

GOVERNMENT OF
THE DISTRICT OF COLUMBIA

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ZONING COMMISSION +

REGULAR PUBLIC MEETING

+ + + + +

MONDAY

JULY 26, 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

BOARD OF ZONING ADJUSTMENT STAFF PRESENT:

- FREDERICK L. HILL, Chairperson

OFFICE OF ZONING STAFF PRESENT:

- SARA BARDIN, Director
- SHARON SCHELLIN, Secretary
- PAUL YOUNG, Zoning Data Specialist

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OFFICE OF PLANNING STAFF PRESENT:

JENNIFER STEINGASSER
KAREN THOMAS
ANDREW TRUEBLOOD

D.C. OFFICE OF THE ATTORNEY GENERAL PRESENT:

MAXIMILIAN TONDRO, Esquire

The transcript constitutes the minutes from the
Regular Public Meeting held on July 26, 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 video conferencing. My name is Anthony Hood. Joining me are
6 Vice Chair Miller, Commissioner Shapiro, Commissioner May, and
7 Commissioner Turnbull. We are also joined by the Office of Zoning
8 staff, Ms. Sharon Schellin, and Mr. Paul Young, who will be
9 handling all of our virtual operations. I ask all others to
10 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 this proceeding
13 is being recorded by a court reporter and is also Webcast Live,
14 Webex, and YouTube Live. The video will be available on the
15 Office Zoning's website after the meeting. Accordingly, all
16 those listening on Webex or by phone will be muted during the
17 meeting unless the Commission suggest otherwise.

18 For hearing action items, the only documents before us
19 is either -- are the applications, the ANC set down report, and
20 the Office of Planning's report. All other documents in the
21 record will be reviewed at the time of the hearing. Again, we
22 do not take any public testimony at our meetings unless the
23 Commission requests someone to come forward.

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25 your phone call-in, then please call the Office of Zoning hotline

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1 number at 202-727-5471 for Webex login or call-in instructions.

2 With that, does the staff have any preliminary matters?

3 Ms. Schellin.

4 MS. SCHELLIN: Other than what's on our agenda, I have
5 nothing.

6 CHAIRPERSON HOOD: Okay. Let me pull up the agenda.
7 Give me one second, please. Okay. I do have preliminary matters.
8 Our first preliminary matter is Zoning Commission Case No. CMT.
9 This is remarks for Commissioner Mike Turnbull, and I'm glad to
10 see his family has joined him. So -- and I appreciate them
11 joining, and I appreciate all they tolerated, probably hearing
12 our voices through their houses, especially since we've been
13 working virtually. We will ask Mr. Turnbull to introduce his
14 family when he speaks at the end.

15 So with that, let me pull up my instructions. I think
16 that was my intro.

17 The first comments we will have is the Chair of the
18 Board of Zoning Adjustment, Mr. Fred Hill. It looks like he's
19 having a good time wherever he is.

20 Fred, you can go ahead and begin your remarks for Mr.
21 Turnbull -- Commissioner Turnbull.

22 CHAIRPERSON HILL: Well, thank you for allowing me to
23 speak and to represent the Board of Zoning Adjustment.

24 Commissioner Turnbull, I guess we mentioned -- or I
25 mentioned -- even the last time when we were briefly together

1 last Wednesday or the Wednesday before, that it's been a pleasure
2 working with you. You've brought, you know, just a tremendous
3 amount of expertise to the Board of Zoning Adjustment and to, you
4 know, our ability to understand architectural issues, as well as
5 just, you know, zoning issues from the Commission. You've always
6 had a very even temperament, and I have enjoyed, again, learning
7 from you and learning how to handle cases that at some times can
8 get controversial.

9 So I'd like to thank you for, again, working with us,
10 your service. And on behalf of myself and all my colleagues at
11 the Board of Zoning Adjustment, as well as all the previous
12 members of the Board of Zoning Adjustment that was here while I
13 have been there, really to thank you, and we're going to miss
14 your insights. So you have a wonderful retirement.

15 CHAIRPERSON HOOD: Thank you, Chair Hill. We
16 appreciate you coming on to say a few words.

17 Let's now go to the Office of Planning. Ms. Jennifer
18 Steingasser.

19 MS. STEINGASSER: Hi. Thank you. Thank you, Chairman
20 Hood. Thank you, Commissioner Turnbull. I'm going to take some
21 liberties and refer to you as "Mike" tonight instead of
22 Commissioner Turnbull. Getting a little crazy.

23 I was looking through your bio through the Office of
24 Zoning website, and I discovered that there are many Mike -- many
25 successful Mike Turnbull's on the web, including an Australian

1 | soccer player, who also was the runner up on the Australian
2 | version of "Bachelorette." There was the Right Reverend Mike
3 | Turnbull, Bishop in the English -- Church of England. There was
4 | the seismologist in Australia, Mike Turnbull. There was the
5 | lottery winner of \$200,000, Mike Turnbull, of Windsor, Ontario,
6 | a place I realized is also of import to you. And then, of course,
7 | you, our own Mike Turnbull, have several snippets -- your
8 | appearances on C-SPAN2 testifying in front of Congress for the
9 | Architect of the Capitol. But mostly, I found --

10 | COMMISSIONER TURNBULL: Those must have been really
11 | good.

12 | MS. STEINGASSER: They were good. My husband and I
13 | stayed up and watched them and had cookies. But mostly I found
14 | interesting was that you are the only Zoning Commissioner that
15 | has your own dedicated Wikipedia page. It goes through your
16 | whole life story.

17 | COMMISSIONER TURNBULL: Yeah. Somebody did -- I don't
18 | know how that get put on. I've heard about that.

19 | MS. STEINGASSER: Yeah. It's quite interesting.
20 | That's how I know you were born in Ontario. And -- but all that
21 | aside, I do want to thank you for sharing your incredible insight
22 | and experience with both OP and the Applicants and the Zoning
23 | Commission through the work you've done over the last 16 years.
24 | I, myself, have been very -- have felt very privileged to work
25 | with you and have great value -- I feel like what you've done

1 through our zoning work, which implements plans and policies --
2 it doesn't just establish, you know, our most recent text
3 amendment for the size of a parking space, but it really moves
4 the City, as a place for people to live and work, forward with
5 important policies like affordable housing and you work on
6 sustainability and support for alternative fuels. It's -- you
7 know, it's important, and it is greatly valued, and I think you
8 have added value to every text amendment and zoning case that
9 you've worked on. And I really appreciate that.

10 So I just want to thank you and thank you for the --
11 from the Office of Planning. I know the staff has -- have all
12 enjoyed working with you. We talked about it the other day, and
13 we found you to always be so respectful of the applicants and
14 all those who testify in front of you, including the Office of
15 Planning and DDOT. Even when you don't agree with our
16 recommendations, you're very respectful of them, and you talk to
17 them peer to peer, professional to professional.

18 So I really want to thank you for your work and your
19 dedication. I think the City is better off because of your
20 participation for the last 16 years. Yeah.

21 CHAIRPERSON HOOD: All right. Thank you, Ms.
22 Steingasser. Now, let's -- we tried -- Commissioner Turnbull,
23 we tried to get a wide spectrum of people who have worked with
24 Commissioner Turnbull who testified and all, so bear with us. We
25 have a few others that are coming on, as well, and then my

1 | colleagues, and we'll close it out with you all.

2 | We have Mr. Paul Tummonds. Can we bring Mr. Paul
3 | Tummonds up?

4 | MR. TUMMONDS: Commissioner Turnbull and your family,
5 | hello. It's good to see you.

6 | COMMISSIONER TURNBULL: Hi, Paul.

7 | MR. TUMMONDS: On behalf of the DC Land Use bar, we
8 | just want to thank you for your long history of exemplary service
9 | to the residents of the District of Columbia as a Zoning
10 | Commissioner. Since 2005, you've played an important role in
11 | making the District of Columbia a thriving and vibrant place to
12 | live, work, and play for both existing and future residents. As
13 | you and all the Commissioners can attest, service on the Zoning
14 | Commission can, at times, appear to be a rather thankless job.
15 | It includes long hours of preparation before hearings, long
16 | evenings of testimony and presentations, and then even more time
17 | when you have to go through and pay considered attention to the
18 | voluminous information in the record.

19 | Through all of that, you've always been thoroughly
20 | prepared, I might add, sometimes to the dismay of an applicant
21 | or their land use counsel who, perhaps, was not as -- had not
22 | completely thought through the signage for that building that we
23 | were presenting to you. But you've also always been fair and
24 | thoughtful in addressing all views and comments on an
25 | application. And through your professional expertise, you've

1 always pushed to make projects better, since they come through
2 and went through the Zoning Commission process.

3 In another less formal setting, I would raise a glass
4 and offer a toast and say, "Thank you. Thank you for a job well
5 done." In this virtual setting, without a glass, I would like
6 to do the same. Thank you, Commissioner Turnbull, for your
7 exemplary service. We wish you good luck and Godspeed in all
8 your future endeavors, and we sincerely hope that you and your
9 family will be able to enjoy getting you back your Monday and
10 Thursday nights.

11 Thank you.

12 CHAIRPERSON HOOD: Thank you, Mr. Tummonds. Now, we'll
13 go to the Office of Attorney General, Mr. Max Tondro.

14 MR. TONDRO: Commissioner Turnbull, just, you know, I
15 just want to echo what everyone else has said. You are such a
16 pleasure to work with. You always bring a sense of humor to what
17 can often be some difficult conversations, but don't let anybody
18 be fooled by the pleasant demeanor, because you will ask those
19 difficult questions and hold people's feet to the fire, and that
20 is something that we tremendously appreciate. And like I say,
21 I'm speaking not just on behalf of myself, but of all of us at
22 OAG who have had the opportunity to work with you.

23 You are -- you care so much, and I think that that is
24 just such an asset. You care to make the District better; you
25 care to make every project better. There are so many times, just

1 when a small little aspect or small little detail, you say, "Well,
2 but I have a question." And the next thing you know, it turns
3 out to be a really important one. You hold your ground, you
4 insist on quality, but as has been said, you know, in a very kind
5 and thoughtful way that doesn't disparage anybody, and I think
6 that ends up resulting in a much better product for everybody.

7 So just from my standpoint, you've been -- it's been
8 a pleasure to serve you, and we wish you all the best in your
9 future. But you will be missed. So thank you.

10 CHAIRPERSON HOOD: Thank you, Max Tondro. We
11 appreciate that, as well. Let's go on. Commissioner Turnbull,
12 a key factor to what we do, we really -- this -- we had to have
13 residents. So we have -- I'd like for you to bring -- Mr. Young,
14 if you can bring up Ms. Alma Gates and Ms. Kathy Henderson.

15 Ms. Gates, when you're ready, you may begin. And Ms.
16 Henderson, you can have -- these are residents, constituents of
17 the -- residents of the District of Columbia.

18 MS. GATES: Thank you, Mr. Hood. What an honor to be
19 here tonight with this group. Mike, we gather today to celebrate
20 and thank you for your 16 years of service as a member of the
21 D.C. Zoning Commission. You've been steadfast and constant in
22 your approach to decision-making, viewing applications from the
23 perspective of a highly skilled architect. But you have never
24 shied away from an appropriate, occasional outburst of
25 frustration, an observation, or an honest critique of something

1 | you have just seen. In brief, you've been unafraid to tell it
2 | like it is.

3 | As the Assistant Architect of the Capitol, you have led
4 | major projects to beautify the Nation's Capitol, including the
5 | renovation of the Dirksen Office Building, the modernization of
6 | the Conservatory of the United States Botanic Garden, and the
7 | expansion and modernization of the United States Supreme Court.
8 | Given those projects as background, there is no doubt you have
9 | put a lot of thought into how the design of some buildings which
10 | come before the Zoning Commission might be improved prior to
11 | approval.

12 | Your friendly smile and bright blue eyes that signal,
13 | "I'm on the case," will be missed. Sixteen years, two nights a
14 | week is a long time to serve on the Zoning Commission. On a day-
15 | to-day basis, your focus is quite lofty, but you have mastered
16 | the ability to shift gears and think locally when it comes to
17 | the Zoning Commission and the BZA. This, too, will be missed,
18 | along with your presence on the dais.

19 | We wish you well and much happiness in retirement.
20 | Thank you for your many years of service and all you have done
21 | to make the District of Columbia a more livable and beautiful
22 | city. Mike, you will be missed.

23 | CHAIRPERSON HOOD: Thank you, Ms. Gates. Let's go to
24 | Kathy Henderson.

25 | MS. HENDERSON: Can everyone hear me?

1 CHAIRPERSON HOOD: Yes, we can.

2 MS. HENDERSON: Good afternoon, Chairman Hood. Good
3 afternoon, Commissioner Turnbull, and Members of the Commission
4 and Mr. Hill. Commissioner Kathy Henderson here.

5 I just wanted to say a few words to let you know what
6 the community perspective is. I served this City at -- 20 years,
7 over 20 years as an Advisory Neighborhood Commissioner in Ward
8 5, and I'm very passionate about my community and good governance,
9 and I participated in Zoning Commission Hearings on behalf of my
10 constituents, on behalf of neighbors in other parts of our City,
11 and one thing I can say about -- I can say several things about
12 Commissioner Turnbull.

13 You are an exemplary example of good government
14 service. You're always fair, always polite, you have an
15 exceptionally patient and diplomatic demeanor, you ask the right
16 questions, you treat everyone respectfully, and you give the
17 impression that you really care about the cases -- each and every
18 case before you, and it is really refreshing. And I'm so happy
19 to be able to tell you what I think of you as you leave service.

20 We are truly fortunate to have had your expertise as
21 Assistant Director of the Architect of the Capitol, and looking
22 at your background, the Art Institute of Chicago, that really
23 speaks to me, because it says that you add an artistic aesthetic
24 to looking at plans and architecture, which can be cold, and you
25 add an extra dimension that I think results in stronger projects.

1 And it gives us the belief that we can really believe in the
2 decisions that come from the Zoning Commission.

3 And it's been a genuine pleasure to appear before you.
4 I've always felt, even when you all made a decision that I didn't
5 like, I always felt that you were professional. And I always
6 had my eye on you. So it's really interesting that I'm here
7 today, because you have struck me as one of -- I think all of
8 the members are exemplary, but you are so fair, and you are able
9 to exude professionalism, expertise, and compassion while sitting
10 on the dais and making decisions about projects that, ultimately,
11 impact our lives.

12 I want to thank you for your long service, your
13 exemplary service. I can't imagine why you're leaving.
14 Retirement is not what it's cracked up to be, and I hope that we
15 get to have your input -- your continued input regarding Zoning
16 Commission matters and matters of our City.

17 Thank you so much, and it has been a pleasure, and I
18 am -- if you know me, and Mr. Hood knows me, I'm not -- Mr. May
19 knows. I mean, people know me. I'm not given to false flattery.
20 I'm very direct. If I say something, you can take it as -- and
21 put, you know, money in the bank, because I am sincere.

22 And I just want to thank you for your service, and it's
23 been a pleasure, and I'm going to miss you. And on behalf of
24 the constituents, you know, that I have fought for, that I
25 continue to fight for, we're going to miss you. And thank you

1 again so much. And I thank you for the opportunity to be able
2 to share what we think of you, what I think of you. And God
3 bless you.

4 CHAIRPERSON HOOD: Thank you very much, Commissioner
5 Henderson. Let's keep it moving. Let's to go the Director, Ms.
6 Sara Bardin and Ms. Sharon Schellin. They have remarks, and they
7 have a special presentation.

8 MS. BARDIN: Good afternoon and hello. On behalf of
9 the Office of Zoning, we would like to present Commissioner
10 Turnbull with a Distinguished Service Award in appreciation of
11 16 years of dedicated service, devotion, and commitment to the
12 Zoning Commission.

13 Since November of 2005, Commissioner Turnbull has
14 served nearly 3,000 hours, over 1,000 days on the Zoning
15 Commission, and served approximately 1,000 hours over 200 days
16 on the BZA.

17 Paul.

18 During this time, he's been a part of the approval of
19 164 Planned Unit Developments, 40 design review cases, 64 map
20 amendments, 157 text amendments, and 20 campus plans.

21 Sharon.

22 MS. SCHELLIN: I'm going to go over just -- highlight
23 just a couple projects that Commissioner Turnbull has been a part
24 of.

25 Of course, The Wharf. This was a project that was

1 massive, had many, many nights of hearings, lots of testimony,
2 and Commissioner Turnbull ate a lot of Butterfingers and a lot
3 of Baby Ruth bars. And I know this, because he was my dais mate.
4 He sat to my right, and if I ever forgot to bring the candy bowl,
5 he'd look to his left, put his head down, and he'd say, "Do we
6 have any candy tonight?" And off I'd go, because I'd forget
7 sometimes. And so I will miss Commissioner Turnbull whispering
8 to me, "Do we have any candy tonight," because not only would he
9 get out what he wanted, he'd pass it along, and you can bet every
10 other Commissioner got what they wanted, too. So he was helpful
11 to them, too.

12 So let's see what else we have. We had The Wharf. The
13 next project, Forest City in the Southeast Federal Center. I
14 think that that project is still going on, but it -- I mean, just
15 some beautiful projects that he's been a part of.

16 Paul, next.

17 The D.C. United Stadium. Whether you like soccer or
18 you don't, D.C. is a part of sports, and we have -- well, we had
19 football, but it's not so far away now, but we've got soccer,
20 we've got baseball, and D.C. loves their sports. And so
21 Commissioner Turnbull was part of bringing soccer to D.C. And a
22 lot of people are just so excited about that.

23 Next.

24 Skyland. I actually, sometimes, driving into D.C., go
25 by there, and I see the progress being made at Skyland, and it

1 really is looking great over there. So this is going to be a
2 wonderful project when it's all said and done. So I think that
3 the people are happy there, and again, I think it's bringing in
4 some affordable housing there, too.

