through 169, it's the post-hearing
24 submissions that the Commission requested per the memo that was
25 put in the record that the Commission asked the parties to submit,

1 and they have been submitted. That's all I have.

2 CHAIRPERSON HOOD: Okay. Thank you, Ms. Schellin.
3 Again, this is a campus plan review, which is done by the Zoning
4 Commission and the District of Columbia. All college campuses
5 have to do a review in front of us. In this particular case,
6 this is American University at the request of their campus plan.

7 We do have some issues. I know we discussed it -- a
8 lot of this at length. We've asked for some other submissions
9 from both the Applicant, the American University, as well as the
10 parties in opposition. And with that, we have a request for NLC,
11 Neighbors for Liberal Communities, motion to delay final action.
12 The request is that we delay final action -- the application be
13 delayed due to the statements made by Wesley Theological Cemetery
14 -- Seminary, not cemetery, Seminary, as a part of the presentation
15 to ANC 3D and subsequent letters to neighbors regarding
16 Washington Theological Seminary's proposed campus plan to
17 potentially construct a new dormitory, which would include beds
18 which would be used by AU students. Also it was supported by
19 Spring Valley Wesley Heights Association -- Citizens Association,
20 as well.

21 With that, colleagues, I think the -- for me, let me
22 just start off, and others can opine on this. The Wesley
23 Theological Seminary, as we know, is probably in the process of
24 doing their own campus plan. While I understand the concerns of
25 NLC, I believe that at such time, we will have time to evaluate

1 the scale and the scope of the Seminary proposed housing program
2 at that time.

3 Now, I understand the concerns from neighbors, I
4 understand that, and I'm not kicking the can down the road, I
5 don't want to be saying that, but I do understand that this is
6 an overall holistic review of what we're doing. And the Seminary
7 has its own campus plan review that -- there will be time for
8 input and also for the community to be able to weigh in.

9 So let me open it up. And again, this is -- we're
10 looking at the whole campus that's being presented in front of
11 us that has its own separate campus plan, and that's my thoughts
12 on it.

13 Commissioner May, can I come to you?

14 COMMISSIONER MAY: Yes. I would say that I agree with
15 you, Mr. Chairman, that, you know, we'll have our chance to review
16 this proposal and whatever affect it might have on the AU campus
17 plan, I presume, when the Wesley Theological Seminary brings
18 their campus plan back to us for the next approval.

19 It is a little bit disconcerting to, you know, see
20 something in writing indicating that, at least, the Wesley
21 Theological Seminary is thinking about providing these dorm beds,
22 and what we've gotten from AU is a fairly blunt, "No, we're not,"
23 you know, "We're not doing that." It -- but it's not a statement
24 that we're, you know, we're not ever going to do it, or we've
25 never had a discussion. It's just a little bit -- it's quite

1 carefully stated. And I'm, you know, I would have preferred if
2 AU had been completely above board on whatever discussions might
3 have been happening or what they were aware of, because it feels
4 like maybe they're not telling us the complete story. But
5 regardless, it's not on the table for us right now, and if it
6 comes up with the Wesley Theological Seminary, then we'll deal
7 with it then. So that's my attitude.

8 CHAIRPERSON HOOD: Thank you. Commissioner Shapiro.

9 COMMISSIONER SHAPIRO: Yes, I agree, Mr. Chair. This
10 issue actually, really, isn't before us right now. If it comes
11 before us through Wesley, then we'll consider it then. So I
12 concur with you, Mr. Chair.

13 CHAIRPERSON HOOD: And Commissioner Turnbull.

14 COMMISSIONER TURNBULL: Mr. Chair, I would agree with
15 your comments, and Commissioner May and Commissioner Shapiro's
16 comments. This isn't before us, it's a separate case, but I
17 would agree with Commissioner May also that it's a little
18 disconcerting to hear the possibility that something could be
19 afoot. So again, we'll let it play out when it plays out. So
20 we'll have to wait and see. Thank you.

21 CHAIRPERSON HOOD: And Vice Chair Miller.

22 VICE CHAIR MILLER: Thank you, Mr. Chairman. I concur
23 with you and my colleagues on this point.

24 CHAIRPERSON HOOD: Well, Vice Chair Miller, just so you
25 know, when you started talking just now, I remember that I didn't

1 mute. So the same thing I said earlier goes back to me, too.

2 All right. All right. So I guess we need to make a
3 motion on that, because it is a motion to delay final action.
4 But as my colleagues have mentioned, I understand the concern of
5 the NLC, but like Commissioner May has eloquently stated, we'll
6 deal with that at the time. And again, we want to make sure --
7 we'll question, if it will show up like that, we'll question why
8 you weren't above board to begin with.

9 So would somebody like to make -- I move that we deny
10 NLC's motion to delay final action, but also take it -- you know,
11 I can't say that. I was going to say remember it. But anyway,
12 I'll just move that we deny NLC's motion to delay final action
13 and ask for a second.

14 COMMISSIONER MAY: I'll second that.

15 CHAIRPERSON HOOD: It is moved and properly seconded.
16 Any further discussion?

17 (No audible response.)

18 CHAIRPERSON HOOD: Ms. Schellin, would you do a roll
19 call vote, please.

20 MS. SCHELLIN: Yes. Commissioner Hood.

21 CHAIRPERSON HOOD: Yes.

22 MS. SCHELLIN: Commissioner May.

23 COMMISSIONER MAY: Yes.

24 MS. SCHELLIN: Commissioner Shapiro.

25 COMMISSIONER SHAPIRO: Yes.

1 MS. SCHELLIN: Commissioner Turnbull.

2 COMMISSIONER TURNBULL: Yes.

3 MS. SCHELLIN: Commissioner Miller.

4 VICE CHAIR MILLER: Yes.

5 MS. SCHELLIN: The vote is 5-0-0 to deny the motion
6 filed by NLC to delay -- to postpone final action.

7 CHAIRPERSON HOOD: Again, and I can't state it any
8 better than Commissioner May did -- and I hope that -- and it
9 was so noted with his comments, and I'm sure that the majority
10 of us, I think, agree.

11 All right. So some of the submissions that we have
12 -- excuse me, were Jacobs Field; the enrollment, talking about
13 the undergraduate cap; minor renovation flexibility; and traffic
14 impacts. I'd like to go in that order. And as we go through
15 that, if there's anything else -- after we finish that, if there's
16 anything else we want to discuss, there is one from the Concerned
17 Neighbors from Nebraska Avenue -- I think I got their name
18 correct. I do want to speak on that. So let's not forget that
19 and other things that other Commissioners have. I do know that
20 we had went through this exhaustively previously, and some of the
21 things we've asked for were submitted, I think, by the Applicant
22 and also, I think those parties that were in opposition, the
23 ANCs, for submitting this. And I think that it would be -- but
24 I'll probably -- may not agree with it, but I think that at some
25 point that outcome, as Commissioner May mentioned -- I like the

1 word the way he used it -- we need to make sure both AU and the
2 community, we start operating in being predictable and being
3 above board. So I'll just leave it at that.

4 So let's talk about Jacobs Field. It sounds like --
5 I'm glad we got to where we are. I mean, it's time to push the
6 pedal to the metal and make it actually work but let me open it
7 up. It sounds like there is an agreement, finally, but to me
8 that's not even enough. The agreement has to work.

9 So let me open it up. Any questions or comments on the
10 agreement that we noted with Jacobs Field? Any comments?
11 Commissioner May.

12 COMMISSIONER MAY: Yes. Mr. Chairman, I am very glad
13 to know that there has been an agreement reached between the
14 University and the Herzstein/Gerson party, those abutting
15 neighbors, because this has been going on for so long, and it's
16 been an issue for so long. And I -- you know, I'm pleased to
17 see the University has made some concessions in the process from
18 where they were to make clear that the operation of the field
19 won't change substantially until the wall is in place and has
20 been demonstrated to provide those improvements in the sound
21 transmission that are that we are all hoping will happen with
22 that wall.

23 I saw, you know, other details in it I thought were
24 very good about, you know, about tree preservation and so on. So
25 I feel like it's a pretty robust agreement, and there are avenues

1 for enforcement and monitoring throughout the process of getting
2 from where we are at, you know, the approval of the order to
3 where, you know, when the wall gets built.

4 Now, I think that there -- I mean, there was a concern
5 raised by some of the parties that there's no statement in there
6 about them actually having to build it, but it's very clear that
7 nothing else is going to move forward until they get through the
8 further processing and apply for a building permit, and that
9 building permit has an expiration date on it. So it's going to
10 happen before anything else gets built, I'm confident. At least,
11 that's the way it's laid out, and I think that if we wind up
12 seeing other further processing that show that, well, you know,
13 you have this delay or that delay in building it, you know, I
14 don't think that we're going to move those things forward, because
15 that's really our only method of enforcement on it.

16 The rest of the, you know, the other questions raised
17 about how this gets enforced by the other parties, and as far as
18 I'm concerned, this is a pretty solid agreement, and I'm very
19 glad to have reached this point. I mean, I think this is -- Mr.
20 Chairman, this is probably the best agreement that we've seen
21 between this particular party and the University in, what, for
22 you is now three rounds of campus plans and, for me, two rounds
23 of campus plans. So I feel this is pretty good.

24 CHAIRPERSON HOOD: Thank you, Commissioner May. And
25 I'm glad you brought up -- I saw in one of the opposition's

1 letters about the Zoning Commission is going to have to enforce
2 it. And I appreciate your comments about when we see this at
3 further processing, we will always wonder, because we don't have
4 enforcement powers, but the way it's set up here now, we do. So
5 I just want to caution the University to -- which I believe they
6 are, because I know Mr. Fisher is there. I have a lot of
7 confidence in Mr. Fisher. I'm sure that they will follow through
8 and do what they say they're going to do. I have a lot of belief.

9 COMMISSIONER MAY: So if the Zoning Commission ever
10 decides to go into enforcement and I retire, I'd kind of like to
11 be that guy.

12 CHAIRPERSON HOOD: Yes, but what people don't realize
13 is as hard as we work -- and I've said this before, and I don't
14 want to digress too much, but as hard as we are working at trying
15 to put things together, you know it doesn't look like that, and
16 then we come back ten years later, and nobody's even paid us any
17 attention, and that's very discouraging.

18 COMMISSIONER MAY: Yes.

19 CHAIRPERSON HOOD: It turns you off a little bit.

20 COMMISSIONER MAY: Yes.

21 CHAIRPERSON HOOD: So, anyway, enough said on that, I
22 guess.

23 Commissioner Shapiro.

24 COMMISSIONER SHAPIRO: Yes, Mr. Chair. I have nothing
25 further. I'm glad to see there's an agreement. That's all.

1 CHAIRPERSON HOOD: And Commissioner Turnbull.

2 COMMISSIONER TURNBULL: Thank you, Mr. Chair. This is
3 -- I think what's interesting about this Jacobs Field is that
4 this is no simple agreement between the parties. I mean, in
5 Exhibit 165, has Exhibit A, which has 25 conditions, and a lot
6 of those conditions have sub-conditions. So you know a lot of
7 work was put in on this by the parties, by the Herzstein/Gerson
8 -- the Herzstein/Gerson's on this and the Applicant and the
9 University to come up with a workable roadmap to get through
10 this.