5 Next.

6 1309 5th Street, N.E., this is what the Applicant
7 called it. It's done in the Union Market area. It was not the
8 Union Market project, I don't believe, but this is what the
9 Applicant actually called it. But just kind of a neat area there,
10 you know, out -- people can walk and dine. And just, kind of, a
11 neat project.

12 Next, Paul.

13 And how could we forget the 2016 Regulations. There
14 were so many nights spent on this, and so many hearings, and this
15 was just major. The Regs had not been totally overhauled since
16 1958, and even since the 2016 Regs have been done, there's been
17 many text amendments since then.

18 And the numbers that Sara read off, like with the 20
19 campus plans, that didn't include any of the further processing
20 cases. Those were just the full campus plan cases. So that
21 didn't include all of those further processings or anything like
22 that. And the PUD's, those were just the main PUD cases. That
23 didn't include when they came back for second stages and major
24 modifications. Those were just the PUD cases that were filed.

25 Next. Paul, is that the last one?

1 MR. YOUNG: Yeah, that's the last one.

2 MS. SCHELLIN: Last one. So anyway, I just want to
3 say, you know, we had lots of fun being dais mates up there. And
4 I know that Commissioner Turnbull loves lasagna. I used to,
5 sometimes, bring in food when we could, and he'd tell me that
6 was his favorite dish that I would make. And I know he does not
7 like Ranch dressing. I learned that when that was the only
8 dressing I brought in once.

9 But it's just funny, 16 years, you learn a lot about
10 someone, you know. It's just -- you almost become family. I've
11 known Chairman Hood for so long that I don't know if we're
12 brothers and sisters or what we are, you know. I know his wife
13 so well that, you know, I send her home leftovers. So it's like
14 we know what we eat. It's, like, you know, send your mama home
15 or send your little sister home food. So it's like that. We
16 know so much about Mike that it's like we're losing a family
17 member, you know. We're sending him off to wherever he's going,
18 wherever retirement land is. And I don't know that I'll ever
19 reach it. I think that my retirement plan is called "expirement."
20 That's when I'll get to retirement. You'll see me still rolling
21 up to the dais in a, you know, a walker, a wheelchair, whatever.
22 I'll still be here next to Anthony.

23 So anyway, I wish you the best of luck, and you will
24 be greatly missed. I'll miss all the humor and fun we have up
25 there on the dais. So thank you for being here 16 of my almost

1 20 years and making it lots of fun. Thank you.

2 CHAIRPERSON HOOD: Okay. Thank you both. Let's move
3 right along. Now, Commissioner Turnbull, we will go to your
4 colleagues. I'd like to go to in this order, a little different
5 tonight, normally, we start off with Commissioner May, but you
6 know what, let's continue to do that. We'll start off with
7 Commissioner May. The only exception, we'll go to Commissioner
8 May, Commissioner Shapiro, we won't go with Commissioner Turnbull
9 like we normally do. We will skip Commissioner Turnbull for the
10 time being and go with Vice Chair Miller, as well as -- I saw
11 Ruthanne Miller. She wanted to say something, as well, I wanted
12 to invite her, Vice Chair, if possible, 'cause she's served with
13 Commissioner Turnbull, as well. In that order. Commissioner
14 May.

15 COMMISSIONER MAY: Sure. Thank you. So I'd say, you
16 know, hearing everything that folks have said so far, it's just
17 exhausting. I mean, 164 PUDs? Oh, dear. I mean, I've been
18 through a lot of them, too. I don't know if it's the same number,
19 but God, I just, you know, you make me want to either retire, or
20 at the very least, take a nap. I don't know.

21 But it's always great hearing those sort of statistics,
22 'cause we know it's a lot of time, you know. We spend a lot of
23 time doing zoning, and you know, that's just the time in the
24 hearing room. There's so much time we spend to prepare for all
25 of this work, as well. It is just -- it's exhausting, and it's

1 a remarkable effort and contribution, Mike, on your part. So I'm
2 really impressed, and, as I said, I'm very tired.

3 Twenty-two, I think, is when I met you at the AOC, and
4 we served together there for several years, and it was, you know,
5 always a pleasure. You're always a great person to talk to. I
6 mean, it's a crazy environment, working on Capitol Hill, and so
7 having, sort of, like, normal, sane people to work with and
8 consult with when you need to, it was always, you know, just a -
9 - made the environment much better. And I'm sure they will miss
10 you at the AOC as much as we miss you -- will miss you on the
11 Zoning Commission.

12 I have to say, you know, going back to the marathon
13 that this has been, the things that have been done in your time,
14 the Zoning Regulation rewrite is one, but inclusionary zoning and
15 all of the things have happened with inclusionary zoning since
16 it was first done. And then, you know, the other, sort of,
17 changes in the way planning is done and the attitudes towards the
18 development in the City, I mean, it really has been a remarkable
19 shift. The things that we did with penthouse regulations, for
20 example, as a result of the changes in the Height Act. I mean,
21 there are a lot of things that have changed very significantly
22 over the 16 years that you've been here, and you've played a big
23 part in steering all of that to success.

24 The -- I will also comment, I mean, everybody's talking
25 about what a wonderful guy you are, and we all know that from

1 working with you and how collegial you are and how respectful you
2 are. But we also have witnessed what -- I think it was Alma
3 Gates called "outbursts" where, you know, somebody was throwing
4 something out that wasn't quite -- I don't know whether it wasn't
5 quite truthful, but it wasn't really a good representation of
6 what a project was or what it meant to people. And there were
7 times when you didn't hold back. I mean, you let people know
8 that what they were telling you, you thought, was incorrect, to
9 put it politely, but there are other words I could use. But you
10 let them know. And you know, it was -- it would have been a
11 nightmare for me if I was on the other side of the dais to prompt
12 an outburst like that, 'cause, you know, you really let people
13 know when you were unhappy. And frankly, I'm a fan of that,
14 right. So I like the idea of letting people know what you truly
15 think. So I think that was a great service that we occasionally
16 saw, you know, part of the performance from the dais.

17 Anyway, I will miss having the other architect at the
18 other end of the dais. I know Anthony jokes about becoming an
19 architect after all of his years on the Zoning Commission, but
20 -- and I'd be happy to accept that, too, but I think we'd have
21 to make him take the exam if we're really going to call him an
22 architect, right. That's always been our standard.

23 Anyway, I do hope that whoever fills your shoes, first
24 of all, understands how big your shoes are and what this is going
25 to involve. But I do also hope that the person who follows you

1 shares, at the very least, a similar design sensibility and
2 appreciation for what makes buildings good, because the buildings
3 in Washington are much better for the work that you've done on
4 the Zoning Commission. I truly believe that.

5 So thank you. I will miss you very much.

6 CHAIRPERSON HOOD: Okay. Commissioner Shapiro.

7 COMMISSIONER SHAPIRO: Thank you, Mr. Chair.

8 Here's the interesting thing, Mike. I'm the new kid
9 on the block, so I don't know a Zoning Commission without you on
10 it. So yeah. I'm just trying to imagine what it's going to be
11 like without your presence there. And one of the things, I mean,
12 a lot of it is what people have been saying, and I think that
13 it's an amazing thing, not just to have such a long history of
14 public service, but to have it be so measurable. You know, you
15 can look at the things that you have done. You can see the
16 effects of your leadership role in so many ways throughout D.C.
17 and the Nation. I mean, it really is impressive. I hope that
18 you are proud of all these years of service. I hope that your
19 family is proud and recognizes the impact that you have had on
20 the Nation's Capitol. It's very impressive.

21 You know, the other thing I would say is what we've
22 heard a lot and what other people have said, for me the word that
23 comes up is "integrity." And so integrity is about that kind of
24 consistency of the kind of views and positions you take, whether
25 it's about signage or flexibility language or others. But

1 integrity is also what my colleagues and others have said, you
2 know, around how you will react to people when you smell something
3 a little bit funny. And I know that, as Peter was just talking
4 about, Commissioner May, that pisses you off, and you make that
5 clear. And I love that about you. And that's -- for me, that's
6 a part of your integrity when you see that somebody else is acting
7 the way that you feel doesn't show integrity, and you are
8 compelled to say something about that. And I think that's
9 fabulous. And I'll miss that. It's about your humility, it's
10 about your compassion, but again, it's also about your commitment
11 to truth.

12 I've learned a lot from you, and also, I've enjoyed
13 your company. You've been very collegial and supportive and kind
14 and all of these things that you want and hope from colleagues.
15 So I'll miss you a lot, and hopefully, we'll find a way to stay
16 in touch in some way, shape, or form.

17 Thank you, Mr. Chair.

18 CHAIRPERSON HOOD: Okay. Thank you. Okay. Vice Chair.

19 VICE CHAIR MILLER: Thank you, Mr. Chairman, and thank
20 you, in one of your many, many responsibilities as Chair, you set
21 the preliminary matters as part of the agenda in consultation
22 with all of us and the Director, and this is the best preliminary
23 matter we've ever had in the nine years that I've -- almost nine
24 years that I've been on the Commission.

25 And I will really miss Mike Turnbull. I was his other

1 dais mate, Sharon, on the other side, and he stole my little
2 Hershey bars and Sweet Tarts, as well, as your -- whatever you
3 had candy on the other side.

4 But mostly, you know, Mike, I learned a lot from you.
5 I learned how to learn and listen to those who are speaking before
6 us and learned how to be passionate when you needed to be
7 passionate, because you, as others have referred to, occasionally
8 got passionate. And I couldn't get as red in the face as your
9 face, but I tried to emulate you in many ways. But you -- I
10 really did learn -- I learned a lot, all your architectural
11 analysis over the years, whispering sweet nothings in my ear next
12 to me, telling me what I needed to cover, because I was usually
13 -- I always spoke after you and after everybody else. I think
14 Chairman Hood usually went last, but you spoke right before me
15 and then told me what I needed to say. But you usually had
16 covered what I needed to say and prompting all those comments
17 that I made.

18 So I appreciate -- I really am going to miss you. I'm
19 sorry we're not -- I haven't been sorry, really, I have to say,
20 honestly, the last year and a half not being in the dais -- in
21 the -- at 441 4th Street at the Barry Building now. I think it's
22 turned into the Barry Building since we were there, which is
23 great. But I haven't missed it, but I do miss it tonight, not
24 being there to be able to be right next to you and hug you and
25 wish you all the best in your retirement and thank you for --

1 | thank your family for putting up with all of us taking up so much
2 | -- all of your time. And like I've been able to say so many
3 | times after speaking after you so many times, I concur with all
4 | the comments of my colleagues, the zoning officials, and public
5 | that has spoken tonight. I appreciate them coming out. And I
6 | happen to have access to Chairman Hill from the BZA to a former
7 | BZA Chair who just wanted to say a quick word of thanks because
8 | you served with her, Ruthanne Miller, when she was Chair of BZA
9 | back in the early 21st Century. That seems like a long time ago.

10 | Anyway, thank you for your 16 years of service. I look
11 | forward to seeing you soon to give you that real, live hug and
12 | other times together. So thank you for all your service and for
13 | saving the Capitol, not to be (indiscernible), saving the
14 | Capitol, whatever part you played in saving our Capitol on January
15 | 6th and many years before that. I know you participated in the
16 | restoration a lot, and it's a beautiful monument to our democracy,
17 | and you've played a big part in that, and we appreciate your
18 | public service.

19 | And without further ado, just for a few brief comments,
20 | is the former Chair of the BZA, my better half. Thank you, Mr.
21 | Chairman, for allowing me to introduce Ruthanne Miller.

22 | MS. MILLER: Hi, Mike and everyone.

23 | VICE CHAIR MILLER: Say it again.

24 | MS. MILLER: Hi, Mike and everyone. I'm not used to
25 | doing this Zoom, but it certainly is convenient, 'cause I -- when

1 I heard that they were honoring you, I thought, "Oh, I really
2 want to hear this." And then, when I started to hear this, I
3 thought, "Okay. I really want to say a few words from my heart
4 to you," because I had the privilege of -- because you were
5 beginning your zoning career when I was -- at least at Zoning
6 when I was on the BZA. And all the things that people are saying
7 right now, resonated with me. Your collegiality, you're adding
8 such expertise to the proceedings.

9 And it's funny, I was sitting here, and I remembered,
10 "Mike had this one outburst that I remember, and what was that
11 about?" And I couldn't remember what it was about exactly,
12 because it was 16 years ago, but I think it was a reflection of
13 the passion and the care that you had for the zoning cases and
14 for the participants, and that was really appreciated by us, as
15 well as your colleagues now.

16 I'm sure I'll forget what to say, 'cause I hadn't really
17 thought about what I wanted to say, but I am glad that I had the
18 privilege of working with you, and you were a great addition to
19 the Board and, right from the moment that you started, both in
20 how well you got along with everyone and added to the conversation
21 and responded to the public and added to the decisions.

22 So I wish you the best of luck. I'm glad I had this
23 opportunity. Thank you very much.

24 CHAIRPERSON HOOD: Okay. Last but not least,
25 Commissioner Turnbull, I was trying to think about some of the

1 things I was going to say. You and I have been together, I think,
2 your whole entire career with the Zoning Commission since I was
3 here. If everybody else could mute, I would appreciate it.

4 But you and I, we started off, I think, around 2005,
5 if I have the year correct. But one thing I've always admired
6 about you, and I've always noticed about you, was that you loved
7 your family. And I'm not saying this 'cause they're here, I've
8 enjoyed that from day one. You love your family, and you are a
9 provider, and you take care of your family. I think that's really
10 key and most important.

11 And the other thing I noticed about you is -- I have
12 to say this, because I don't understand about this -- you know,
13 I'll mention it to you. I remember one night, I came in, and I
14 told Sharon, I said, "Oh, we'll probably be early tonight. I
15 think about 15, 20 minutes." I said, "Oh, okay." She and I
16 both agreed.

17 When I called on you, you went after that architect.
18 Next thing I know, I think that hearing -- I expected it to be
19 15 minutes. Two hours later, when we were getting ready to leave
20 -- I don't know, it might have been an hour and a half. I'm not
21 going to give you two hours; I'm going to give you an hour and a
22 half. And then when you went after him, and rightly so, I had
23 to look and make sure I was looking at the right case. I said,
24 "Now, did I misread?"

25 But that just shows how you were able to pick up things

1 that I would have missed. So my architectural training nowhere
2 comes near to your architectural training, because I would have
3 missed that. And that's why it's good to have someone of your
4 magnitude. One other thing -- of your magnitude and your
5 abilities.

6 And I think -- another case that I always think about,
7 and I'm starting off with the cases first. I remember when we
8 did the lighting on Nationals Stadium. Every time I pass by
9 there, I don't think about Nationals Stadium, I don't think about
10 the Capitol, I'll always think about Mike Turnbull. I mean,
11 these are unknown things, 'cause you trigger these things when
12 we served together.

13 And another thing that I started doing was looking up
14 at buildings downtown to see where their signage is. So, I mean,
15 this has actually been going on for a while. I've started -- I
16 don't go around promoting that I'm doing these things, but it's
17 because of you that I'm now noticing those things, and those are
18 the things that we're going to look to.

19 But, Mike, I want to say serving with you -- I think I
20 was your first person sitting by you, if I remember correctly,
21 in 2005, when Carol Minton was the Chair. And you and I still
22 don't understand how people mix me and Carol up and call me Carol
23 and call her Anthony. But either way, the residents of this City
24 will benefit from your expertise for years to come. You have
25 made impacts that will long last your tenure here on the Zoning

1 Commission.

2 And one of the things, and I think this was mentioned,
3 your approach to any situation, I've noticed, you have a balanced
4 hand of how you approach it. You are the pivotal person both
5 for the Applicant and for the residents of this City. Your
6 ability to be able to analyze cases has really helped the
7 Commission to do their job. Now, people don't always agree with
8 us, but we put a lot of thought -- and you put a lot of thought
9 into your final conclusions. It's been noticed. You were even-
10 tempered. People respected you. People liked you whether you
11 agreed with them or not. It's just that you are just 100 percent
12 great guy. And I will tell you, I will miss you. You have been
13 an inspiration to me when it comes to architecture.

14 And I was the one -- I heard Ms. Steingasser mention
15 about you and Wikipedia. Before you made this announcement, you
16 remember now, I think it was one Sunday, you remember I texted
17 you. I had looked you up long before you had said you was doing
18 any of this, and I told you I didn't know, really, who I was
19 serving with all this time. So when I looked at all the
20 credentials you had, and I was like, wait a minute. I said,
21 "Hood, you may be out of your league."

22 But I will just tell you that you have made many
23 contributions, not just to the City, but to the United States
24 Capitol. And if you remember, Commissioner Turnbull, you know,
25 I think knowing somebody so much, you become like family. And

1 | when all that went on January the 6th, or whatever the date was.
2 | I don't -- I try not -- I try to forget it, but anyway, when that
3 | went on, I remember reaching out to you to make sure you were
4 | okay, because that meant a lot. You were the first person I was
5 | concerned about were you and my other friend who works up there
6 | and who you know.

7 | And I would just say, Mr. Turnbull, you have done a lot
8 | for this City, a lot for the residents. You have balanced things;
9 | you have brought some balance to our conversations.

10 | A lot of times you will observe. And I've watched you.
11 | I've watched you, especially when we're in person. I can probably
12 | tell you -- you don't just come out and say, "Anthony Hood, I
13 | disagree with you." You have another way of maneuvering around
14 | if you disagree. I mean, "Oh, I agree with you, Anthony," but
15 | you have been very supportive of me as Chair; you've been very
16 | supportive of me as a Commissioner, and I will tell you, you are
17 | a great person.

18 | And I, you know, I wrote down a few notes. I didn't
19 | even use them. I used a couple of them. I'm not going to use
20 | these, 'cause it doesn't even -- when you been with somebody so
21 | long -- I wrote these little few notes down, because 16 years is
22 | a long time to be with somebody. And your contributions have
23 | meant to this City, and I figured we need to take this hour or
24 | so, because 16 years and all the cases that you have heard and
25 | design review cases you have done, they have made this City a

1 better City for the residents in the District of Columbia. And
2 a lot of that, Commissioner Turnbull, I want you to take that
3 with you, because you know that you have inspired many
4 Commissioners and many Board Members, as well.