11 And I think that no roadmaps are perfect, you can still
12 get lost, but I think this is a good try. And I think it's a
13 tremendous effort to get this kind of agreement, which,
14 obviously, we didn't have quite that when the first campus plan
15 went through 10 years ago. So I'm very hopeful. A lot of things
16 are covered, a lot of things are addressed, and there is a plan
17 and a way forward. I feel very good that at least we have a
18 genuine start on this, and it's going to work out. Thank you.

19 CHAIRPERSON HOOD: Thank you. Vice Chair Miller.

20 VICE CHAIR MILLER: Thank you, Mr. Chairman. Yes, I
21 share all the comments that my colleagues have made. I appreciate
22 all of the work that the University and the Herzstein/Gerson's
23 put in to developing these conditions for Jacobs Field, as
24 Commissioner Turnbull related, 25 conditions, 7 pages. That's a
25 lot of conditions. It's a lot of work, and we appreciate that

1 effort, and we hope it -- and both parties made concessions in
2 that process, and that's what a negotiation is all about. So we
3 appreciate that. Thank you very much.

4 CHAIRPERSON HOOD: Thank you. And I'm not going to
5 touch it, I'm just going to say we appreciate the work that
6 everyone has done. As Vice Chair Miller and my other colleagues
7 have mentioned, there's been a lot of work put in it, and more
8 than that, we appreciate everything that everyone has put into
9 this. And that's the way I'm going to leave it. It's been a
10 long time coming.

11 Okay. Next, let's go to enrollment. I know that this
12 is a different way the undergraduate -- there's a question about
13 whether or not we need to put a cap on undergraduate enrollment.
14 If not, we adopt a new way -- the way that The American University
15 has presented it, I know it has been supported by the ANCs and
16 others, but -- and not supported by some. So let's have that
17 discussion. We'll start with -- again, with Commissioner May.
18 Do you have any questions or comments on that, you can go. If
19 not, we can go to the next question.

20 COMMISSIONER MAY: I don't have a lot to say. I think
21 we discussed this pretty thoroughly last time around. I can
22 understand why some folks think that the undergraduate enrollment
23 cap is really the critical thing, or is another layer of control
24 over the operation of the campus and the growth of the campus,
25 but I appreciate the fact that the University has looked at this

1 issue holistically, and in working with the neighborhood
2 partnership and with the ANCs, has come to the conclusion that
3 this is the best way to exercise the control over it. It's a
4 little different from what people are used to, but I'm
5 comfortable, particularly since the neighborhood partnership and
6 the ANCs are comfortable with it.

7 So I didn't see anything new in the record that makes
8 me rethink that from where we discussed it last time. So thank
9 you.

10 CHAIRPERSON HOOD: Commissioner Shapiro.

11 COMMISSIONER SHAPIRO: Thank you, Mr. Chair. I don't
12 have any concerns around this, and I have nothing further.

13 CHAIRPERSON HOOD: Commissioner Turnbull.

14 COMMISSIONER TURNBULL: I really don't have any
15 comments on this, Mr. Chair. I think Commissioner May expressed
16 my thoughts. Thank you.

17 CHAIRPERSON HOOD: And Vice Chair Miller.

18 VICE CHAIR MILLER: No comments, Mr. Chairman. I think
19 we did discuss this previously, and I think the overall enrollment
20 cap, as opposed to the undergraduate cap, with the housing --
21 onsite housing requirements that are there and the other
22 mitigations should not result in objectional impacts that can't
23 be mitigated. So I think we're -- I have no further comment.

24 CHAIRPERSON HOOD: Okay. And I forgot to turn my --
25 put it on mute. So I'm going to identify myself, Vice Chair,

1 when I'm wrong, since I do it with everybody else.

2 So I don't have anything to add to this. As mentioned,
3 I think we discussed this earlier, and I'm hoping that what AU
4 has put in place -- I know there is a lot of concern in the
5 community on undergraduate caps, but we've had that discussion,
6 and I'm hoping that, again, AU will be true to their word. Again,
7 this is a credibility and predictability test.

8 So let's go to -- the next thing that request -- one
9 of the conditions, I think, which I didn't remember coming up in
10 the hearing, but maybe my colleagues could help me, maybe it did.
11 One of the conditions that AU is proposing, it says, "The
12 University shall be permitted to repair, renovate, remodel, or
13 structurally alter the facilities identified in the 2021 Campus
14 Plan, as well as construct modest increase" -- what is "modest
15 increase" -- "in gross floor area that are required to meet code
16 requirements and improve accessibility without further processing
17 approval provided that such plans are approved by the Zoning
18 Commission and a modification of consequence, pursuant to 11
19 DCMR, Section 703, such increases in gross floor area shall not
20 exceed 5,000 square feet." The way I interpret that condition,
21 they are using one of our tools, which is a modification of
22 significance or consequence, in this case, it's consequence, to
23 do increases.

24 But let's open that up, and let's have that discussion,
25 because I really don't remember that coming up. So if it came

1 up, then I just missed it.

2 Commissioner May, would you like to start us off?

3 COMMISSIONER MAY: Yes. This sort of threw me for a
4 loop, too, when it first started coming up. You know, in the AU
5 submission in the case that this is based on, what was done for
6 Georgetown, or similar to it, based on it, but looking at the
7 differences in the language between those conditions -- the
8 conditions in the GU Approved Plan and the AU plan, there are
9 significant differences, because it's pretty clear from the
10 language of that was in the GU, and that this had to do with,
11 essentially, interior modifications. And, yes, if there were
12 some nominal increase in square footage or something like that,
13 that would not be an, you know, an issue. But the way the AU
14 condition is written, it makes it appear like the University
15 could build a 5,000 square foot building through a modification
16 of consequence. And I mean, I want to believe that that's not
17 what they intend to do.

18 I mean, I am all for having some level of flexibility.
19 I don't think we need to review a -- or treat as a further
20 processing, minor modifications. I mean, fixing up restrooms to
21 make them accessible or dorm rooms to make them accessible or
22 even some interior modifications that might result in, you know,
23 nominal increases in square footage, but I don't think that the
24 language that we have in front of us is appropriate.

25 So I am not in favor of having -- allowing up to 5,000

1 square feet. I wouldn't even say I would allow up to 1,000 square
2 feet. I feel like, you know, this -- you know, I wouldn't -- I
3 would alter the language to use a term like "a nominal change in
4 the square footage," something like that, and providing it
5 doesn't have an impact on the -- a significant impact due to
6 change in use or any potential visual impacts that might result
7 from it.

8 I don't know what the exact language is, but I'm sure
9 it's something that, if we express what we -- what limits we'd
10 want to put on it, OAG can work that out with the University to
11 come up with exactly the right language.

12 But again, I'm not in favor of 5,000 square feet,
13 because, again, that, sort of, gives people the impression that
14 they have license to go that high. I would never want to go that
15 high, you know, as a baseline. And I don't think the University
16 really does, either, because I don't want the University to be
17 operating under the assumption that they can do things like this
18 as a modification of consequence, only to bring it before the
19 Zoning Commission as a modification of consequence, and then have
20 us, you know, bounce it, because it doesn't meet our impression
21 of what a modification of consequence can be.

22 So I think that they're much better off with more modest
23 expectations about what can be treated this way, and that, you
24 know, we just have a little bit tighter control on that.

25 All that said, we do have that backstop. "Modification

1 of consequence" means that we will look at it, and then we will
2 schedule it for consideration after getting feedback from the
3 parties. So ultimately nothing is going to get approved unless,
4 you know, we agree that it can be done as a modification of
5 consequence. But the outcome very well could be a more protracted
6 process for the University. So again, there's a backstop against
7 it. It's not hugely dangerous, but I would advocate for some
8 language that specifically gets rid of the 5,000 square foot
9 number and speaks more to the specific potential impacts.

10 CHAIRPERSON HOOD: Okay. Thank you.

11 Commissioner Shapiro.

12 COMMISSIONER SHAPIRO: Yes. Thank you, Mr. Chair.
13 Similar position. I certainly don't have any objection to
14 providing some measure of flexibility, but nothing that's going
15 to take away our authority to determine what's in the best
16 interest of the community. So, yes, I mean, as long as there's
17 language that's built in that is clear that this is not about
18 the University being able to change any approved uses, you know,
19 take away any of our authority to determine whether this should
20 be handled as further processing.

21 I agree with Commissioner May, the 5,000 sets me back
22 a bit. I'm just not quite sure what value it brings, because we
23 have a pretty strong backstop. So I would be -- if we get to
24 this point, and there's some flexibility language that's built
25 in, I just would be more inclined to not have a square footage

1 reference in there. That's all I have, Mr. Chair.

2 CHAIRPERSON HOOD: Okay. Thank you.

3 Commissioner Turnbull.

4 COMMISSIONER TURNBULL: Thank you, Mr. Chair.

5 Following up on the comments of Commissioner May and Commissioner
6 Shapiro, I would agree that we need to give the University some
7 flexibility for minor repairs, additions, whatever, but we also
8 need to give some reassurance to the neighborhood that the
9 University is not going beyond its core responsibility of
10 education and doing what is necessary to keep that education
11 going. But I think we need to protect -- I mean, the Zoning
12 Commission will be the ultimate voice on that, that are not going
13 to -- whether it's a modification of significance or consequence,
14 and I think that the 5,000 square feet is a large number. And
15 it's probably -- I think the University needs to rethink what
16 another number is that would be sufficient to do minor
17 modifications -- or modification of consequence, I should say.

18 So I think we need to put some checks and balances on
19 this, and I would not be in favor of the language the way it is
20 currently stated by the Applicant.

21 CHAIRPERSON HOOD: Okay. Thank you. Vice Chair Miller.

22 VICE CHAIR MILLER: Thank you, Mr. Chairman. So I
23 think I'm in concurrence with my colleagues, generally, on this,
24 in terms of giving flexibility for minor repairs and renovations
25 and alterations, maybe not putting a square footage amount on it,

1 | but putting a stipulation that would go through a modification -
2 | - that could go through a modification of consequence application
3 | process by putting a stipulation on that process that it would
4 | not allow a use change for the facility under that modification
5 | of consequence process, and would -- and that we would retain the
6 | ability in that -- considering that modification of consequence
7 | to say no, that's more than modification of consequence, it's a
8 | further processing.

9 | So I think we can add that flexibility with appropriate
10 | stipulations, as we've done in previous cases.

11 | CHAIRPERSON HOOD: I don't have anything to add, but I
12 | will tell you that 5,000, as -- it's already been mentioned by
13 | my colleagues, it kind of threw me for a loop. But I don't even
14 | remember the whole -- I don't even remember none of this coming
15 | up to begin with. So that's what threw me for a loop. But
16 | anyway, I'm not saying it didn't, but the 5,000, I think
17 | Commissioner -- when Commissioner May said, "Modest," then I
18 | started saying, "Okay. Well, what does 'modest' mean?" And I
19 | guess that will be defined upon when it comes to us or how will
20 | we deal it.

21 | So what I would like to, unless somebody has another
22 | suggestion, is put that in the parking lot, and let's come back
23 | at the very end and see how we want to proceed with that, if
24 | that's okay.