5 So I don't have anything else to add. I hope you will
6 stay in touch. But another thing I wrote on my notes is that I
7 used to didn't ever watch the Chicago Cubs, but now when I hear
8 the Chicago Cubs, I always think about you. So I wish you the
9 best in your next chapter. I know you're going to -- you've got
10 some great plans. I know you're going to do some things and just
11 enjoy life.

12 But I can tell you your contributions to the Zoning
13 Commission -- they won't be missed, because a lot of things that
14 you have put in place will last for years to come. And I want
15 you to know we appreciate it, appreciate working with you. You
16 are just a top-notch great Cubs fan, and a top-notch great guy.

17 So that's all I have to say for now. I'm sure I will
18 be talking to you even as we proceed on. We do have a hearing
19 we have to go through, but I want you to take as much time as
20 you and your family need. This is your time. If we waste another
21 -- at least go another hour -- wait another hour before we start
22 our meeting, it will be just fine.

23 And again, I want to say also a special thank you to
24 Ms. Turnbull and your family, your daughter, your son, and all
25 the kids. I want to say a special thank you for letting us borrow

1 | you and your expertise.

2 | The only other thing I will say though, I remember the
3 | architects -- I remember telling you this and you may remember.
4 | When we had the case on the AIA, and I think you brought up some
5 | issues, and I think I whispered to you, "Hey, man, they're going
6 | to throw you out of the AIA." But your contributions to what
7 | you were saying made it better, and it ended up better for the
8 | AIA.

9 | So thank you for all you've done on behalf of the
10 | District. I think I can do that. If not, I'm sure the Mayor
11 | will let me know, but on behalf of the District of Columbia,
12 | thank you for all your service.

13 | So Commissioner Turnbull, with that we're going to turn
14 | it over to you.

15 | COMMISSIONER TURNBULL: Well, I'm overwhelmed by all
16 | the comments. I'm glad to see Chairman Hill. He's on -- he come
17 | off vacation to -- so. Thank you again, Mr. Hill, for all your
18 | kind, kind words.

19 | Yeah. And actually the Cubs will be in town on Sunday
20 | to play the Nats, and I'll be wearing my Cub outfit. But if I
21 | -- I'm still a big Nats fan, so I go back and forth. It's hard
22 | to be in a town where you got a great team like the Nats, and
23 | they're not doing as well as they should, but these are the Cubs.
24 | So --

25 | But I want to thank everybody. I (indiscernible)

1 Sharon, Sara, Max -- everybody -- Alma Gates. I can't believe
2 Alma Gates came on. I mean, Alma -- that is -- I think I've
3 known Alma showing up at hearings since I've been on the Board
4 -- on the Commission in 2005. And it seems like Alma has been
5 on several different ANCs and other Boards, and I think she's
6 everywhere.

7 And the same with Kathy Henderson. She's been on just
8 -- but I just want to thank everybody for all the very kind words.
9 The Vice Chair -- I think I feel good. We've got a feisty person
10 on the Vice Chair that's going to be still here. So I think he's
11 -- all you guys get feisty. I think that's the -- I think, not
12 just me, I see how all of you have your moments up there. Where
13 something just doesn't sit right, and you've got to say something.
14 And I think that, as the Chair said, you have to do that. I
15 think you're so concerned about doing the right thing and saying
16 the right words that there are times when you can't hold back.
17 You have to actually get it out and say, "No. I think there's
18 something wrong here. I think you haven't looked at this a
19 certain way."

20 So I want to thank everybody for all the kind words you
21 had to say. I think when I was hearing some, I says, "That's
22 me?" I said -- it didn't sound like -- I see myself, obviously,
23 in a little bit different light.

24 But I should introduce my wife, Joan.

25 MS. TURNBULL: Hello.

1 COMMISSIONER TURNBULL: And my son, Mark, back here.
2 And missing is my daughter, Meghan, who's working at a real job.
3 We thought she'd show up.

4 But I'm just overwhelmed. I don't want to keep this
5 going on too long, because you said -- part of it would be my
6 respect for the constituents of the City. I'm sure if we keep
7 this going on much longer, they're going to be, "Oh, have this
8 guy shut up. Let's get the hearing -- let's get the meeting on.
9 Let's get over with it."

10 I just want to say thank you to everyone, all the kind
11 words, and we even have one of our -- Paul Tummonds shows up.
12 Oh, my God. One of our attorneys. That's amazing.

13 So I want to -- and so the award. I don't know what
14 to say about the award. I just -- it's a wonderful honor that I
15 -- and I just -- I'm almost at a loss for words, really. I just
16 want to thank everybody for everything, and it has been an honor
17 to work with all of you. I think we don't realize -- then again,
18 when I saw all those projects that we've done in 16 years, and
19 Chairman Hood, you've -- you're right up there with the same.
20 You've got more. Your credentials go even further.

21 And you look at the BZA, all the -- you look at -- if
22 you look what we have on the Zoning Commission, the little -- so
23 you might say the little things on the BZA, but they're big
24 things. There have been some cases on the BZA that were just
25 really -- they were tough cases. When I first came here, those

1 first three years, there was a case that I'm not going to mention
2 in Ward 1 that just was -- I think, Mr. Chair, you got involved,
3 'cause you got a phone call from someone complaining about the
4 Architect of the Capitol member. Yeah. And that's when you get
5 -- that when the passion comes out. You get a phone call back.

6 But I just want to thank everybody. I think all of you
7 have a certain professionalism that -- it's hard to describe. I
8 mean, I think we learn on the job, too. And we all go into these
9 -- into the Zoning Board having some idea of what's involved, but
10 you really don't know until you get in there and you start hearing
11 the constituents and their concerns and how they get impassioned.
12 And so it's been a wonderful 16 years. I think I've learned more
13 about this City in those 16 years -- it's just a -- one thing,
14 you know how wonderful the place -- this City is. And it's just
15 -- it's exciting. And it's been exciting. I'm glad to have been
16 part of it, and I want to -- glad to have known all of you in
17 those 16 years. And thank you again, very, very much.

18 MS. TURNBULL: Can I say something?

19 COMMISSIONER TURNBULL: Uh-oh. My wife wants to say
20 something.

21 MS. TURNBULL: Yeah.

22 CHAIRPERSON HOOD: Of course.

23 MS. TURNBULL: Thanks for including us for this
24 wonderful honor. It's incredible.

25 I just wanted to say, I've known him a little bit longer

1 | than 16 or 22 years. We met 55 years ago in junior high. I'm
2 | sorry, when we were juniors in high school, and everything
3 | everybody said, it's not just the last 22 years, it's for the
4 | whole time. He's a great guy. So I agree with all of you. So
5 | --

6 | CHAIRPERSON HOOD: Yeah. That's great. That's great.
7 | Does someone want to say anything, or are we good? I don't want
8 | to leave anybody out. Thank you, Ms. Turnbull for those remarks.

9 | MR. TURNBULL: No, I will second everyone's remarks,
10 | and as someone who serves at Arlington's Historic Preservation
11 | Board in a similar land-use capacity, I can only imagine 16 years
12 | of cases, obviously, so yes.

13 | CHAIRPERSON HOOD: All right. Thank you.

14 | MS. TURNBULL: Thank you so much --

15 | COMMISSIONER TURNBULL: Let's get to our meeting.

16 | CHAIRPERSON HOOD: Yeah. Yeah. Well, thank you to the
17 | Turnbull family again. Mr. Turnbull, job well done on behalf of
18 | all of us. We will get to the meeting. I will ask -- I do want
19 | to thank everyone who helped put this together. Anthony Hood
20 | gets the credit for some of this, but Anthony Hood really didn't
21 | do a whole lot. It's Ms. Schellin and Ms. Bardin who maneuvered
22 | and tried to make sure that we were able to do something. I want
23 | to thank -- I want to name people, but I think it's important --
24 | -- I want to thank Chair Hill. I want to thank Ms. Steingasser
25 | and Mr. Tummonds. I want to thank Mr. Tondro, Ms. Gates, Ms.

1 Henderson, Ms. Bardin, and Ms. Schellin. Also, I want to thank
2 the -- my colleagues, Vice Chair Miller, Commissioner Shapiro,
3 and Commissioner May. And then I want to thank the Turnbull
4 family, as well. So thank you all very much for your
5 participation in our tribute to Commissioner Turnbull. Again,
6 as the Vice Chair mentioned, I would have asked everyone to stand
7 and give Commissioner Turnbull a round of applause, but what I'm
8 going to do -- wherever you are, those who can be seen or not,
9 let's give him a round of applause now, if you don't mind.

10 MS. TURNBULL: Okay.

11 CHAIRPERSON HOOD: Probably if you heard
12 (indiscernible) unmuted. Since we're doing this virtually,
13 Commissioner May, I didn't ask anybody to stand.

14 All right. So thank you all. Let's get ready for our
15 meeting.

16 MS. TURNBULL: Thanks again.

17 CHAIRPERSON HOOD: Thank you all and the Turnbull
18 family. Appreciate it. And let me thank the residents who are
19 waiting for us to get to the meeting part for why they are really
20 here. I appreciate your indulgence as we honor Commissioner
21 Turnbull, our colleague for 16 years. You know, 16 years is not
22 a short amount of time. So I appreciate your indulgence as we
23 move into our meeting portion of this segment.

24 So with that, let's go to preliminary matters now. We
25 will have a presentation by Mr. Andrew Trueblood on the Comp Plan

1 and Affordable Housing Initiatives. And we wanted to do this up
2 front so everybody -- we can all, kind of, be on the same page.
3 So with that, Mr. Trueblood, if you can -- Director Trueblood,
4 you may begin.

5 DIRECTOR TRUEBLOOD: Okay. Thank you, Chairman Hood
6 and Zoning Commissioners. Also I'll just put a note in, thank
7 you, Commissioner Turnbull, for all of your service. I second
8 what everyone says and appreciate all of the time and energy you
9 put into this Zoning Commission and the impact that it's had on
10 the City.

11 So I have a presentation -- okay, perfect that -- and
12 just to walk you through, I -- it has 18 slides. I'll try to do
13 it relatively quickly. There are a few slides that are really,
14 hopefully, more for your reference, and that we can provide you
15 with. There's a lot of detail in them that I will not go through,
16 but it's more for your reference in the future. And I'll be
17 covering a good amount over the next, hopefully, really quick 10
18 minutes, and then give you all time to discuss, because there's
19 a lot that I would like to share with you and update you as it
20 relates to our planning efforts, as it relates to the Comp Plan,
21 and as it relates to budget that ties all of it together. So
22 thank you for indulging me this evening.

23 Next slide, please.

24 So I'd like to start off with a little bit of an update
25 of the Comp Plan. We -- as you all know, the Comp Plan has been

1 -- the update has been approved by Council. It's actually now
2 under Congressional Review with an anticipated effective date of
3 September 25th, 2021. That is what the LIMS System says. So it
4 could be before or after, it really just depends on how long --
5 when Congress is actually in session, but it probably, actually,
6 will not be after. That's probably the latest date, but that is
7 the effective date.

8 One other just small note is that there will -- we will
9 have to submit to the Council a final resolution with the final
10 maps, because they provided to us written changes to the maps,
11 and we will be -- we've actually produced them. They're on our
12 website, but we will be sending those to Council just so that
13 they can make sure what they wrote is actually what is in the
14 map.

15 All right. Next slide, please.

16 Just a brief bit of background as to the -- we'll leave
17 -- I apologize. I should have sent you a PDF of the -- the fonts
18 will be off a little bit, as you can see, so we'll just do our
19 best, here.

20 This -- you probably already know that the Comp Plan
21 has about 26 elements, including some Citywide elements that look
22 at things like economic development, urban design, historic
23 preservation. And it has 10 area elements, as well as the three,
24 kind of, supporting, what we call, "context" elements. The
25 framework, as you know, was updated a few years ago, 2018 it was

1 approved by Council, and this -- the Comprehensive Plan update
2 that we're talking about now updated the rest of it.

3 Next slide.

4 As you know, the Comprehensive Plan is meant to guide
5 a number of things, including executive and legislative
6 decisions, including work outside of the Government, but there
7 are a couple of very strong connections, including to zoning.
8 Zoning cannot be inconsistent with the Comp Plan, as you and OAG
9 know quite well. In addition, it's meant to have a more direct
10 review with the Capital Improvements Plan, with our five -- six-
11 year Capital Improvements Budget, and obviously, it connects to
12 our Small Area Plans.

13 It's also worth noting, these are in yellow, not only
14 because there's a more direct connection with those elements, but
15 in the update, there's language around applying an equity lens
16 to each of those three. And I think you all know this from the
17 work that's ongoing with Barry Farm and the equity review, but
18 it's worth saying that we are supporting either you, the Budget
19 Office, or ourselves in thinking about how we apply equity lenses
20 at all of these different levels and what that means. We're
21 working hand in hand with the Chief Equity Officer, Dr. Hewitt,
22 as well as using a great deal of language from the Comp Plan,
23 which talks about equity in a number of ways and in a number of
24 places. So we really use Comp Plan as a guide for all of our
25 equity lenses, and I think that will be important moving forward.

1 Next slide. I tried to move it myself.

2 The update has some major themes. It's worth noting
3 that we sent this to Council shortly after the public health
4 emergency started, but we had a little bit of time -- there was
5 about a month between when the public review closed -- well,
6 about six weeks, and we submitted -- or I should say eight weeks
7 between when the public review closed, and we submitted to Council
8 that COVID happened. And we did a review to make sure that it
9 is in alignment with the needs of -- or what we see was changing
10 with COVID. And in many ways, it was. Maybe the language we
11 brought in from emergencies to include public health emergencies.
12 I think when we thought about emergencies, we thought about
13 natural disaster, terrorist attacks, not necessarily public
14 health emergencies, but really thinking about the kind of,
15 resilience elements, and also thinking and ensuring that, you
16 know, we are ready to respond to COVID-19 and its impact, for
17 example, around economic development, the future of downtown, and
18 the future of public spaces, like places like "streateries."

19 Equity and racial justice were at the center of it. We
20 actually have an equity crosswalk that really speaks to where
21 each of the actions and policies around equity are, because they
22 are cross-cutting. They cross housing, transportation, economic
23 development, environmental protection. And so we put together a
24 crosswalk that really speaks to those and added a whole section
25 in our community services and facilities element about public

1 health outcomes. This was before COVID, but it was very well
2 timed to really move forward the Mayor's public Health Equity
3 Report which came out in 2017.

4 Housing is a very central element about land use. You
5 all, I think they said, a lot. This is the idea that we need
6 more affordable housing. We need more housing. We need housing
7 across the spectrum from housing for people experiencing
8 homelessness to homeownership. And we need to think about it
9 from an equity and a place-based perspective. It's not just more
10 housing, but where do we need more housing and what kind of
11 housing. Maybe in some neighborhoods, homeownership
12 opportunities are the most important thing to build wealth, to
13 prevent against displacement, and in other neighborhoods, high-
14 opportunity areas, we need more affordable housing and much more
15 affordable housing. And that's tied to some of the land use
16 recommendations that you'll see.

17 Resilience is another important one, being able to
18 address shocks and stressors, both natural and manmade, ties to
19 COVID-19, I mentioned, but also critical questions around sea
20 level rise and climate change.

21 And then finally, the Comp Plan is nothing but -- if
22 not helping to guide our public resources and public investments,
23 understanding that things like streets and sidewalks are not just
24 to move cars or park cars, but can be places of gathering, places
25 that we share together, importance of our civic infrastructure,

1 of our parks, and how those really are the soul of the City, and
2 really help us create the great neighborhoods, help share in the
3 history of neighborhoods, and so are really the center of a lot
4 of what makes the District great and need to planned for, as
5 such.

6 Next slide, please.

7 You all know the Future Land Use Map. I don't think I
8 need to introduce this to you, but I will say, if you see on the
9 right, we, sort of, highlight the areas that changed. It's about
10 6 percent of the areas designated were changed, and we think --
11 most all of them were changed in alignment with either existing
12 plans or to create more housing. And we think it can produce up
13 to 15 percent more capacity. Now, as you all know, capacity
14 doesn't mean actual resulting housing or office of whatever, but
15 that capacity is important in order to be able to allow us to
16 build the kind of housing we need in the places we need, or, you
17 know, other things that might be needed.

18 So I highlight here a little bit -- there's some major
19 changes, for example, along Connecticut and Wisconsin Avenue
20 corridors, high opportunity areas, areas that have not produced
21 affordable housing in much -- in any marked way. The Mayor has
22 a goal of 2,000 units in these areas by 2025, and we think that,
23 through land-use changes, through IZ and IZ Plus, that is an
24 important step towards that.

25 It's -- maybe if we go to the next slide, it's worth

1 saying that this -- how this Future Land Use Map goes hand in
2 hand with an updated Generalized Policy Map that, in many ways,
3 is meant to guide our planning efforts. And it recognizes that
4 there are a number of places where we have created additional
5 density. Some of you may have heard the unfortunate, maybe, term
6 "up FLUM." We wanted to be -- wanted to make sure folks know
7 this is not "up zoning" that was done where we create density,
8 because zoning is your domain, but where we -- up FLUM which
9 would allow for potential up zoning in the future.

10 Where we create that additional density there where
11 there are large areas, we realize, and the Comp Plan recognizes,
12 that there should be some planning efforts around that. Depending
13 on the nature of it, it might be a small area plan, it might be
14 a development framework, it might be urban design guidelines, but
15 we recognize that it's important that we think about what that
16 looks like, and I'll be sharing some of that with you in a minute.