25 | Okay. Which leaves us right into traffic. So that was

1 a good entry. When we look at traffic, and I'll hear from my
2 colleagues, too, for your comments. When we look at traffic, we
3 look at traffic through the overall campus. As we stated, this
4 is a holistic approach, and we're looking at the campus as a
5 whole. And the question that I think that we have right now is
6 not whether we're going to wait for further processing, because
7 we're doing it now, is that the mitigations and what's being
8 presented to us in the full campus, is it -- are the mitigation
9 methods, or the ways of dealing with traffic issues on the campus
10 and the surrounding area, are they -- do we think now they can
11 be mitigated? Not that we know, actually what they are, because
12 some of the things have not happened, but do we think that AU
13 can mitigate them or has a plan to mitigate them or can be
14 mitigated?

15 I will tell you, my opinion of that is yes. I believe
16 they can. Other universities have done it. AU, I think, has
17 done it, because -- well, I mean, I won't go into that right now,
18 we'll do that at another meeting. But I think in this City, you
19 have learned to adapt. I think that what they've presented to
20 us as far as traffic -- I know they have concerns. I know,
21 specifically in Exhibit 167, Spring Valley/Wesley Heights
22 Citizens Association, they seem to believe that AU is not properly
23 accounting for their increasing traffic volumes. I thought so,
24 too, at first, and I think that they had presented that
25 information. I know I asked for it during the hearing, and during

1 | our deliberations last time, but I believe that what they had
2 | presented to us could mitigated. And I'll just leave it at that
3 | for traffic.

4 | Let me open it up to my colleagues.

5 | And here's the other thing, even when we get to further
6 | -- even though we're looking at traffic now, even when we get to
7 | further processing, I want to understand, to some degree, we'll
8 | be looking at traffic, as well for that individual specific area.
9 | At least that's my thought on it.

10 | Commissioner May.

11 | COMMISSIONER MAY: Yes. I would agree with you, Mr.
12 | Chairman. I don't -- first of all, I would say I didn't see
13 | anything new in the most recent submissions that made me question
14 | what we had seen and the advice that we had gotten from DDOT,
15 | who reviewed this very thoroughly, and you know, American
16 | University based their studies on the guidance from DDOT, and
17 | DDOT believes that the potential traffic impacts can be mitigated
18 | through the TDM program that the University has proposed. So I
19 | feel very good that -- about the ability for any potential impacts
20 | to be mitigated at this point.

21 | And I also agree with you, Mr. Chairman, that, you
22 | know, we are looking holistically about the traffic that may be
23 | associated with the University as it evolves over the next 10
24 | years, and we will, depending on the project, we may have to look
25 | at specific traffic information associated with any given further

1 processing. You know, maybe not for the sound wall, but for
2 other particular buildings that might be built. Yeah, we'd get
3 into it with a finer look at that point, as needed. But I think
4 overall, the picture is fine, and the TDM is adequate. Thank
5 you.

6 CHAIRPERSON HOOD: Okay. Thank you, Commissioner May.
7 Commissioner Shapiro.

8 COMMISSIONER SHAPIRO: I have nothing further to add,
9 Mr. Chairman. Thank you.

10 CHAIRPERSON HOOD: Okay. I just want you all to know,
11 sometime when you finish speaking, my cursor goes all over the
12 place, and then I have to find it and bring it back down to the
13 screen and hit -- so give me a moment sometime when you think,
14 "Well, what is he doing?" But I'm trying to get it in the right
15 spot to click on mute and unmute. Even though Mr. Turnbull taught
16 me to hit the space button, but that doesn't seem to work, Mr.
17 Turnbull, so I need another -- when my grandkids come to see me,
18 maybe I'll ask them how to do it.

19 All right. Commissioner Turnbull.

20 COMMISSIONER TURNBULL: I'm sorry, Mr. Chairman. I
21 -- traffic studies, engineering is a strange science. We've all
22 gone through this on different cases, and we get the reports in
23 by the traffic engineers and their analysis, and people aren't
24 going to agree -- everybody doesn't agree with what the traffic
25 engineers are saying. They don't like where the cords were placed

1 in the street for the CTRs, the counters; oh, you didn't pick up
2 a driveway over here from a building; you didn't cover a driveway
3 over there. But in the end, when these studies come in, the
4 imprimatur of how this method was done, the process, is DDOT.
5 DDOT is the voice of authority for the District of Columbia. And
6 if DDOT is saying you did the method and process of doing your
7 traffic study and what the results are, we agree with you.

8 I think, for me, that's what we have to accept. I
9 mean, I can't -- people may -- do not agree with everything, and
10 they complain of flaws and things, but DDOT says if the Applicant
11 did this and that and the process came in, they agree with it.
12 And I think for right now -- again, looking at this holistically,
13 I think that the Applicant provided a study that provided us
14 enough information that I feel comfortable with as far as the
15 impacts, end of story.

16 CHAIRPERSON HOOD: Thank you. Vice Chair Miller.

17 VICE CHAIR MILLER: Thank you, Mr. Chairman. I'm going
18 to miss you, Commissioner Turnbull. I get to always say I agree
19 with Mr. Turnbull. So I hope your -- well, anyway.

20 I agree with Commissioner Turnbull's comments, and just
21 would note that not only in this traffic impact area, but in all
22 of the areas that we are discussing this evening, we should keep
23 in mind that this case has the support of the affected Advisory
24 Neighborhood Commissions, ANC 3D and 3E, not without their
25 prodding, as well as the neighborhood partnership, who also

1 | supports the case, without their prodding of mitigations that
2 | have already been incorporated into the application that is
3 | before us.

4 | So thank you, Mr. Chairman.