17 Also we -- those are the areas in red. We also have
18 the areas in blue, which are our resilience focus areas, happened
19 mostly, Commissioner May, to be National Park Service, which are
20 not really so much in our jurisdiction, but it is -- there are a
21 lot of areas that are, and then in your jurisdiction, around
22 Buzzard Point; around, potentially, Poplar Point in the future;
23 Kenilworth and Watts Branch; and Southwest Waterfront. So these
24 are areas where we are going to be focusing much of our resilience
25 planning in the future, and you might see the impacts of those

1 as we think about the impacts of sea level rise and climate
2 change.

3 Finally, our Policy Map included the proposed
4 Washington -- State of Washington, Douglass Commonwealth, which,
5 if you look at it, it's, sort of, the area outside of the red,
6 that brighter, lighter red in the middle, which would be the
7 future District of Columbia if statehood were to happen.

8 Next slide. I keep trying to change it myself.

9 It's worth just -- I want to briefly talk to you about
10 some of the housing work that led into this and the Mayor's real
11 goals around housing.

12 Next slide.

13 This is just background. I think you recognize this
14 place. We find it helpful when we think about how we address
15 housing, how we address anti-displacement, how we address housing
16 prices, that it is an ecosystem, that land use and processes and
17 programs, on the right, play a critical role, but they cannot
18 solve it in and of themselves. It relates to things like supply
19 and demand, which are oftentimes outside -- or the demand is
20 oftentimes outside of our realm; costs, oftentimes outside of the
21 domain of our ability to control; and then what we -- at the
22 bottom, community dynamics, things that are -- that may impact
23 the ability to produce housing, including things like
24 infrastructure, community input, and schools.

25 So we see all of these speaking together, and they all

1 speak to each other, and together we see them as working with
2 all of them and understanding all of them to be able to produce
3 the housing that we need across the City.

4 Next slide.

5 And with that, we looked at -- you know, I mentioned
6 the Mayor has a goal of 36,000 housing units by 2025, 12,000
7 affordable. Actually, I don't think mentioned that; I just
8 alluded to it, but I think you all know that. She also said it's
9 not just those numbers but where they are. And this is from our
10 Housing Equity Report where we show that about half of our
11 subsidized or rent-restricted units are east of the river in
12 Wards 7 and 8, and there are very few in what we call "Rock Creek
13 West," or Ward 3 in upper Northwest. You see about 1 percent or
14 less in that area. That led to the housing goals that you see
15 on the right, which we seek to produce 2,000 new, additional
16 units by 2025 out of that 12,000 goal, recognizing that we need
17 affordable housing across the City.

18 It's worth noting for you all that inclusionary zoning
19 in Rock Creek West, of that 470 units, a number of them are thanks
20 to inclusionary zoning. So while inclusionary zoning isn't a
21 scale -- it doesn't produce, necessarily, at a large scale, it
22 can help produce housing that is geographically dispersed and
23 addresses some of the historic inequities and segregation of our
24 City. And that's where we look to build on for the Comp Plan
25 update.

1 Next slide.

2 So it's worth mentioning -- here's the strategy, as
3 I've, sort of, talked through a number of these, 36,000 new homes
4 to address the needs and the growth and the demands within our
5 City; 12,000 affordable units through -- primarily created
6 through our Housing Production Trust Fund and Federal -- local
7 and Federal vouchers; ensure the equitable housing, that I
8 mentioned, that those housing equity goals. How, when we talk
9 about housing, we talk about addressing homelessness and making
10 homelessness, rare, brief, and non-recurring. Homeward DC 2.0
11 just came out, and we'll be working hard to create more
12 opportunities to ensure that all residents have housing options.

13 Public housing is a critical part of our ecosystem, as
14 you all know, not only through the redevelopment, but also through
15 the modernization and recognizing that it has been, kind of,
16 disinvested in and less and less investment from the Federal
17 Government over the last 20 years, and we have a role to play to
18 figure out how to use local dollars, land value, and others to
19 address that.

20 Affirmatively furthering fair housing is tied to our
21 equity goals, but really doing -- proactively addressing
22 segregation in our City, creating opportunities for residents to
23 live in any part of the City, no matter their income or race.

24 And then, finally, homeownership opportunities are
25 always critical, as I mentioned, in -- through a racial equity

1 lens, oftentimes to build wealth, to build generational wealth,
2 and also as an anti-displacement strategy.

3 Next slide.

4 These -- okay. So these are the slides I'm not going
5 to go through. I'm just going to say over half a billion dollars
6 of investments this year alone in housing, including 400 million
7 in our Housing Production Trust Fund and 42 million for local
8 vouchers to produce units of 30 percent of AMI or below. These
9 are the critical tools to produce affordable housing, and these
10 are the scalable tools. We see them working hand in glove with
11 land use changes, in many cases, where we -- you all need to
12 create the opportunity for housing, and we can come in with the
13 dollars to make sure that it is affordable to the families at
14 the right income levels. And so it's just worth noting that with
15 this \$400 million proposed investment, that's a billion dollars
16 in the Mayor's tenure that would have been invested in affordable
17 housing, which is important.

18 I'll talk a little bit about Faith-Based Housing
19 Initiative and Accessory Apartments later, but these -- just
20 note, this is information that we shared broadly around the
21 Mayor's proposed budget. Also, some of these numbers may have
22 changed slightly in Council, but the 400 million has stayed the
23 same.

24 Recognizing that we need quick capital to deploy to
25 preserve affordable housing where either subsidized or

1 unsubsidized but affordable units are at risk, there's a
2 preservation fund which is meant to allow capital to be used to
3 acquire a property that then gets taken out by the Housing
4 Production Trust Fund if and when it has capital investments or
5 if it's redeveloped, but to ensure that it can continue to support
6 the residents and the low-income residents there.

7 And then there's a New Acquisition Fund. Part of it
8 is to help acquire properties to address our Homeward DC Plan,
9 but also recognizing this might be a time where the City could
10 acquire, for example, hotels or others to convert to housing,
11 especially in high-opportunity areas. That's \$52 million.

12 Next slide.

13 There's more investments here. I'm not going to go
14 through all of them. There's some planning analyses that we're
15 excited about, New York Avenue, really thinking about how that
16 could be a real neighborhood and corridor, a gateway with
17 opportunities for housing. Stay DC is going to be a very large
18 program to help ensure that we don't have evictions after the
19 eviction moratorium ends. That's Federal dollars. That's \$350
20 million.

21 Next slide.

22 Here's just more redevelopment, and you know these --
23 many of these that have come your way or may be coming your way,
24 but also support for first-time homebuyers; BEPS, there's the
25 Building Energy Performance Standards for making sure our

1 buildings are preparing us for our net-zero goals and are ready
2 to reduce their carbon footprint; and then, finally, support for
3 tenants.

4 Next slide.

5 These all you can look through. We'll provide them.
6 There's great detail. As I mentioned, with the caveat that this
7 was what was supported -- which was sent to Council. I actually
8 don't have the update of where it stands after the first reading,
9 but I think most of these stayed, more or less, the same.

10 I have two final slides just to, kind of, wrap this up
11 to your work directly. So let's go the next slide.

12 You'll see we're really excited about our existing, our
13 inflight and proposed planning initiatives. Already we have
14 three under way in Chevy Chase, in Congress Heights, and in
15 Pennsylvania Avenue, S.E., and we have a number that are in --
16 proposed in the budget after the first reading, a New York Avenue
17 Vision framework that looks to take advantage of the additional
18 Future Land Use Map high-density corridor, Ivy City Small Area
19 Plan or Development Framework, a PDR Study understanding what we
20 need and what we have in terms of industrial and how those
21 tradeoffs are being made across things like housing or education
22 uses.

23 We're very excited about our Tenleytown and Friendship
24 Heights Development Framework. There's a lot of additional
25 potential capacity density there. How will that work? What does

1 that look like, especially given the retail corridors and the
2 challenges that they are facing, and how do we tie that together?

3 And then finally, Woodley Park and Cleveland Park
4 Design Guidelines. This is asking the question of how can we
5 build additional housing and additional density, additional
6 height in a way that respects these historic districts. Height
7 and historic don't have to be incompatible, and we think through
8 design work with the neighborhood ahead of time before a
9 particular project comes down the way, we can understand what are
10 the important things, what are the things that can support these
11 historic districts and make them -- actually make them even
12 stronger and even better while supporting the opportunity for
13 housing in high-opportunity areas.

14 Next slide.

15 All right. Here's really OP, as it relates to -- here's
16 what Jennifer Steingasser's team is working on. So FLUM-based
17 zoning changes -- so each of those planning areas that you saw
18 may have zoning changes. And I think in a practice that might
19 differ from the past from these proposed development frameworks
20 or these planning analyses, we may actually propose map or text
21 amendments. I've talked to Jennifer Steingasser about the fact
22 that we don't have a zone, for example, that can take advantage
23 of high-density commercial, high-density residential outside of
24 the D Zones. But if we want IZ to apply, what does that look
25 like. So I think there are some important questions that we'll

1 | be looking at as we look at some of these areas. As we look at
2 | New York Avenue and Ivy City, what does a PDR with a high-density
3 | commercial stripe look like? What does that look like in terms
4 | of zoning? So we'll be looking at these things, making
5 | suggestions, recommendations, sharing them if there's -- with a
6 | small area plan with Council, as well as with the Zoning
7 | Commission.

8 | There are a few areas where there are Future Land Use
9 | Map changes that don't have a planning analysis area around them.
10 | They're not going to have to wait for planning analysis. Benning
11 | Road corridor is one. I know the Council Member is supportive
12 | of moving forward with potential map and -- or map amendments
13 | prior to a planning analysis, 'cause there's been planning done
14 | there. And so these are ones we were looking at -- we will be
15 | looking at, maybe, potentially making recommendations to the
16 | Zoning Commission around those sooner than the other ones which
17 | will be waiting for planning analyses.

18 | We're working with faith-based institutions. They are
19 | critical anchors in the community, but also critical -- and I
20 | think, also, because of that, critically interested in providing
21 | housing and affordable housing. And so we have been working
22 | closely with them to determine how we can support housing goals
23 | working with them. And there are some zoning implications.

24 | You all know Accessory Apartments that were made
25 | possible through the zoning rewrite, continuing to look at how

1 to make those scalable. There's a little bit of money in the
2 budget, I believe, to support some financial support. That is a
3 big one, but there may be zoning opportunities, as well, to
4 streamline.

5 And then, finally, looking PUD opportunities for PUD
6 flexibility for affordable housing projects, especially, you
7 know, with things like minimum sizes. I should say we have been
8 banging the drum of PUDs. We would love to see more PUDs,
9 generally. I think the litigation has been a damper on PUD
10 applications, especially, you know, of late, but hopefully, with
11 the Comp Plan update, we can get that going again. We can show
12 that there can be PUDs that are able to get approved by Zoning
13 Commission, that are able to be implemented on a reasonable
14 timeline. And we like PUDs, because they involve community input,
15 they involve, potentially, more affordable housing. So we're
16 going to be continuing to advocate for those, while also
17 recognizing there are opportunities to do other types of changes
18 that can support affordable housing, too.

19 So those will all be conversations coming down the pike
20 in the coming months and years, really. And so I think with
21 that, Chairman Hood, I will turn it back to you.

22 CHAIRPERSON HOOD: Okay. Thank you, Director
23 Trueblood, for the presentation. I'm sure we may have a few
24 questions. I know I have some, but I will go in our normal order.
25 Commissioner May.

1 COMMISSIONER MAY: I don't -- I guess I just have one
2 minor question, 'cause that was just an awful lot to absorb, and
3 I don't want to, like, delay what's already been a very long
4 meeting. But on the regulations that interfere or that slow down
5 the process of establishing ADUs, I mean, I'm hoping that that's
6 a broad-based examination, because what I've heard from people
7 in my area is that, you know, they get part of the way down the
8 road, and then they can't do it because of the sprinklering
9 requirements and things like that.

10 DIRECTOR TRUEBLOOD: That's a great point. I would
11 argue, and I have said this, that zoning is not the primary
12 impediment to accessory dwelling unit production.

13 COMMISSIONER MAY: Right.

14 DIRECTOR TRUEBLOOD: Building Code, financial
15 realities, you know, financial system. So we are looking at all
16 of those. What I would -- what I think is any changes to --
17 potential changes to zoning would be around the edges and minor.
18 Your biggest step was to take the zoning rewrite.

19 And to your first point, I guess I would say I will
20 make myself available. I know there is a lot there. I've
21 presented to the Zoning Commission (audio interference). And
22 you've seen a little bit through NCPC and others, but I'd be
23 happy to continue this conversation. But that is a lot, and the
24 budget is still going through. So insofar as I or Jennifer can
25 be helpful in continuing to further this discussion, I will make

1 myself available.

2 COMMISSIONER MAY: You know, I'm more a fan of the sort
3 of the just in time approach. So when, you know, as these --
4 you know, it's good to get the big picture, but I don't need a
5 whole lot more information until we start addressing actual
6 zoning actions. Thanks. That's it.

7 CHAIRPERSON HOOD: Thank you. Thank you.

8 Commissioner Shapiro, any questions or comments?

9 COMMISSIONER SHAPIRO: Just -- it's a brief question.
10 I'm not sure it's a brief answer, but maybe it's a longer
11 discussion another time, but I'm curious about the affordable
12 housing goals that were set for Rock Creek West and how -- I'm
13 just trying to get a sense of how realistic they are. There's
14 so much NIMBYism. There's so much opposition, and, you know, it
15 really -- this needs to happen, and I'm just -- I just want to
16 get the comfort level from you that the tools are in place to
17 make this happen, if not by right, at least by -- with limited
18 opponents.

19 DIRECTOR TRUEBLOOD: Thank you for that. I will just
20 say the goal for Rock Creek West is -- we got to that number --
21 this is worth knowing, the Comp Plan sets a goal of at least 15
22 percent of all units affordable, you know, and that's rent-
23 restricted, income-restricted, by 2050. And so if you, sort of,
24 back that up a little bit and look at the pipeline, that's how
25 we got to that 2,000 goal. And there's -- I can send you the

1 Housing Equity Report that speaks to that a little bit more. But
2 it is ambitious, and I have a slide I didn't present to you today,
3 but I think it was prepared at least -- it's six months old, so
4 I have -- we are zero percent of the way to that goal as of
5 December 2020.

6 What I would say is that the Comp Plan update is a
7 critical piece to getting that done. And I think that the
8 discussion has very much changed. I think there is a recognition
9 of the needs and the opportunity around housing and affordable
10 housing in Rock Creek West. I think we -- and we hear that from
11 various communities, ANC 3C, for example -- a number of ANCs have
12 supported, actually, the change in land use designation. So we
13 think there's a change in conversation. I think the hardest
14 thing is going to be -- well, and some people want 100 percent
15 of their housing to be affordable, the problem is -- then becomes
16 around financing and funding that. So we have to be both honest
17 and realistic.

18 Whether we hit that 2,000 goal by 2025, I think is less
19 important than the fact that we recognize we really need to turn
20 that ship and change the discussion, which has already started
21 happening and, hopefully, will happen. And I think that's where
22 the planning efforts that we're undertaking starting in FY 2022
23 around Tenleytown and Friendship Heights will be great examples.
24 If we can do those proposed -- potentially some map amendments
25 with, you know, decent affordable housing with IZ Plus affordable

1 housing requirements, that could be a way to both create, sort
2 of, clear -- a clearer pathway to development and get the kind
3 of community benefits that we typically find in PUDS.

4 So that's what we'll be looking for. And through the
5 planning process, listen to residents and hear and have those
6 discussions and find out what's important and ensure that there
7 is a fair process. So, you know, I think there will be people
8 who will always be against this type of housing, but hopefully,
9 we can work with those who do want to work with us to try and
10 address these really critical needs.

11 COMMISSIONER SHAPIRO: Okay, thank you. Thanks for
12 that. I appreciate that. That's all I have, Mr. Chair.

13 CHAIRPERSON HOOD: Okay. Thank you. Commissioner
14 Turnbull, any questions or comments?

15 COMMISSIONER TURNBULL: No real questions. Thank you,
16 Director Trueblood, for a very thorough presentation. You've got
17 a lot on your plate, and there's a lot of things that you've got
18 to work with, and I just want to thank you.

19 I really have no questions. I think you presented an
20 awful lot, and there's a lot of good things that are going to be
21 coming our way. And so thank you again for all your work, and
22 your staff. And other than that, I think you're going down the
23 right path. So thank you again for all your hard work.

24 DIRECTOR TRUEBLOOD: Okay. And thank you, too.

25 CHAIRPERSON HOOD: Okay. Vice Chair Miller.

1 VICE CHAIR MILLER: Thank you, Mr. Chairman, and I
2 concur with all the comments of my colleagues, and I thank
3 Director Trueblood and the Mayor for your leadership in getting
4 all the Comprehensive Plan changes that were enacted both in the
5 framework element a couple of years ago and in the -- all the
6 other elements, particularly the land use element that effects
7 zoning, this past few months.

8 And I guess at some point it would be useful to have
9 -- I know there's going to be planning analysis for the areas
10 which have been, as you said, up FLUMed, but it would be useful
11 to have maybe some guestimate of the prioritization by the
12 Executive and the schedule of when we will be seeing map and text
13 amendments, 'cause we have a big schedule. We have a big agenda
14 and thank goodness we do still in this City. Development is
15 still happening in this City, but we -- it would just be good to
16 see what the prioritization of the map and text amendments that
17 are necessitated, regardless of whatever planning analysis that
18 may inform those map and text amendments, that really have
19 created, now, new inconsistencies between current zoning and the
20 densities that have been adopted -- enacted by the Mayor and the
21 Council in the Comp Plan, whether it's, you know, the upper
22 Wisconsin Avenue area or wherever, New York Avenue, wherever. So
23 it would just be good to see where the priority is and where the
24 schedule is and then how many map amendments for our own
25 scheduling purposes, if nothing else, and for the public to know

1 | where the Administration is on all of those issues.