5 | CHAIRPERSON HOOD: So I would agree, especially with
6 | Mr. Turnbull. They are the voice of authority with traffic now.
7 | I don't always agree with DDOT, but you know, I'm hoping that,
8 | you know, through our discussions and through the community's
9 | input, DDOT is definitely on their toes. A couple months ago,
10 | or maybe a couple years ago, I found out that DDOT was an award-
11 | winning transportation authority in the United States, because
12 | they told me all the awards, so, you know, I have to give
13 | deference to the experts. They are the -- as Mr. Turnbull said
14 | -- and I like that, the voice of authority when it comes to
15 | traffic. Now, Anthony Hood doesn't always agree with them, as
16 | Mr. Turnbull said, but -- especially when I'm sitting in traffic,
17 | I don't always agree with them, none of the traffic consultants,
18 | but I think in this case -- I think what's holistically done can
19 | be mitigated. But again, I want everyone to understand that even
20 | though we're looking at the whole picture, we believe it can be
21 | mitigated. For me, I never want to take out traffic. The
22 | discussion doesn't even come back wholeheartedly, but I think in
23 | each individual further processing or additional component that
24 | AU brings, I think that that discussion is always going to be
25 | had. But the question -- I don't think it needs to be to a wide

1 scope magnitude as we're doing with it today.

2 So that's all I have on that. Any further comments on
3 traffic?

4 (No audible response.)

5 CHAIRPERSON HOOD: Thank you. The record speaks for
6 itself.

7 The only other thing is the Concerned Neighbors of
8 Nebraska. I really looked at their submission as well, and most
9 of what I saw in their submission -- and I don't to know if other
10 colleagues want to opine on this, but to me, everything in there
11 was -- and I understand about the concern about Building 11 and
12 12, what's being proposed, and we can have that discussion, but
13 most of the stuff that I saw -- and that is a further processing,
14 but I think the massing now, which they believe would affect
15 them, I think that at a further processing, I don't necessarily
16 want this to be the go ahead for that, because there are other
17 complaints that come into play for Buildings, I think it was 11
18 and 12, if I'm not mistaken, but I think that for most of their
19 submission, I saw most of it was germane or pertaining to a
20 further processing. And I understand the concern. I think some
21 -- most of that will be addressed again, but I don't want to kick
22 the can there.

23 Let's talk about 11 and 12, if you choose to. If not,
24 you can pass. Commissioner May.

25 COMMISSIONER MAY: I don't know who exactly raised the

1 concern that prompted the further questioning from the concerned
2 neighbors, but it was -- I don't think it was me. I don't know,
3 I just -- I don't recall. But I think at this point, the proposal
4 for those buildings is -- I don't think is inherently problematic.
5 I mean, certainly, the way it is designed could have an effect
6 on the immediate neighborhood, but I also think that hoe it is
7 design could make -- could ensure that those impacts are
8 negligible or capable of being mitigated. So and the -- as you
9 said, these are issues that we would get into at further
10 processing. So I'm perfectly happy signing off on this as it is
11 currently proposed, and then we will address the specific
12 concerns if and when they come after the processing.

13 CHAIRPERSON HOOD: Thank you, Commissioner May.

14 Commissioner Shapiro, anything to add or comments?

15 COMMISSIONER SHAPIRO: Nothing to add, Mr. Chair. This
16 is acceptable at this stage, and this will be an issue at further
17 processing. That's all I have.

18 CHAIRPERSON HOOD: Okay. Commissioner Turnbull.

19 COMMISSIONER TURNBULL: I really don't have much to
20 add, Mr. Chair. I think at this stage in the overall campus
21 plan, it's not really a schematic design. It's really proposed
22 massing of what the building would be in its -- in the form, and,
23 as we say, as a massing diagram. And I think that we can always
24 get into the structure itself when we get into further processing,
25 or actually, you guys will get into further processing. I'll be

1 | looking in. But I think right now, I have no -- I can't see
2 | holding back on this. I'm fine with it.

3 | CHAIRPERSON HOOD: Okay. So let me do this while we
4 | take a second break for the public and everyone and I'll be making
5 | in the announcements until the 26th. You don't want to miss our
6 | 26th meeting. You definitely don't want to miss our 26th meeting.
7 | You might not want to come to anything else we have, but you do
8 | not want to miss the July the 26th meeting, which I think is
9 | Monday at 4:00 p.m. Ms. Schellin will correct me if I'm
10 | incorrect, but you need to come early. Make sure you're there
11 | at 4 o'clock. Because we -- it's something very exciting,
12 | bittersweet, or whatever you want to call it, but you don't want
13 | to miss July the 26th at 4:00 p.m. I actually may -- I
14 | wanted to make that earlier, but you just jogged my memory. I
15 | guess my memory expansion is getting smaller and smaller.

16 | All right. Vice Chair.

17 | VICE CHAIR MILLER: Well, apropos to that. I, again,
18 | share the comments of Commissioner Turnbull and my other
19 | colleagues. I think that the design, use, and impacts of
20 | Buildings 11 and 12 will be evaluated at further processing in
21 | terms of their relationship to the homes at the corner of Nebraska
22 | and Rockwood, including, you know, whatever necessary step backs,
23 | setdowns, buffers, or what others measures might be necessary to
24 | mitigate any potential impacts. So I think that is an issue to
25 | be decided for the future. I think the overall massing is okay

1 for this part of the case, and we will revisit this issue as we
2 get into specifics, and if we need to mitigate impacts on those
3 single-family homes across the street, we will do that.

4 CHAIRPERSON HOOD: Thank you. And let me make sure I
5 pronounced the name correctly; it was the Concerned Neighbors
6 -- I just looked it up in the file I just closed. The Concerned
7 Neighbors of -- well, anyway. I had the file open. I clicked
8 on it, and it went away. So anyway. I'll get it before --
9 because I want to make sure give them their respect. Concerned
10 Neighbors of Nebraska. I'll get it in a moment.

11 All right. Do we have anything else, Commissioners,
12 that you want to discuss due to the American -- other than the
13 5,000, and we'll come back to that, square feet? We can discuss
14 that. Is there anything I may have missed that we really need
15 to speak about, that maybe one of the opponents or the ANC or
16 someone mentioned?