2 | DIRECTOR TRUEBLOOD: Thank you. Yes. That is -- so
3 | hopefully, this, at least, gives you a very -- maybe -- I hate
4 | to use --

5 | VICE CHAIR MILLER: We only have a draft, preliminary
6 | overview as to what --

7 | DIRECTOR TRUEBLOOD: Yeah. So hopefully, this gives
8 | you a very high level. And what I think I can say is we're
9 | working right now on our work plans about how we're going to
10 | implement. This is more planning than OP has done in the areas
11 | in many, many years -- in many, many -- since I've been in D.C.
12 | Government, at least. So -- and so I would say as we refine
13 | those, we can make sure -- or obviously, Jennifer's going to be
14 | a critical part of that, and she can, sort of, update you
15 | generally. As I said, Benning Road might be faster than
16 | Friendship Heights and Tenleytown, which might be -- which are
17 | going to be faster, likely, than New York Avenue. And at least
18 | knowing how those flow, I think, is something we can give you a
19 | high level, kind of, order of operations.

20 | VICE CHAIR MILLER: I think that would be useful to
21 | have for us and the public as to where the prioritization is and
22 | just because there's planning analyses that need to go forward
23 | for some but not others, because it's already been done for
24 | others.

25 | So my other question, which I asked Ms. Steingasser a

1 | few weeks ago, which is not really -- it's beyond zoning, but
2 | you went beyond zoning, which is zoning -- it's way beyond zoning
3 | to achieve the affordable housing goals and other goals of the
4 | City, obviously. We have a very limited role, but we want to do
5 | our part. But the Housing Equity Report of the Mayor a few years
6 | ago and your presentation tonight touched on, as Commissioner
7 | Shapiro noted, the deficit that Rock Creek West has in producing
8 | new affordable housing for existing and new residents in our
9 | City. And you even mentioned, I think, opportunities that may
10 | exist, which are very expensive, obviously, and -- way beyond
11 | -- this is all way beyond zoning, but if you read the comment, I
12 | asked Ms. Steingasser a couple of weeks ago, there are few
13 | opportunity sites in Ward 3 right now. One of them was just sold
14 | last week, I guess, the Marriott Wardman site. And then there's
15 | the Lord and Taylor site in Friendship Heights. The Marriott
16 | Wardman is in Woodley Park, a mainly rich -- Lord and Taylor,
17 | Friendship Heights, and Mazza Gallerie at Friendship -- retail
18 | sites that are going to be redeveloped, I think -- I don't know
19 | what their status is of the sale.

20 | Can you comment at all on what -- I mean, so we'll get
21 | -- obviously, we'll get the IZ units from the redevelopment of
22 | these sites under the IZ regulations that are in effect at the
23 | time that anybody proposes redevelopment, and we've enhanced
24 | those, with your support -- with your initiative and others, to
25 | -- when there's re-zonings to increase it from the 8 to 10 to 20

1 | when the map amendments. Is that all we're going to get out of
2 | -- I don't know if we get that out of Marriott Wardman. What is
3 | the City's posture? I don't understand what the City's posture
4 | is toward -- I just want to understand it, and maybe there's a
5 | brief overview projected, without delaying this too much further,
6 | toward investing in very -- obviously very expensive sites to
7 | produce affordable housing in an area that is expensive, but it
8 | -- many rich -- which the Housing Equity Report of the Mayor says
9 | needs to have -- and you've set a goal for producing so much
10 | affordable housing.

11 | DIRECTOR TRUEBLOOD: So there's a lot in that question,
12 | so maybe I'll take a few things. So IZ Plus is an important one,
13 | and, I think, before you. You're also looking at IZ for
14 | conversions, which, you know, could apply to a hotel conversion
15 | that wouldn't have IZ today. So I just would raise those as just
16 | baseline. But I think, as you recognize, as I recognize, IZ is
17 | not going to be enough to get us there, even if it's a very large
18 | hotel.

19 | And so I think the Administration's view is a few
20 | things. Number one, is it's about, you know, there is this delta
21 | balance, and we're already seeing it at Friendship Heights, which
22 | is if we try and do too much or require too much process, then
23 | we just get less, like it's easier for them to be stick-built
24 | than to build concrete at 11 stories -- well, they couldn't build
25 | 11 stories there, but 8 stories, right, or 10 stories, even if

1 | that means a two-year delay or a two-year delay plus appeal.

2 | So I think we're trying to find that balancing act to where
3 | we think the process of doing the small area plan or a development
4 | framework and then submitting a -- potentially submitting
5 | amendment -- or map and text amendments to the Zoning Commission
6 | can help do that and can help scale the housing need, which would
7 | then have IZ Plus.

8 | But -- and we realize it also needs money. We need
9 | money. And so housing -- if you look the next -- DHCD is retooling
10 | how they allocate their Housing Production Trust Fund to be a
11 | preference for high opportunity areas, recognizing that that's
12 | going to cost more. It will get fewer units. And some people
13 | don't agree with that. And -- but we realize it's an important
14 | -- it serves multiple purposes around equity, around opportunity.
15 | And so that will happen.

16 | There is that acquisition fund I mentioned. You know,
17 | that being said, you know, it's -- you saw the acquisitions from
18 | \$50 million that includes acquisitions that are needed for
19 | Homeward DC. So you know, looking at very large hotels that cost
20 | 100 -- over \$100 million is probably not in the cards, but that
21 | being said, there is an owner now, and we're interested -- we
22 | are interested in talking to the owner and seeing how we can
23 | pursue -- a way that we could fund affordable housing there. So
24 | even it's not 100 percent, if we can fund it so that it's 20 or
25 | 30 or 40 percent or at low income, you know, a certain amount at

1 a lower income, then that is also success.

2 So I think that's the posture regarding any development
3 in any of these areas is really allowing, you know, making sure
4 we have the opportunity to, and then being proactive about
5 layering in the dollars.

6 VICE CHAIR MILLER: Well, I thank you for that response.
7 And I guess my only other question, again, a question I asked
8 Jennifer Steingasser a couple of weeks ago -- a few weeks ago
9 when we had a hearing, I think, on conversions -- IZ --
10 conversions being subject to IZ, and it's -- the downtown is
11 still exempt, and there was a lot of pushback from the -- and
12 almost the entire downtown community. It was like the calvary
13 was sent out to our hearing that day.

14 Maybe you can just give us a very brief response, Ms.
15 Steingasser gave us one, as to the whole office conversion --
16 downtown office conversion issue. I mean, obviously, that market
17 is in a very uncertain market all around the country because of
18 the new normal, or the better than normal, whatever you want to
19 call it, it's not the old normal, situation which has been the
20 revenue base of the City. The office downtown market has been
21 the revenue base. It funds all the things we want to do in the
22 City, and yet, obviously, people can work from remote, as we have
23 for a year and a half, and many other companies have, and there's
24 -- you obviously want to get that vibrancy back downtown, but
25 where do you -- what is your perspective?

1 I mean, my own perspective is that, for better, for
2 worse, the downtown property values probably aren't going to be
3 based on the office market 100 percent occupancy for near -- and
4 those very high values, and so how do we incentivize the
5 residential conversions and make that happen? It isn't -- with
6 those high assessed values right now, it's not worth it for a
7 downtown office developer, from the testimony we heard a few
8 weeks ago, to even convert -- to try to convert. And there's
9 all those logistical problems. Those offices weren't built for
10 -- to have individual residential bathrooms and whatever, and the
11 whole -- beams and every -- so -- but it's a real problem.

12 But we have vacant -- we have big vacant office market,
13 and I don't think that's necessarily going to be cured fully pre-
14 pandemic levels. What are you doing -- I just want to get a
15 perspective -- what are you doing to try to -- so we can
16 understand what we need to do, if there's anything zoning-wise
17 we need to do, to facilitate -- we're told, "Don't apply IZ to
18 downtown." Oh, my God. That would be the worst thing in the
19 world to do, 'cause it will -- you'll disincentivize any
20 developer, and we don't want to do that. We don't want to
21 disincentivize development that's producing all the revenue that
22 funds everything that we want to do socially and -- what is your
23 -- do you have a general -- I'm sorry to go on a soapbox here,
24 but is there something you can comment on as to what should be
25 on our agenda and this whole subject matter, because it's, kind

1 of, facing us?

2 DIRECTOR TRUEBLOOD: Sure. Yeah. You know, in my
3 previous role, I had the privilege of chairing the Office to
4 Affordable Task Force that produced a report that you could take
5 a look at if you want to. I believe it was in 2017 or 2018. But
6 it gets to these points that you mention, which is the economics
7 are very challenging to produce market-rate housing, much less
8 affordable housing, and that's the economics that, if you add on
9 the structural issues of light, of plumbing, of hallways, of fire
10 exits and egresses, and it becomes even harder.

11 What I would say is we, sort of, updated that a little
12 bit, given COVID, to see what happens, knowing that the office
13 market is challenged. What I would say is, actually, when you
14 look at it, the residential market fell a little bit more than
15 the office market, so there was not a financial, kind of, cross
16 point at which the office market goes far enough down that it
17 makes it worth it to do a redevelopment to residential. We
18 actually didn't get any closer to that.

19 So what we see is a market where it will be, sort of,
20 niche, maybe a triangular building here, a building that is a
21 long-term owner that sold and -- to a different developer who
22 wants to take the development risk. So we see -- there's actually
23 a group in the Deputy Mayor's office that is meant to, kind of,
24 catch them and work them through the opportunities, look -- see
25 if there are incentives that we would -- we have or would be

1 willing to provide in order to produce both housing and affordable
2 housing. But honestly, other than there may be a hotel or two
3 around the edge, there's nothing much. There's just not a market
4 for that. I would say we are interested, and we'll be watching
5 and supportive. We're tracking the market. We're working with
6 owners to understand, but until, you know, there's nothing there
7 at this point.

8 That being said, the Mayor's budget does recognize that
9 the future of downtown is critical. So she does -- there is
10 money invested around business support, business attraction,
11 local business, small business support, as well as making
12 downtown vibrant by taking advantage -- better advantage of our
13 public spaces. That's a program, actually, we'll be running
14 called "Streets for People" that will seek to build on some of
15 the successes of our "streateries," understanding that there're
16 people -- downtown still is the central -- center of the region,
17 no matter if you're not forced to go work there for 40 hours a
18 week, you may be less, but maybe there are other reasons to go
19 there, arts, culture, festivals, public spaces. So these -- I
20 think the ideas we're looking at that from multiple angles.

21 And in fact, I was just -- I pulled out a 1981 -- the
22 first local Comprehensive Plan document on living downtown, which
23 actually -- its vision was exactly this. It's a vibrant place.
24 It isn't just a nine to five office park. And I think, you know,
25 this might be a chance to turn that corner a little bit and get

1 us there. I think residential will be a part of it, but we have
2 to, you know, I think there's too much unknown at this point and
3 not -- there's not a lot of movement, especially in the core of
4 the downtown office district.

5 VICE CHAIR MILLER: Okay. Well, thank you for that
6 response, and thank you for all the work of the Administration
7 to achieve these very laudable goals in the Comprehensive Plan.
8 Thank you.

9 CHAIRPERSON HOOD: Thank you everyone for your
10 questions. I have just three, Director Trueblood. I will tell
11 you, though, let me just preface it. When I first started on
12 the Zoning Commission, I thought planning was very easy. I've
13 been eating my words ever since.

14 A quick question on the 36,000 new homes. Is that
15 inclusive of all those that are in the pipeline now that are
16 being -- that are in court and being tied up, or is that separate
17 and apart?

18 DIRECTOR TRUEBLOOD: I would -- I think 36,000 is the
19 goal for total production. How many -- the goal of production
20 between 2018 and 2025, recognizing that some will be caught up,
21 that some will get out, some will go in, but overall we recognize
22 we need to increase -- or continue to actually -- at pace, is
23 what it is the production that we've been seeing over the last
24 few years.

25 CHAIRPERSON HOOD: So I'm sure it's probably still the

1 same with those who are taking certain cases to court.
2 Unfortunately, from what I was told years ago, the cost then is
3 passed on -- the end result is passed on to the resident who may
4 want to move into those homes. And I'm pretty sure that's still
5 the case. So that's so unfortunate, but I'm glad to see that we
6 have the 36,000 new homes, whether they're in the pipeline or
7 those to come. So that's great.

8 The other thing is, I'm glad to hear about the 0 to 30
9 percent of the AMI -- MFI, and also, I want to applaud -- I'm
10 glad you gave the numbers of the 400 million in the Housing
11 Production Trust Fund that the Mayor put in this year. That
12 really shows the commitment of the Administration. But I will
13 say, I didn't know that it was a total of 1 billion. That's
14 quite a bit.

15 So with that -- and our little part of what we do for
16 affordable housing, we want to continue to push that. I was
17 trying to start up a -- at one time, you know, they come down,
18 you know, I designed a few cases, we need more affordability.
19 Let's make it (indiscernible) and push us, and I know there are
20 other caveats to that. So I'm going to leave that to -- I'm
21 going to probably continue to ask those people to work with the
22 Office of Planning, as I've done, and I will tell you, Ms.
23 Steingasser and others have been very helpful for those residents
24 who want to help us get there. I know there's more to affordable
25 housing than what the Zoning Commission does. So -- but I want

1 | to continue for us to try do as much as we can in our little
2 | domain and with the Office of Planning's help and the residents
3 | of the ANCs who come down and tell us, "More affordable housing."
4 | I truly want to get to the 0 - 30 percent with the other --
5 | (indiscernible) and other things that go into play. So I'm glad
6 | to see we're going there.

7 | My last question is how are we reaching out to the
8 | faith-based, because I have directed a number of ministers and
9 | pastors to the Office of Planning who have come to me. And one
10 | of the things I'm hearing from a lot of them is they're trying
11 | to offset their tithes and offerings, which is understandable.
12 | So they've now gotten to, I think about math as (indiscernible)
13 | some others, but now I've gotten to trying to make affordable
14 | housing for some of their congregation members, also trying to
15 | offset their tithes and offerings. How are we reaching out to
16 | those -- the faith base?

17 | DIRECTOR TRUEBLOOD: Well, I will say high level. And
18 | then, I think -- I don't know if Jennifer Steingasser is actually
19 | on as a panelist yet, but she can -- she's been talking to them.
20 | So she can speak directly to that, but we have been working
21 | through the Deputy Mayor's office, as well as the Office of
22 | Religious Affairs to -- through the Comp Plan process starting,
23 | but now also through zoning, to identify those groups. We've
24 | -- some have self-identified, but we're always interested in
25 | talking to more, and so -- and understanding truly what is the

1 barrier or what is the opportunity? Sometimes it's a zoning
2 challenge, sometimes it's something else, and we can help them
3 in other ways. But maybe I'll turn it over to Jennifer who can
4 speak a little bit more specifically to that question.

5 CHAIRPERSON HOOD: I don't even know how she does it,
6 'cause I know I've directed some people to her. So I know how
7 that's going, but I was just wondering, from a holistic point,
8 how we're doing. She can come up right quick. And that's my
9 last question.

10 MS. STEINGASSER: Yes, Chairman Hood, thank you. We
11 have been working with several churches and institutions
12 directly. We've also been working with a group that has self-
13 formed to talk about what is it that they're trying to achieve.
14 We're in the middle of doing an analysis right now of where these
15 properties are, what are their zoning, what is their land
16 development potential. And then we'll be working through the
17 Office of -- the Mayor's Office of Religious Affairs, as well.

18 CHAIRPERSON HOOD: Okay. Thank you. I'm glad to see
19 that you have included the Mayor's Office of Religious Affairs,
20 'cause I think that is the focal and the key point. So thank
21 you, Ms. Steingasser. And Director Trueblood, thank you.

22 Colleagues, any other follow up questions?

23 (No audible response.)

24 CHAIRPERSON HOOD: Okay. And Director Trueblood, I
25 want to echo the comments of Commissioner May. We like the EOQ,

1 | which is the Economic Order Quantity, which is the just in time.
2 | So thank you. Thank you for our presentation, and with that, we
3 | will continue. Thank you, Director.

4 | Okay. Does anybody need a five-minute break?

5 | (No audible response.)

6 | CHAIRPERSON HOOD: Okay. Let's take a five-minute
7 | break, and let's come back in five minutes, 6:08.

8 | (Whereupon, the above-entitled matter went off the
9 | record at 6:03 p.m., and reconvened at 6:08 p.m.)

10 | CHAIRPERSON HOOD: All right. Let's go ahead and
11 | continue with our meeting. Again, I want to thank everyone for
12 | their indulgence on both matters which were very important to the
13 | Commission and to the residents of the City.

14 | Let's go with Consent Calendar item, Modification of
15 | Consequence. We're going to have deliberations on Zoning
16 | Commission Case No. 04-22B, LPF Senate Square, LLC, PUD
17 | modification of consequence in Square 751. Ms. Schellin.

18 | MS. SCHELLIN: Yes, sir. At Exhibit 6, there's a
19 | supplemental statement from the Applicant, and at Exhibit 7,
20 | there is a letter from ANC 6C that reaffirms their support for
21 | the project and ask the Commission to consider taking final action
22 | on this case this evening.

23 | CHAIRPERSON HOOD: Okay. Thank you, Ms. Schellin.
24 | Again, this is a request to modify Condition 3 in the order --
25 | original order of 04-22 that required 19,852 square feet of the

1 building gross floor area be available for sale as affordable
2 units at 80 percent AMI.

3 The PUD was approved prior to adoption of inclusionary
4 zoning, which was said previously, as we dealt with this, and the
5 condition is to allow square footage to be rented rather than
6 sold at 80 percent of the MFI level. So I just wanted to give a
7 background of what we're talking about.

8 But let me open it up for Commissioner comments and
9 questions. Commissioner May.

10 COMMISSIONER MAY: I don't have a whole lot to say
11 about this. I mean, I saw what was submitted to the record, and
12 I understand the Applicant is interested in making the change,
13 and the reasons why they could not bump up to 60 percent MFI, in
14 terms of affordability. We also have the ANC letter in support.
15 So I'm prepared to move forward with approving this request.

16 CHAIRPERSON HOOD: Okay. Thank you. Commission
17 Shapiro, any questions or comments?

18 MS. SCHELLIN: Mason.

19 COMMISSIONER SHAPIRO: Mason?

20 MS. SCHELLIN: I am so sorry. I didn't realize I was
21 not on mute. I'm sorry.

22 CHAIRPERSON HOOD: Ms. Schellin, we're all at home.
23 Does Mason have any questions or comments?

24 MS. SCHELLIN: This is what happens when you get drug
25 into having grandchildren, and you get stuck having to watch them

1 when you're working.

2 CHAIRPERSON HOOD: That's okay. That's okay. We're
3 all at home. We have doorbell rings. It only rings when I'm in
4 a hearing.

5 Anyway, Commissioner Shapiro, do you have any questions
6 or comments?

7 COMMISSIONER SHAPIRO: No, sir.

8 CHAIRPERSON HOOD: Okay. Commissioner Turnbull,
9 questions or comments?

10 COMMISSIONER TURNBULL: No questions. I just maybe the
11 Vice Chair would have more comments on whether a 60 percent does
12 not apply or not. I'm just puzzled by it. So that's just my
13 only comment.

14 CHAIRPERSON HOOD: Okay. Vice Chair.

15 VICE CHAIR MILLER: Thank you, Mr. Chairman. Yeah.
16 Following up on Commissioner -- well, the Office of Planning
17 supports this modification of consequence and so does the ANC 6C,
18 and I am prepared to support this this evening; however, following
19 up on Commissioner Turnbull's comments this evening and also, I
20 think, when we first saw this a few weeks ago, and your comments,
21 I think, Mr. Chairman, and there may be others, I do not want
22 to, at least from my own perspective, and I think the Zoning
23 Commission's perspective, want to concede that -- well, so the
24 -- this is a modification to clarify that all the dwelling units
25 in the subject property may be rental apartments rather than for

1 sale apartments. And at the time of the approval of this, many
2 years ago, inclusionary zoning was not in effect, or if it was
3 in effect, it wouldn't have required 60 percent MFI for rental
4 apartments, which is what the current IZ requirements are under
5 the current zoning regulations.

6 I do not think we should concede the legal argument
7 that had been made by the Applicant in this case that IZ -- the
8 new -- the IZ -- because IZ didn't apply when the original
9 application came in because applying for a modification of
10 consequence, IZ still should not apply. I disagree entirely with
11 that argument, and I think my colleagues might agree with me on
12 that, but I don't know.

13 But so, the Applicant has made that argument, though,
14 that it doesn't even apply. For 13 years we've had this project
15 not in compliance with our zoning order, because it had for sale
16 units, and they did for rental units. And now they're coming in
17 to legitimize what they've been doing for 13 years, and I'm glad
18 they are. They're legitimizing what they've been doing for 13
19 years, and I'm glad the project is viable and working in this
20 neighborhood.

21 And I know it went through, I think, three, couple of
22 different ownership groups since our original application. So
23 there may be financial issues which would create adverse impacts,
24 is what the Applicant said, to require all that we asked of the
25 previous iteration of this, because then for, maybe for future

1 rental units, that they be what the IZ currently requires, 60
2 percent MFI, not 80 percent MFI, since that's not the requirement.
3 They said that wasn't financially viable. It would create adverse
4 impacts on their loan documents and other things. They didn't
5 really provide any documentation to that effect. I'm not asking
6 that they provide documentation to that effect, but I think we
7 should acknowledge that IZ does apply. The new -- the 60 percent
8 MFI does apply even though they're doing 80 percent, and they
9 want to do 80 percent going forward. You know, I think they
10 probably could do 60 percent MFI going forward, 'cause -- but we
11 don't have any documentation, so we don't know that. I'm not
12 asking them to provide that documentation, but so I think that
13 we should acknowledge that we're waiving the 80 -- the 60 percent
14 requirement and legitimizing the 80 percent MFI for rental units,
15 which currently would be required under IZ to be 60 percent.
16 We're waiving that because of financial hardship, even though we
17 don't have a lot of documentation to that effect, although there's
18 evidence that this property went through several ownership
19 groups. So that, kind of, is a little bit of evidence that it
20 was a difficult property to develop in this neighborhood.

21 So I just think we should be saying that it's a waiver
22 of the 60 percent MFI requirement, not that IZ didn't apply. And
23 I'm ready to move forward with what they would propose, but not
24 on the legal basis that IZ doesn't apply, but that we will waive
25 it in this case, given the Office of Planning support, ANC

1 support, and that it's a successful project in what was then
2 going to be -- what was when we originally approved it was a
3 fledgling revitalized neighborhood. It's now, kind of, a almost
4 fully revitalized neighborhood. But --

5 So that's all my comments, Mr. Chairman. I'm ready to
6 move forward, but I'm not conceding any legal argument that IZ
7 currently doesn't apply, but I think the modification of
8 consequence, in this case, did trigger, under our regulations,
9 and I don't have the section in front of me to cite, but I think
10 it does trigger, in my own personal view, the new IZ -- the IZ
11 requirements, even though IZ was not in effect when this
12 application originally was applied for.

13 Thank you, Mr. Chairman.

14 CHAIRPERSON HOOD: Okay. Thank you, Vice Chair. First,
15 before I get started on my comments, I was going to speak to
16 Mason, but I think Mason has left. Is Mason nearby, he can come
17 introduce himself to us?

18 MS. SCHELLIN: He went back upstairs. He brought me
19 down the phone charger.

20 CHAIRPERSON HOOD: Tell Mason he got away just in time.

21 Okay. My comments -- I would associate myself and
22 agree with the way in which the Vice Chair and Commissioner
23 Turnbull mention this. You know, I -- when I looked at this, I
24 was like, you know, even though I read the statutes of Z 703.4
25 differently, I guess you could twist it and read it however it

1 is advantageous to you. I'm not saying the Applicant did that,
2 but I read it differently. I think that we could lower it to 60
3 percent. I can tell you, I am a fan always of 30 percent MFI,
4 but I think it's rational that they could have come back and
5 could have done it. There's another case that we're going to
6 hear -- that we're going to deal with tonight that I think that
7 the Applicant could have done it. So I would think -- had in
8 place at the time, but I think it could have been done.

9 So I would associate myself with the methodology and
10 the way we move forward with the Vice Chair and Commissioner
11 Turnbull. But I will say what made me not really push it and
12 challenge that was that when I saw the ANC's letter, and then
13 that -- they also, in their second letter, raised no concerns
14 with the explanation that was given. So I'm going to yield to
15 the ANC, even though I think that, again, we could do better. I
16 really think we could do better. So I'll just leave it at that,
17 and but I want to associate myself, as I said, with the Vice
18 Chair and Mr. Turnbull.

19 So with that, does anybody have a motion to move forward
20 with approval of this?

21 COMMISSIONER SHAPIRO: Mr. Chair.

22 CHAIRPERSON HOOD: Commissioner Shapiro.

23 COMMISSIONER SHAPIRO: Yeah, before the motion, can you
24 just continue the discussion. I just wanted to hear, again, from
25 the Vice Chair, in terms of what you're suggesting is -- given

1 | the case, the situation, what is it that you're recommending in
2 | terms of the strategy?

3 | VICE CHAIR MILLER: I guess, I mean, maybe we need to
4 | hear from our OAG Counsel on this, but as part of the motion to
5 | approve the modification of consequence, that we are waiving the
6 | IZ current MFI requirement for rental -- 60 percent MFI,
7 | recognizing -- waiving that requirement recognizing that for 13
8 | years it's been at 80 percent MFI, the ANC supports, OP supports,
9 | because they say that there's a financial hardship, not for the
10 | other reason that they gave, that it doesn't even -- IZ doesn't
11 | even apply.

12 | So I would ask that the maker of the motion -- I don't
13 | know if -- we haven't made a motion yet but include within their
14 | motion to approve the modification of consequence, a waiver of
15 | the 60 percent MFI, based on financial hardship, even though --
16 | well, based on financial hardship. But --

17 | CHAIRPERSON HOOD: And I think that's important,
18 | because we don't want to set a precedent and adopt a waiver that's
19 | been presented to us. So I think it's well noted. I would hope
20 | that you would all agree that whoever is making the motion is
21 | -- would do that.

22 | Any other questions or comments? The Vice Chair.

23 | VICE CHAIR MILLER: I recognize --

24 | COMMISSIONER TURNBULL: And I would agree with your
25 | comments that this should not be seen as a precedent-setting --

1 for precedent setting by the Zoning Commission, that this is --
2 as the Vice Chair said, this is for, quote, "financial
3 difficulties," I think, the burden is too great. So I think
4 we've got to realize that this is not because they're not -- we
5 relinquishing what the Zoning Regulations really say, but
6 basically, it's based upon the financial hardship of the
7 Applicant.

8 I think that the Zoning Regulations are clear, and I
9 think we need OAG and, I think, OP going forward should look more
10 carefully at this before it comes to us like this. I think that
11 this is a critical aspect going forward. So, but based upon
12 that, I would be willing to accept this.

13 CHAIRPERSON HOOD: Okay. Vice Chair, so I will tell
14 you, I can make the motion, but I'm having a hard time totally.
15 So I don't mind (indiscernible). Could you formulate that motion
16 with the waiver in it so we can move forward, if you don't mind?

17 VICE CHAIR MILLER: Okay. Thank you, Mr. Chairman. I
18 would move that the Zoning Commission approve Zoning Commission
19 Case 04-24 -- 22B, request for modification of consequence to the
20 approved PUD 04-22 at 222 -- 220 H Street, NE, and as part of
21 the motion, a waiver of the IZ existing requirement that would
22 be triggered by a modification of consequence of this sort, which
23 would require the rental units to be 60 percent MFI instead of
24 the 80 percent MFI that they have been for the 13 years that they
25 have existed on this site. And with that long motion, I would

1 ask for a second, if that's acceptable.

2 COMMISSIONER SHAPIRO: Second.

3 CHAIRPERSON HOOD: Okay. It has been moved and properly
4 seconded. Any further discussion? Thank you, Vice Chair and
5 Commissioner Shapiro. Any further discussion?

6 (No audible response.)

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

9 MS. SCHELLIN: Commissioner Miller.

10 VICE CHAIR MILLER: Yes.

11 MS. SCHELLIN: Commissioner Shapiro.

12 COMMISSIONER SHAPIRO: Yes.

13 MS. SCHELLIN: Commissioner Hood.

14 CHAIRPERSON HOOD: Yes.

15 MS. SCHELLIN: Commissioner Turnbull.

16 COMMISSIONER TURNBULL: Yes.

17 MS. SCHELLIN: Commissioner May.

18 COMMISSIONER MAY: Yes.

19 MS. SCHELLIN: The vote is 5-0-0 to approve final action
20 in Zoning Commission Case No. 04-22B along with the waiver, as
21 stated by Commissioner Miller.

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

23 Next on the agenda we have Case No. 16-11. I am going
24 to move that to the end, which is the Park View Community Partners
25 and the District of Columbia DCCA remand back to the Commission.

1 That may involve a little more discussion. But anyway, I will
2 move that to the end.

3 Let's go to the Final Action, Zoning Commission Case
4 No. 21-04. This is the Office of Planning Text Amendment to
5 Subtitle C to provide special exception relief from size and
6 layout requirements for vehicle parking. Ms. Schellin.

7 MS. SCHELLIN: Yes. The Notice of Third Emergency and
8 Proposed Rule Making was published in the D.C. Register on July
9 7th for a seven-day comment period. There were no comments
10 received, so we ask the Commission consider taking action this
11 evening.

12 CHAIRPERSON HOOD: Okay. Thank you, Ms. Schellin.
13 Again, this is a text amendment that authorizes special exception
14 relief from requirements for parking space sizes and layout. I
15 want to thank the Office of Attorney General, ANC 1A, and the
16 Office of Planning and their supplemental report. It looks like
17 the comments of the ANC 1A were very vital and helpful. I think
18 Chairman Boese and others were very helpful, Commissioner Wray,
19 were very helpful in us formulating what we have in front of us.
20 I'm not sure if there's a whole lot more to add but let me open
21 it up for any questions or comments.

22 (No audible response.)

23 CHAIRPERSON HOOD: Okay. I'm seeing heads nod. So
24 with that, I guess it's safe for me to go ahead and say I would
25 make approval with the comments as amended by 1A and others,

1 Zoning Commission Case No. 21-04, Office of Planning text
2 amendment to Subtitle C to provide special exception relief from
3 size and layout requirements for vehicle parking and ask for a
4 second.

5 COMMISSIONER MAY: Second.

6 CHAIRPERSON HOOD: It's been moved and properly
7 seconded. Any further discussion?

8 (No audible response.)

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

11 MS. SCHELLIN: Commissioner Hood.

12 CHAIRPERSON HOOD: Yes.

13 MS. SCHELLIN: Commissioner May.

14 COMMISSIONER MAY: Yes.

15 MS. SCHELLIN: Commissioner Turnbull.

16 COMMISSIONER TURNBULL: Yes.

17 MS. SCHELLIN: Commissioner Miller.

18 VICE CHAIR MILLER: Yes.

19 MS. SCHELLIN: Commissioner Shapiro.

20 COMMISSIONER SHAPIRO: Yes.

21 MS. SCHELLIN: The vote is 5-0-0 to approve final action
22 in Zoning Commission Case No. 21-04.

23 CHAIRPERSON HOOD: Okay. Thank you. Let's move right
24 on to Zoning Commission Case No. 15-31B, 1701 H Street Washington,
25 LLC, PUD, modification of significance at Square 4507, Lots 936,

1 941 and 942. Ms. Schellin.

2 MS. SCHELLIN: Yes. So at Exhibit 32, there's an email
3 from ANC 6A reiterating their position on the project; at Exhibit
4 33, Kathy Henderson's testimony; Exhibits 35, 35A, and 36 are the
5 Applicant's post-hearing submissions; Exhibit 37 is an email from
6 the Applicant regarding their outreach to ANC 5D; and Exhibit 38
7 is an ANC 5D letter providing further comments from them.

8 And other than that, it is ready for the Commission to
9 consider final action this evening.

10 CHAIRPERSON HOOD: Thank you, Ms. Schellin. Again, the
11 Applicant is requesting a modification of significance to an
12 approved PUD, by this Commission. Again, the changes to the
13 plan, to change the flexibility, and the changes to the public
14 benefits.

15 We do have two letters. I think Ms. Schellin mentioned
16 -- let me make sure this is the right --

17 Did you mention Exhibit 38, Ms. Schellin?

18 MS. SCHELLIN: I did. That's from the --

19 CHAIRPERSON HOOD: I don't see it.

20 MS. SCHELLIN: -- 5D.

21 CHAIRPERSON HOOD: Right. 5D. Okay. Yeah, it is. I
22 didn't see my notes. Okay. So it is Exhibit 38, ANC additional
23 comments. This is actually located in 5D, and I think we got
24 clarification from 6A that they are in opposition -- they were
25 in opposition, and 6 -- and 5D, in which it's in, is in support,

1 | the way I understand it. So I'm glad we got that clarification.
2 | I, kind of, pushed to have, you know, to make sure that we were
3 | understanding exactly where both ANC's were, even though I
4 | understand fully. I just wanted to make sure I -- folks, if
5 | you're listening, understand, but I understand fully that this
6 | property is across the street in ANC 5D.

7 | So let me open it up for questions or comments.
8 | Commissioner May.

9 | COMMISSIONER MAY: Yeah. Excuse me. Yeah. I mean, I
10 | appreciate seeing the additional documents that were in the
11 | record, the additional ANC report, the Applicant's response, et
12 | cetera, and I am -- I support the application at this point and
13 | I am prepared to vote in favor.

14 | CHAIRPERSON HOOD: Okay. Commissioner Shapiro.

15 | COMMISSIONER SHAPIRO: Excuse me. Thank you, Mr.
16 | Chair. Similar to Commissioner May, I appreciate the additional
17 | information. I appreciate ANC 5D's continued concerns and push
18 | for the maximum affordability. I also appreciated their
19 | explanation in the letter about sort of the back and forth that
20 | we heard at the last public hearing and hearing both sides of
21 | this issue and their clarification around their commitment to
22 | public outreach that they've done. So I appreciated that in
23 | their letter, as well.

24 | And I don't have any further concerns, Mr. Chair, and
25 | I will be supporting this, as well.

1 CHAIRPERSON HOOD: Okay. Thank you. Commissioner
2 Turnbull.

3 COMMISSIONER TURNBULL: Thank you. I would agree with
4 my colleagues' comments, and I appreciate Ms. Henderson's --
5 Commissioner Henderson's concern for trying to get more
6 affordability, as well. We really don't have a vehicle to allow
7 us to approve 30 percent AMI, so I think we got a -- from that
8 standpoint, I think -- and I would agree with the Applicant's
9 letter explaining what they are doing.

10 So other things is that there was -- a shadow study was
11 submitted, and -- I can't read the exhibit number. This is an
12 L-shaped building. A lot of the shadows fall on the street at
13 most, you know, a lot of times of the day. There are some times,
14 toward the evening as you -- as the sun goes -- going, you will
15 get some shadow on the properties. There's some generalized
16 shadow in the area, but I don't think it's extraordinary for a
17 project like this to have some impact on some of the homes
18 directly nearby with the shadows. I think it's really a minimal
19 impact, but, I mean, there is some, but I think I can still
20 approve this the way it's set up.

21 So those are my comments.

22 CHAIRPERSON HOOD: Thank you, Commissioner Turnbull.
23 Vice Chair Miller.

24 VICE CHAIR MILLER: Thank you, Mr. Chairman. I concur,
25 again, with my colleagues and just would note that the set aside

1 for -- the inclusionary zoning set aside for the additional units
2 created by this modification, the number of units is greater and
3 it's at a deeper median family income level than what is required
4 by our Zoning Regulations. Thank you.