17 (No audible response.)

18 CHAIRPERSON HOOD: Okay. (Audio interference.)

19 COMMISSIONER SHAPIRO: Nothing from me, Mr. Chair.

20 (Pause.)

21 CHAIRPERSON HOOD: Okay. I want to make sure I had the
22 name -- I was determined --

23 UNIDENTIFIED SPEAKER: (Audio interference.)

24 CHAIRPERSON HOOD: I'm still muted?

25 COMMISSIONER TURNBULL: (Indiscernible) hear you.

1 CHAIRPERSON HOOD: Can you hear me?

2 COMMISSIONER MAY: Can anybody hear him? I can't hear
3 him.

4 CHAIRPERSON HOOD: Can anybody hear me? If you can
5 hear me, raise your hand.

6 COMMISSIONER MAY: I can't hear you.

7 CHAIRPERSON HOOD: I want -- Commissioner May, I want
8 you to hear this. Well, since you can't hear me -- well, if you
9 can't hear me -- okay. I'll wait.

10 I was about to say, I'm trying to open up a file, and
11 I messed up.

12 COMMISSIONER MAY: Can you hear me?

13 CHAIRPERSON HOOD: Yes, I can hear you. Yes.

14 COMMISSIONER MAY: I can't hear anything.

15 CHAIRPERSON HOOD: Well, I don't think it was --

16 COMMISSIONER MAY: (Indiscernible.)

17 CHAIRPERSON HOOD: -- anything I could have done on
18 this end. Can you hear? Can you hear us?

19 COMMISSIONER SHAPIRO: We can hear you, Mr. Chair.
20 It's the speaker on his side.

21 CHAIRPERSON HOOD: Okay. Well, before I forget --

22 COMMISSIONER TURNBULL: I'll (indiscernible) to go to
23 my video audio screen here.

24 MS. SCHELLIN: Well, he can't hear you, but he's going
25 to restart, he said, and come back.

1 CHAIRPERSON HOOD: Ms. Schellin, you can hear me?

2 MS. SCHELLIN: Yes.

3 CHAIRPERSON HOOD: Okay. Well, before I forget, the
4 Concerned Neighbors at the Corner of Nebraska Avenue, Northwest
5 and Rockwood Parkway, CNCNR. I wanted to make sure I give them
6 their respect, because they spent a lot of time, along with the
7 other parties in opposition, and I wanted to get their name right.

8 So when Commissioner May comes back, we will -- that
9 must mean it's time for us to get ready to adjourn.

10 COMMISSIONER MAY: I can hear you now.

11 CHAIRPERSON HOOD: You can hear us now. Okay.

12 COMMISSIONER MAY: Yes.

13 CHAIRPERSON HOOD: All right. So anyway. Okay. So
14 let's go back and talk -- is there anything else that anyone
15 wants to talk about in the holistic view of the AU Campus Plan?
16 Or is there anything left? So other than the 5,000 square feet
17 -- what was it called, the renovation.

18 So let's talk about that again. How do we, going
19 forward, colleagues, how do we want to handle it? What do we
20 want to do?

21 COMMISSIONER MAY: Mr. Chairman, I was wondering if Ms.
22 Cain could join us for a minute?

23 CHAIRPERSON HOOD: Okay.

24 (Pause.)

25 COMMISSIONER MAY: Okay. So my question would be

1 | whether the discussion that we've had so far where we are more
2 | interested in the -- you know, the uses and potential impacts and
3 | getting rid of the 5,000 square foot, sort of, limitation on it
4 | and focusing on language that makes sure that, you know, whatever
5 | changes to square footage would be, you know, nominal or modest
6 | or something like that, whether that's enough to be able to work
7 | out a condition with the University, or whether we need to
8 | actually see the draft condition and approve specific language,
9 | or whether you could work it out with the University.

10 | MS. CAIN: I think, based on what the Commission has
11 | discussed this evening, I have enough to go on. I think you've
12 | made pretty clear that you're not comfortable with the square
13 | footage requirement. You would like to see language that would
14 | prohibit this process from allowing any change of use of whatever
15 | the facility is that comes before you, and also to make clear
16 | that the Commission will retain its ability to determine, under
17 | its own authority, that the repairs, additions, what's being
18 | proposed, qualify properly as a modification of consequence, or,
19 | in the alternative, to decide if the Applicant really needs to
20 | come back for either a modification of significance or as a
21 | further processing.

22 | I think that encapsulates everything. I think,
23 | assuming that the Commission is okay with that, sort of, broad
24 | outline, that we would have enough to go on to just fine-tune
25 | the language a little bit.

1 COMMISSIONER MAY: That sounds good to me.

2 CHAIRPERSON HOOD: Okay. I see a thumb's up. The only
3 thing I would ask -- I'm pretty sure as we move forward tonight,
4 I believe, it looks like -- I don't know anything else we have
5 to talk on. The only thing I would ask is that we see the
6 language. I don't know. Let me see. Do we want to -- I would
7 like to see it, but let me see if --

8 COMMISSIONER MAY: Well --

9 CHAIRPERSON HOOD: You can just send it to me.

10 COMMISSIONER MAY: Yes, let's -- we'll see it before
11 the order is signed, right?

12 CHAIRPERSON HOOD: Yes. Yes. Well, this is -- yes.
13 Well, this is final.

14 COMMISSIONER MAY: This is one vote.

15 CHAIRPERSON HOOD: Right. So I mean, I feel confident
16 that the condition would be -- as we choose, but I think that we
17 need to at least see it.

18 MS. CAIN: If you want to give me three to five minutes,
19 I can draft something up and send it to you that you can then
20 read into the record if you want to proceed that way.