5 CHAIRPERSON HOOD: Okay. Thank you. Thank you all.

6 On a side note, if you remember -- if you all remember
7 the last time we were having this discussion on this case, I kept
8 asking who was Chairman Donovan Anderson. Ironically, a few days
9 later, I went to an event, and someone introduced me to Donovan
10 Anderson. He's the Chair of the ABC Board. So it's just funny
11 how things work. I didn't know who he was, but I know now who
12 he is.

13 But this letter is actually addressed to him, and I was
14 looking to see if it, maybe, went to the wrong place, but I think
15 it's for us, 'cause it pertains to things that we're talking
16 about, and I think one of my colleagues has already alluded to
17 the ANC 5D letter, which is in support. And I do agree with both
18 ANCs, and I actually agree with Ms. Henderson, as well, but we
19 have a standard test that we have to look at. She mentioned that
20 when she was the ANC Commissioner that they were in opposition
21 because of the density, but it meets the test.

22 But I also believe what she said in her comments to us
23 that this Applicant -- that they can do better. And I believe
24 that in the last case -- in another case that we about 60 to 80
25 to 60 percent MFI. They can do better. I don't know how we get

1 away from it, but they are following the letter of the law. So
2 it's, you know, I'm, kind of, back and forth with this case and
3 the other one, but when I look at the reality of -- they're in
4 compliance and they're following the law, then I don't know how
5 much more -- that's something we need to look at. We need to
6 tighten up some things, and work with the Office of Planning, as
7 we already discussed. I know they're trying to develop, and
8 especially in areas of that nature, but I think that they can
9 just do better. And I'll just leave it at that. How we get
10 there, I don't necessarily have all the answers.

11 So I just wanted to put that on the record. I don't
12 -- there's nothing in this record that -- what's in front of me
13 that tells me that I can vote against it. I mean, I could, but
14 then if the courts come back and ask me why, I would have to have
15 a compelling reason, and I don't have one.

16 So with that, any other questions or comments?

17 (No audible response.)

18 CHAIRPERSON HOOD: But I don't have to make the motion
19 up. So would somebody like to make the motion? That's my protest
20 way.

21 COMMISSIONER MAY: I'll make the motion if you want.

22 CHAIRPERSON HOOD: Okay. Okay. Thank you.

23 COMMISSIONER MAY: I would move approval of Zoning
24 Commission Case No. 15-31B, 1701 H Street Washington, LLC, PUD
25 modification of significance at Square 4507, Lots 936, 941, and

1 942.

2 COMMISSIONER TURNBULL: Second.

3 CHAIRPERSON HOOD: It has been moved and properly
4 seconded by Mr. Turnbull. Any further discussion?

5 (No audible response.)

6 CHAIRPERSON HOOD: Ms. Schellin, would you do a roll
7 call vote, please.

8 MS. SCHELLIN: Commissioner May.

9 COMMISSIONER MAY: Yes.

10 MS. SCHELLIN: Commissioner Turnbull.

11 COMMISSIONER TURNBULL: Yes.

12 MS. SCHELLIN: Commissioner Hood.

13 CHAIRPERSON HOOD: Yes.

14 MS. SCHELLIN: Commissioner Miller.

15 VICE CHAIR MILLER: Yes.

16 MS. SCHELLIN: Commissioner Shapiro.

17 COMMISSIONER SHAPIRO: Yes.

18 MS. SCHELLIN: The vote is 5-0-0 to approve final action
19 on Zoning Commission Case No. 15-31B.

20 CHAIRPERSON HOOD: Okay. Thank you. Next, Zoning
21 Commission Case No. 20-33, the University of Distinguished -- I
22 mean, I'm sorry, University of the District of Columbia, 2020-
23 2030 Campus Plan @ Square 16 -- 1964. Ms. Schellin.

24 MS. SCHELLIN: Let's see. For this one, we have at
25 Exhibit 40, a letter from the Applicant in closing, a submission

1 that shows DDOT is in agreement with their TDM and PMP Plans; at
2 Exhibits 42 and 42A, you have the Applicant's draft order. This
3 case is ready for the Commission to consider final action this
4 evening.

5 CHAIRPERSON HOOD: Okay. I started to say the
6 University of Distinguished Colleagues, but I figured I'd better
7 call it by its name, University of the District of Columbia.
8 Again, this is a Campus Plan application. The University
9 presented their 20 -- again, I'm sorry -- their 2020 to 2030
10 Campus Plan in Square 1964, was their main campus to us. There
11 was a holistic view of everything, and I think that it actually
12 was, I think, very well done, as far as our procedures. There
13 were some ANC concerns, which I think they are continuing to work
14 in a continuum, and we'll leave it -- I will leave it at that.

15 Let me open it up. Any questions or comments?
16 Commission May.

17 COMMISSIONER MAY: Yeah. Mr. Chairman, I would note
18 that the Applicant attempted to respond to a couple of questions
19 that came up in the hearing, one regarding the LEED requirements
20 for the project, and then the other having to do with bicycle
21 parking. And frankly, I found neither of the responses to be
22 particularly satisfactory. I think they just, sort of -- they
23 just repeated what they had said previously. I don't think they
24 even took the question seriously.

25 That being said, I'm not going to let it stand in the

1 way of voting in favor tonight, but in further processing, I am
2 looking forward to seeing proposed buildings coming in with LEED
3 Gold being proposed and with bicycle parking in the buildings.
4 So I will make a point of remembering this in further processing,
5 because they alluded to some of these things being addressed at
6 that point.

7 CHAIRPERSON HOOD: Okay. Thank you, Commissioner May.
8 So noted. I'm sure that the Applicant at the University is
9 listening to that comment.

10 Commissioner Shapiro, any questions or comments?

11 COMMISSIONER SHAPIRO: Just briefly, Mr. Chair. First
12 of all, I appreciate Commissioner May's comments, as well, and
13 I'm glad that, with his note taking, that he will be tracking
14 this. And I can assure the Applicant that you can take him at
15 his word that he will remember this.

16 So the only other thing I'd say -- the only other thing
17 that I would add, Mr. Chair, is there was some -- in the draft
18 order from the Applicant, there was some relatively minor
19 language that OAG was recommending should be refined, and when
20 you feel it's appropriate, sir, I can read that into the record.
21 Happy to do it now, or --

22 CHAIRPERSON HOOD: If you could do it now, Commissioner
23 Shapiro.

24 COMMISSIONER SHAPIRO: Sure. So briefly, under
25 Condition 4, these are minor references, but it's to correct a

1 reference to -- it says Section 210. It should be Subtitle X,
2 Section 101 of the Zoning Regs in Condition 4 for Condition No.
3 4B -- these are all in the Applicant's draft order, again --
4 Condition 4B, just to tighten up the references.

5 So to add references to specific exhibits for the
6 Campus Master Plan submission, it's Exhibit 3, and for the
7 University, a June 4, 2021, supplemental submission, that should
8 reference Exhibit 25A.

9 And then the last minor change would be under Condition
10 10 to include references specifically relating to -- not just to
11 reference the TDMP and the PMP, but to include the full text of
12 both in the order.

13 And that's all I have, Mr. Chair.

14 CHAIRPERSON HOOD: Okay. Thank you, Mr. Shapiro, for
15 reading those into the record. Those conditions will go along
16 with the other conditions, as well, I think, unless some has an
17 objection. Vice Chair Miller, any questions or comments?

18 VICE CHAIR MILLER: Thank you, Mr. Chairman. I concur
19 with my colleagues' comments, and I'll leave it at that. Thank
20 you.

21 CHAIRPERSON HOOD: Okay. I, too, would not say a lot,
22 but again, I think the University has the plan about modernizing
23 and upgrading the existing -- I'm sorry. Did I miss you,
24 Commissioner Turnbull?

25 COMMISSIONER TURNBULL: Yeah.

1 CHAIRPERSON HOOD: I did? Okay. Commissioner
2 Turnbull. I'm sorry. I guess I called your name so much, I just
3 --

4 (Cross talk.)

5 COMMISSIONER TURNBULL: The power line's already cut.
6 I know I'm getting the bum's rush, and it's okay.

7 No, I would just agree with my colleagues of -- it's
8 good to note that Commissioner May is on his toes, as usual, and
9 picking up these -- and he says some of these things.

10 I would -- Commission Shapiro got into some of the
11 things that I was -- that I had noticed, that OAG was going to
12 pick up and make changes regarding the flexibility in the order.
13 So I really have no other comment tonight. I agree with
14 everything else that has been said tonight.

15 CHAIRPERSON HOOD: And I apologize, Commissioner
16 Turnbull. I'm not trying to rush you away. I've called your
17 name so much that I probably thought I'd already called you.

18 So anyway, as I was saying, the University had proposed
19 to modernize and upgrade the existing 10 academic buildings north
20 of the University District (indiscernible). They have a number
21 of items in their submissions of what they're trying to do, and
22 as Commissioner May had alluded to about some of the things that
23 are going on with further processing, those things that we looked
24 at were green roofs, artificial turf. And I know there were some
25 issues about the concerns from ANC about the proposal of, I think,

1 the student housing, which was in the last plan. So we'll
2 continue. I know they have other funding structures that they
3 have to rely on. Sometime these things are achievable, and
4 sometime they are not, depending upon --

5 So I do want to commend the University for continuing
6 their outreach with the ANCs and the surrounding neighborhood.
7 I think that's a plus. I think that's why this is pretty --
8 moving pretty smoothly, and I hope they will continue, as I
9 mentioned in the hearing to the President. And I appreciate the
10 President. I say this with every campus plan, I appreciate the
11 President -- President Mason. All presidents of Universities
12 taking their time to back up what the process and where they're
13 trying to pursue for their university. So I want to also thank
14 him again, as well, as I've done other presidents.

15 So with that, that's all I have. Any further follow
16 up -- any go backs?

17 (No audible response.)

18 CHAIRPERSON HOOD: Okay. Would somebody else like to
19 make a motion? Let's go to Commissioner Turnbull. Would you
20 like to make a motion on this?

21 COMMISSIONER TURNBULL: Sure.

22 CHAIRPERSON HOOD: Since I forgot you, so --

23 COMMISSIONER TURNBULL: Mr. Chair, I would move that
24 we take final action on Zoning Case No. 20-33, University of the
25 District of Columbia, 2020-2030 Campus Master Plan at Square

1 1964.

2 CHAIRPERSON HOOD: And I'll second that. It's been
3 moved and properly seconded. Any further discussion?

4 (No audible response.)

5 CHAIRPERSON HOOD: Okay. Ms. Schellin, would you do a
6 roll call vote, please.

7 MS. SCHELLIN: Yes. Commissioner Turnbull.

8 COMMISSIONER TURNBULL: Yes.

9 MS. SCHELLIN: Commissioner Hood.

10 CHAIRPERSON HOOD: Yes.

11 MS. SCHELLIN: Commissioner May.

12 COMMISSIONER MAY: Yes.

13 MS. SCHELLIN: Commissioner Miller.

14 VICE CHAIR MILLER: Yes.

15 MS. SCHELLIN: Commissioner Shapiro.

16 COMMISSIONER SHAPIRO: Yes.

17 MS. SCHELLIN: The vote is 5-0-0 to approve final action
18 on Zoning Commission Case No. 20-33.

19 CHAIRPERSON HOOD: Okay. Next, we have time extension,
20 Zoning Commission Case No. 16-13G, JS Congress Holdings, LLC,
21 two-year PUD time extension at Square 748.

22 Mason. I mean, Ms. Schellin?

23 MS. SCHELLIN: He's in the background. Sorry. The
24 Applicant is requesting a two-year PUD time extension. This
25 would extend the deadline to begin construction to June 26, 2023.

1 The only party to this case is ANC 6C. They were served, and
2 they did not provide a response within the 30-day comment period.
3 So this is ready for the Commission to consider action this
4 evening, and this would be final action.

5 CHAIRPERSON HOOD: Okay. 6C didn't respond. Okay.
6 Let's open it up. I think Ms. Schellin teed it up well enough.
7 I don't need to repeat anything. Commissioner May, any questions
8 or comments?

9 COMMISSIONER MAY: No. This -- it's fine.

10 CHAIRPERSON HOOD: Okay. Commissioner Shapiro, any
11 questions or comments?

12 COMMISSIONER SHAPIRO: (Negative head shake.)

13 CHAIRPERSON HOOD: Commissioner Turnbull, any questions
14 or comments?

15 COMMISSIONER TURNBULL: No, Mr. Chair. I think the
16 whole issue with the pandemic and the loss of -- not being able
17 to get the financing to go straight ahead, I think, is reason
18 enough for me to approve this.

19 CHAIRPERSON HOOD: Okay. Vice Chair, any questions or
20 comments?

21 VICE CHAIR MILLER: No. I would like to say I agree
22 with Commissioner Turnbull. Not many times I'll get to say that
23 again.

24 CHAIRPERSON HOOD: Okay. I would agree with everyone.
25 I just need somebody to agree to make the motion other than

1 myself.

2 COMMISSIONER SHAPIRO: Mr. Chair, I move that we
3 approve Zoning Commission Case No. 16-13G, JS Congress Holdings,
4 LLC, two-year PUD time extension at Square 748, and look for a
5 second.

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

8 (No audible response.)

9 CHAIRPERSON HOOD: Okay. Ms. Schellin, would you do a
10 roll call vote, please.

11 MS. SCHELLIN: Commissioner Shapiro.

12 COMMISSIONER SHAPIRO: I vote, yes.

13 MS. SCHELLIN: Commissioner Hood.

14 CHAIRPERSON HOOD: Yes.

15 MS. SCHELLIN: Commissioner Turnbull.

16 COMMISSIONER TURNBULL: Yes.

17 MS. SCHELLIN: Commissioner May.

18 COMMISSIONER MAY: Yes.

19 MS. SCHELLIN: Commissioner Miller.

20 VICE CHAIR MILLER: Yes.

21 MS. SCHELLIN: The vote is 5-0-0 to approve final action
22 on Zoning Commission Case No. 16-13G.

23 CHAIRPERSON HOOD: Does Mason want to come and say hi
24 to us?

25 MS. SCHELLIN: Mason.

1 CHAIRPERSON HOOD: Or is he gone again?

2 MS. SCHELLIN: I've called your name so many times.
3 Come over here. Come on.

4 UNIDENTIFIED SPEAKER: He won't see you.

5 MS. SCHELLIN: Come on. Because I called you when I
6 was yelling for you, I accidentally took it off of mute. Say
7 hello to -- come over. Here you go. Say hi to -- come over.
8 Here you go. Say hi to --

9 CHAIRPERSON HOOD: Hey, Mason. Be nice to us. There's
10 a lot of people listening to this, so be nice to us Mason. Tell
11 us your name, Mason.

12 MS. SCHELLIN: He was yelling your name.

13 CHAIRPERSON HOOD: Tell us -- what's your name, Mason?
14 I want to know -- you tell us your name.

15 MS. SCHELLIN: He's embarrassed. He walked away.

16 CHAIRPERSON HOOD: Okay. All right.

17 MS. SCHELLIN: Mom (indiscernible) --

18 (Cross talk.)

19 CHAIRPERSON HOOD: (Indiscernible.)

20 MS. SCHELLIN: -- so she's feeding him dinner.

21 CHAIRPERSON HOOD: Okay. Well, tell him we're glad
22 that he came and at least showed his face and waved at us.

23 MS. SCHELLIN: Yeah, after all this yelling for him.

24 CHAIRPERSON HOOD: Okay. Next on the proposed action,
25 Zoning Commission Case No. 20-21, Office of Planning Text

1 Amendment to create the Barry Farm (BF) Zones. Ms. Schellin.

2 MS. SCHELLIN: Yes, sir. At Exhibit 1 (audio
3 interference), comments from Ari Theresa on behalf of Barry Farm
4 Tenants and Allies at Exhibits 139 through 141. You have the
5 Preservation of Affordable Housing's responses to that
6 submission. This case is ready for the Commission to consider
7 proposed action.

8 CHAIRPERSON HOOD: Okay. Again, Commissioners, this
9 case will -- this proposed text amendment would create the Barry
10 Farm BF Zones. I think we've hashed a lot of this out a number
11 of times but let me open it up. Any questions or comments by
12 anyone? Commissioner May.

13 COMMISSIONER MAY: I would just say that I, you know,
14 read through all the additional submissions, and I, you know,
15 it's one of these cases where it feels like the Applicant is
16 saying one thing and the folks who are opposed to it are just
17 stating the opposite, and they both state it as a fact. And
18 it's, you know, it just -- I really wish that -- it just -- wish
19 they were able to communicate better to each other, because I do
20 feel like the concerns of the party -- or not the party in
21 opposition, but the folks who are opposed to this, have been
22 studiously addressed in this text amendment and in the
23 establishment of the zones. And yeah, I mean, this is a different
24 way of doing what we had -- a lot of what we had previously
25 proposed doing in the PUD that, you know, isn't happening. But

1 I do feel like the concerns of the folks who were speaking in
2 opposition have been addressed to the greatest extent possible
3 in this text amendment.

4 So I'm prepared to move forward with this on the
5 assumption that by the time we take final action that the 30-day
6 comment period for the Congress for the Comprehensive Plan will
7 have been, you know, will have transpired, and, you know, we are
8 making this decision based on our understanding that the, you
9 know, the NCPC and the Mayor have approved this plan -- so -- or
10 the Comp Plan so that we are in good standing to move ahead.

11 So with that understanding, I'm ready to move forward.

12 CHAIRPERSON HOOD: Okay. Thank you. Commissioner
13 Shapiro.

14 COMMISSIONER SHAPIRO: Thank you, Mr. Chair.
15 Commissioner May, as he often does, captured my sentiments quite
16 accurately and thoroughly. I have nothing further to add. This
17 has been a long-time coming.

18 So I (indiscernible) a fundamental lack of trust from
19 some parties, but I think this is more than ready to move forward,
20 and I'll be supporting it, Mr. Chair.