21 CHAIRPERSON HOOD: Okay. I think that's -- does
22 everybody have three to five minutes?

23 COMMISSIONER MAY: That's fine. I will be super
24 impressed if we get --

25 CHAIRPERSON HOOD: Yes. Well, I'm sure Ms. Cain --

1 COMMISSIONER MAY: -- way faster than me.

2 CHAIRPERSON HOOD: Because I was going to do it
3 afterwards -- after the vote, but I think this is the best way
4 to do it.

5 So Ms. Cain, we'll give you five minutes. We'll come
6 back here about -- we'll take six minutes. We'll come back about
7 5:51. Okay. Yes, so we'll adjourn -- well, not adjourn, but
8 come back at 5:51.

9 (Whereupon, the above-entitled matter went off the
10 record at 5:50 p.m., and reconvened at 5:56 p.m.)

11 CHAIRPERSON HOOD: It is 5:56. I'm going to read out
12 loud, so -- for the sake of the public and my colleagues so we
13 can have a discussion, and I want to thank Ms. Cain, who did this
14 actually quicker than the time allotted. So I want to thank her
15 for her diligence. Let's see where we are.

16 It reads, "The University shall be permitted to repair,
17 renovate, remodel, or structurally alter the facilities
18 identified in its 2021 Campus Plan, as well as construct modest
19 increases in gross floor area that are required to meet code
20 requirements and improve accessibility as a modification of
21 consequences and without further processing approval, provided
22 that the University shall not be permitted to use this process
23 to change the use of a facility as approved by the 2021 Campus
24 Plan, and the Zoning Commission shall retain its ability,
25 pursuant to Subtitle Z, 703.17, to determine whether the proposed

1 repairs, renovations, alterations, or other construction
2 activities properly qualify as a modification of consequence,
3 pursuant to Subtitle Z, 703, or whether a modification of
4 significance or further processing and application is required."

5 I see heads shaking. Let me just go around right quick.
6 Let me do a round robin. Commissioner May.

7 COMMISSIONER MAY: I think that language is fine. I
8 would suggest that if we move to approve the case that we allow
9 Ms. Cain some flexibility to tweak the language, as needed, but
10 I think the point of it is there.

11 CHAIRPERSON HOOD: Okay. Commissioner Shapiro.

12 COMMISSIONER SHAPIRO: Not bad for seven minutes' work.

13 CHAIRPERSON HOOD: Four minutes.

14 COMMISSIONER MAY: I got it in six.

15 CHAIRPERSON HOOD: Okay. I got it in four. So anyway,
16 Commissioner Turnbull.

17 COMMISSIONER TURNBULL: She's good. I like her.

18 CHAIRPERSON HOOD: Yes, she is. Yes. And Vice Chair
19 Miller. Okay.

20 So thank you again, Ms. Cain, for putting that together
21 in record time. I would have probably still been working on it,
22 probably been next week this time, but I appreciate that. We
23 appreciate that -- you've given, so we can continue to carry on
24 our work.

25 So anything else, Commissioners, that we need to talk

1 about for this case?

2 (No audible response.)

3 CHAIRPERSON HOOD: All right. So with that, who would
4 like to make the motion to file the modifications that we --
5 Commissioner May.

6 COMMISSIONER MAY: Yes. Mr. Chairman, I would move
7 that the Zoning Commission approve Case No. 20-31, American
8 University 2020 to 2030 Campus Plan, noting the discussion of
9 issues today, and the newly approved language.

10 COMMISSIONER SHAPIRO: Second.

11 CHAIRPERSON HOOD: It has been moved and properly
12 seconded. Any further discussion?

13 (No audible response.)

14 CHAIRPERSON HOOD: Not hearing any, Ms. Schellin would
15 you do a roll call vote, please.

16 MS. SCHELLIN: Yes, sir. Commissioner May.

17 COMMISSIONER MAY: Yes.

18 MS. SCHELLIN: Commissioner Shapiro.

19 COMMISSIONER SHAPIRO: Yes.

20 MS. SCHELLIN: Sorry, I hit the space bar. Commissioner
21 Hood.

22 CHAIRPERSON HOOD: Yes.

23 MS. SCHELLIN: Commissioner Miller.

24 VICE CHAIR MILLER: Yes.

25 MS. SCHELLIN: Commissioner Turnbull.

1 COMMISSIONER TURNBULL: Who is that guy over there?

2 Yes.

3 MS. SCHELLIN: I couldn't remember who I had not called
4 on yet. So the vote is 5-0-0 to approve Zoning Commission Case
5 No. 20-31 for final action as discussed this evening.

6 CHAIRPERSON HOOD: Okay. Ms. Schellin, do you have
7 anything else on our meeting agenda for this evening?

8 MS. SCHELLIN: There is nothing else.

9 CHAIRPERSON HOOD: Okay. Again, the Zoning Commission
10 will meet again on July the 12th on these same platforms at 4:00
11 p.m. This is Zoning Commission Case No. 15-31B, modification of
12 significance for the approved PUD located at 1701 H Street,
13 Northeast, at the intersection of Benning Road, H Street, and
14 17th Street, Northeast, Square 4507, Lot 938 and 941 and 942.

15 Again, I want to thank everyone for their participation
16 in this meeting tonight. Again, you don't want to miss our
17 meeting on July the 26th. We have something very special and
18 bittersweet. So with that, I want to thank you tonight. And
19 with that, this meeting is adjourned. Goodnight, everyone.

20 (Whereupon, the public meeting was adjourned at 6:01
21 p.m.)

C E R T I F I C A T E

This is to certify that the foregoing transcript

In the matter of: Public Meeting

Before: DCZC

Date: 07-08-21

Place: Teleconference

was duly recorded and accurately transcribed under my
direction; further, that said transcript is a true and
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Gary Euell

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