21 CHAIRPERSON HOOD: Thank you. Commissioner Turnbull.

22 COMMISSIONER TURNBULL: Mr. Chair, I would agree with
23 the comments of my colleagues so far. I think this is the second
24 time or third time we've gone around on Barry Farm, and so I
25 think, you know, with the -- as Commissioner May was talking

1 about, that with the Comprehensive Plan going forward that, as
2 we get finished and get this finalized, this will not be
3 inconsistent with the Comprehensive Plan this time, and the
4 neighbors will have a place to go back to. And I think it's a
5 move in the right direction.

6 So I'm ready to go ahead with this.

7 CHAIRPERSON HOOD: Thank you. Vice Chair Miller.

8 VICE CHAIR MILLER: Thank you, Mr. Chairman. I agree
9 with the comments of Commissioner May and my other colleagues,
10 and I think we have the recommendation from the Applicant that
11 the approval be subject to OP's recommended revision to the
12 language and flexibility for OAG to work with OP on the plan
13 language, and a request that OP file a report at the conclusion
14 of the 30-day time period when the parties that oppose were making
15 a response to us, substantive public comments, and that we also
16 incorporate, by reference, in the record on this case, the
17 parallel map amendment case which we're about to consider after
18 this, 20-24, particularly, the OP report on that case.

19 So I'm prepared to move forward.

20 CHAIRPERSON HOOD: I don't think there's anything left
21 for me to add. I will go back to my initial statement, and I'll
22 probably say -- I will say the same thing in the next case, as
23 well, that the residents need to come back home. And I know that
24 -- I would ask the Applicant and all those who are working through
25 this to, as Commissioner May has alluded to, the opposition and

1 concerns are so far apart, to continue to work -- again, I will
2 -- this is the ask, that you continue to work with the community
3 to give them a comfort level about their return to Barry Farm,
4 'cause this is long overdue. We've been talking about this, I
5 think, since 2014. So hopefully, we'll be able to see the people
6 and return home and have some predictability.

7 That's all I have on that. Would someone like to make
8 a -- any other comments or questions?

9 (No audible response.)

10 CHAIRPERSON HOOD: Would someone like to make a motion
11 on this?

12 (No audible response.)

13 CHAIRPERSON HOOD: Since I have -- does somebody else
14 want to do it?

15 (No audible response.)

16 CHAIRPERSON HOOD: Okay. I move that we approve Zoning
17 Commission Case No. 20 -- just a second -- move ahead. I move
18 that we approve Zoning Commission Case No. 20-21, Office of
19 Planning text amendment to create the Barry Farm (BF) Zones and
20 ask for a conversation and merits of what's in the record as we
21 have it now and ask for a second.

22 VICE CHAIR MILLER: Second.

23 CHAIRPERSON HOOD: It's been moved and properly
24 seconded. Any further discussion?

25 (No audible response.)

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

3 MS. SCHELLIN: Commissioner Hood.

4 CHAIRPERSON HOOD: Yes.

5 MS. SCHELLIN: Commissioner Miller.

6 VICE CHAIR MILLER: Yes.

7 MS. SCHELLIN: Commissioner Turnbull.

8 COMMISSIONER TURNBULL: Yes.

9 MS. SCHELLIN: Commissioner May.

10 COMMISSIONER MAY: Yes.

11 MS. SCHELLIN: Commissioner Shapiro.

12 COMMISSIONER SHAPIRO: Yes.

13 MS. SCHELLIN: The vote is 5-0-0 to approve proposed
14 action on Zoning Commission Case No. 20-21.

15 CHAIRPERSON HOOD: Okay. Thank you. Moving to the
16 companion case, Zoning Commission Case No. 20-24, Office of
17 Planning Zoning Map Amendment from RA-1 zone to the BF Zones for
18 various lots at Squares 5862, 5865, 5866, and 5867. Ms. Schellin.

19 MS. SCHELLIN: Yes, sir. In exhibits 201A(1) through
20 A(4), we have comments from the Preservation of Affordable
21 Housing's community engagement and emails from the Barry Farm's
22 tenants in support of the map amendment. Exhibit 202 is DCHA's
23 relocation and re-occupancy plan. At Exhibit 203, you have the
24 Office of Planning supplemental report. This case, too, is ready
25 for the Commission to consider proposed action.

1 CHAIRPERSON HOOD: Okay. Let me ask Mr. Tondro to
2 come back up. When you pop up, that means something that we
3 didn't do in the previous case, and we need to go back and do
4 that to make sure it's clean. Mr. Tondro.

5 MR. TONDRO: Yes. Pardon me. I just wanted to clarify
6 that in the prior case, in 20-21, that you were also going to
7 adopt the Office of Planning's proposed revision to Subtitle K,
8 Section 1105.4. I believe the Vice Chair may have made that
9 reference, and I may have just missed it, but just in case, I
10 wanted to be clear that it was adopted in the text amendment. So
11 thank you.

12 CHAIRPERSON HOOD: Yes. I think it was. I think he
13 -- let me not speak for the Vice Chair, but I thought I heard
14 you repeat that first; is that correct?

15 VICE CHAIR MILLER: Yes.

16 CHAIRPERSON HOOD: Okay. Yeah. That was included.
17 Okay. Thank you.

18 All right. Okay. So this is the Zoning Map Amendment
19 from the RA-1 zone to the BF zones for various lots and the lots
20 are 5862, 5865, 5866, and 5867. Ms. Schellin has already teed
21 it up. Any questions or comments? Let me go to Commissioner
22 May.

23 COMMISSIONER MAY: Yeah. I won't repeat what I said
24 on the last case, but essentially, the same thing goes there,
25 'cause the text amendment and the map amendment are, clearly,

1 related. And I would just note -- something I didn't say last
2 time around, which is that, you know, in this -- in the map
3 amendment case, in particular, we heard from a lot of folks who
4 are in strong support of us moving ahead with this -- with the
5 map amendment, and that's, you know, I think that also is quite
6 persuasive and a good reason for us to be pressing forward with
7 this as expeditiously as possible.

8 So I'm in favor of moving ahead and am optimistic that
9 all of the right controls are in place and requirements are in
10 place so that the area that's slated to be redeveloped can be
11 redeveloped, and that folks will get to move back home.

12 CHAIRPERSON HOOD: Okay. Thank you, Commissioner May.
13 Commissioner Shapiro.

14 COMMISSIONER SHAPIRO: Thank you, Mr. Chair. The only
15 thing I would say, and Commissioner May alluded to this, but for
16 the record, that if we were to take action on this, we take
17 proposed action with final action to occur only after the updated
18 Comp Plan becomes effective.

19 COMMISSIONER MAY: Right.

20 COMMISSIONER SHAPIRO: That's all I have, Mr. Chair.

21 CHAIRPERSON HOOD: Okay. Great. Thank you.
22 Commissioner Turnbull.

23 COMMISSIONER TURNBULL: I would just -- I would also
24 express the optimism that Commissioner May expressed regarding
25 this particular site. I think it's been a long time coming and

1 | looking forward to progress on the site, especially for the
2 | residents, and especially the returning residents. I think it's
3 | great to see this finally going to happen.

4 | So again, I'm looking forward to moving ahead on this.

5 | CHAIRPERSON HOOD: Thank you, Commissioner Turnbull.
6 | And Vice Chair Miller.

7 | VICE CHAIR MILLER: Thank you, Mr. Chairman. I concur
8 | with my colleagues totally.

9 | CHAIRPERSON HOOD: Okay. Again, I would say the same
10 | thing I said in the last case. I hope that the Applicant and
11 | those parties involved will continue to work with the residents
12 | to make sure it's conducive for them and make a way for them to
13 | come back. But there are some flaws, and I didn't say this last
14 | time, but I'm going to say it this time. But there's some flaws
15 | that need to be corrected. I would ask that you correct them
16 | and work with it so people can just come back home. And that's
17 | all it is for me. I just want the residents to be able to come
18 | back home. As Commissioner May alluded to, they were cheering
19 | and very happy about this process moving forward. And even those
20 | who had opposition, continue to work with them so that the people
21 | can come back home. That's the bottom line for me.

22 | All right. Any further questions or comments?

23 | (No audible response.)

24 | CHAIRPERSON HOOD: Not seeing any, can I entertain a
25 | motion -- ascertain a motion, please.

1 COMMISSIONER SHAPIRO: Mr. Chair, I would move that we
2 take proposed action on Zoning Commission Case No. 20-24. Do I
3 have the right one?

4 UNIDENTIFIED SPEAKER: Yes.

5 COMMISSIONER SHAPIRO: 20-24. Office of Planning
6 Zoning Map Amendment from RA-1 Zone to the BF Zones for various
7 lots at Squares 5862, 5865, 5866, and 5867 and look for a second.

8 COMMISSIONER MAY: Second.

9 CHAIRPERSON HOOD: Okay. It's been moved and properly
10 seconded. Any further discussion?

11 (No audible response.)

12 CHAIRPERSON HOOD: Okay. Ms. Schellin, would you do a
13 roll call vote, please.

14 MS. SCHELLIN: Commissioner Shapiro.

15 COMMISSIONER SHAPIRO: Yes.

16 MS. SCHELLIN: Commissioner May.

17 COMMISSIONER MAY: Yes.

18 MS. SCHELLIN: Commissioner Hood.

19 CHAIRPERSON HOOD: Yes.

20 MS. SCHELLIN: Commissioner Turnbull.

21 COMMISSIONER TURNBULL: Yes.

22 MS. SCHELLIN: Commissioner Miller.

23 VICE CHAIR MILLER: Yes.

24 MS. SCHELLIN: The vote is 5-0-0 to approve proposed
25 action in Zoning Commission Case No. 20-24.

1 CHAIRPERSON HOOD: Thank you. And one of the reasons
2 I always like for different people to make motions, 'cause 20
3 years from now when they look back, they won't just see Anthony
4 Hood's name. They'll see a variation of people who make the
5 motions. And I think that's very important. So that's -- I've
6 never explained that. So I figured, since Commissioner Turnbull,
7 I never explained that. I figure I better do that, 'cause I know
8 I've done that for years. All right.

9 COMMISSIONER SHAPIRO: Mr. Chair.

10 CHAIRPERSON HOOD: Yes.

11 COMMISSIONER SHAPIRO: Did you just say you're going
12 to be on the Zoning Commission in 20 years?

13 CHAIRPERSON HOOD: Well, one thing about the acoustics,
14 you can hear things, but I did not say that.

15 All right. Hearing action -- Mr. Young, can you bring
16 Ms. Thomas up while I read this.

17 Hearing Action, Zoning Commission Case No. 17-08A,
18 Providence Place I, LP, PUD modification of significance at
19 Square 5194. Ms. Thomas.

20 MS. THOMAS: Yes. Good evening, Mr. Chair, Members of
21 the Commission. Karen Thomas with the Office of Planning
22 recommending that the Commission set down the Application of
23 Providence Place, LP, for a modification of significance.

24 This request includes flexibility from the vertical
25 clearance requirement of the approved loading berth for the

1 almost completed 93-unit apartment building on the site of the
2 Progressive National Baptist Church at 50th Street, N.E. And as
3 a reminder, this project includes affordable housing and
4 replacement housing units for some of the residents -- former
5 residents of Lincoln Heights.

6 What happened was that during construction, the loading
7 space became encumbered by a structure (indiscernible) of
8 concrete above the loading area which reduced the current height
9 from 14 feet to 12 feet, 6 inches. DDOT's comments have been
10 requested for the proposed on-street loading area for trucks
11 larger than 12 feet which would not be able to enter the space.

12 The apartment building, which is almost completed,
13 remains consistent with the approved PUD, and the Commission's
14 findings of consistency with the Comprehensive Plan.

15 That completes my recommendation, but I would just like
16 to say to Mr. Turnbull, thank you so much for your service and
17 your thoughtful questions. You will be missed. And all the best
18 in your new adventures. Thank you.

19 COMMISSIONER TURNBULL: Thank you, Ms. Thomas. It's
20 very -- you'll be missed, too. Thank you so much. I've enjoyed
21 working with you.

22 MS. THOMAS: Thank you. Same here.

23 CHAIRPERSON HOOD: Okay. Any other questions of Ms.
24 Thomas or comments of Ms. Thomas. Questions?

25 (No audible response.)

1 CHAIRPERSON HOOD: Okay. So with that, I think is
2 ready to set down. Mr. Turnbull, since this is Ms. Thomas' case,
3 would you take a turn out there? Would you make a motion?

4 COMMISSIONER TURNBULL: Okay, Mr. Chair. Mr. Chair,
5 could we set down Zoning Case No. 17-08A, Providence Place, LLP,
6 PUD modification of significance at Square 5194. Look for a
7 second.

8 CHAIRPERSON HOOD: Okay. I'll second that. It's been
9 moved and properly seconded. Any further discussion?

10 (No audible response.)

11 CHAIRPERSON HOOD: Okay. Ms. Schellin, could you do a
12 roll call vote, please.

13 MS. SCHELLIN: Was that Commissioner Turnbull who moved
14 it?

15 CHAIRPERSON HOOD: Yes.

16 MS. SCHELLIN: Okay. Commissioner Turnbull.

17 COMMISSIONER TURNBULL: Yes.

18 MS. SCHELLIN: Commissioner Hood.

19 CHAIRPERSON HOOD: Yes.

20 MS. SCHELLIN: Commissioner May.

21 COMMISSIONER MAY: Yes.

22 MS. SCHELLIN: Commissioner Miller.

23 VICE CHAIR MILLER: Yes.

24 MS. SCHELLIN: Commissioner Shapiro.

25 COMMISSIONER SHAPIRO: Yes.

1 MS. SCHELLIN: The vote's 5-0-0 to set down Zoning
2 Commission Case No. 17-08A as a contested case.

3 CHAIRPERSON HOOD: Okay. I think the last thing we
4 have is Bruce Monroe Park Morton remand. Can I ask, let's take
5 a five-minute break, and we'll come back in five minutes at 7:09.

6 (whereupon, the above-entitled matter went off the
7 record at 7:04 p.m., and reconvened at 7:09 p.m.)

8 CHAIRPERSON HOOD: I can't -- for some reason, I can't
9 open back up my agenda. But anyway, Ms. Schellin, let's go to
10 Zoning Commission Case 16-11. I believe that's the case number.

11 MS. SCHELLIN: (No audible response.)

12 CHAIRPERSON HOOD: Ms. Schellin, did you hear me?

13 MS. SCHELLIN: I'm sorry. I did not. Sorry.

14 CHAIRPERSON HOOD: Okay. I was wondering. I thought
15 you had vanished. Okay. I was saying could you call Zoning
16 Commission Case 16-11 -- hold on. Never mind. Hold on one
17 second. I'm sorry. I didn't call the case. I don't know why I
18 was waiting on you.

19 MS. SCHELLIN: That's all right. I was thinking I
20 didn't hear you call it. So --

21 CHAIRPERSON HOOD: Yeah. I sure didn't.

22 MS. SCHELLIN: I'm like, what? Did I --

23 CHAIRPERSON HOOD: Okay. Bear with me one second,
24 please. Okay. So for further deliberations, under Section 4 of
25 our agenda, Zoning Commission Case No. 16-11, this is the Parkview

1 Community Partners and the District of Columbia and DCCA, remand
2 of -- as everyone knows, this is remanded back to the Zoning
3 Commission for further clarification in affirming our vote, more
4 or less. And if I said anything wrong, Mr. Tondro will show up
5 and let me know.

6 So Ms. Schellin, you want to call this case for us.

7 MS. SCHELLIN: Yes, sir. So at Exhibits -- the
8 Commission had put out a procedural order advising the type of
9 responses you wanted the parties to submit. And they've been
10 submitted at Exhibits 260 through 264. So it is ready for the
11 Commission to further deliberate on this case this evening, and,
12 if you would choose to do so, then to make a decision.

13 CHAIRPERSON HOOD: Okay. Colleagues, I think, unless
14 I hear otherwise, I would like to proceed, and I would -- 'cause
15 I think we can reaffirm and answer, specifically, some of the
16 questions that have been asked us by the court from their appeal
17 back to us -- the remand back to us that was issued on June 25th,
18 2020. The remand order identified five substantive issues which
19 directed by -- which they've directed us to address before re-
20 evaluating the proposed PUD and explain any reasoning for
21 granting or denying our approval. So they gave us an option as
22 we continue to either reaffirm to -- they left room for us to
23 reaffirm and re-look at, which I'm sure we've already reviewed,
24 and whether we're going to approve it again or deny it. And
25 that's what the courts have sent back to us.

1 They sent five specific things back to us. They want
2 us to take into account the 90-foot-high building which protrudes
3 into neighborhood conservation areas. They want us to take into
4 account the areas adjacent to the western portion of the PUD area
5 from a PUD-designated moderate density residential, not medium
6 density residential, which the Commission -- we're familiar with
7 those terminology. And take into account that the 90-foot-high
8 building and the 60-foot-high building are not generally
9 consistent with, respectively, the medium density commercial or
10 moderate density residential designations in the FLUM. And then
11 the fourth remand back to us was either -- we need to identify,
12 in the record, support for the statement that the senior building,
13 and then its many other apartment houses that have been built as
14 in-fill developments in the area, forego reliance on the
15 consideration that we have made. And then also they are asking
16 us to independently analyze and discuss whether the PUD is
17 inconsistent with the specific policies or would have adverse
18 impacts time (indiscernible) and identify before the Commission.

19 I'll start. I'll just say this, I think that when we
20 started our deliberations in this case, and again, this goes back
21 a while, I think that we had evaluated some of this. Some of
22 this may not have been captured. We commented on it, especially
23 up on Georgia Avenue. We commented on the heights, and I think,
24 while -- I don't know if they look at transcripts, but I believe
25 that we -- and my memory doesn't really help me recall everything,

1 but I think we've looked at some of those things.

2 So anybody have any opening comments, or would you just
3 like to proceed in that fashion.

4 (No audible response.)

5 CHAIRPERSON HOOD: Proceed in like fashion. Okay.

6 So let's take into account the 90-foot-high building
7 that protrudes into the neighborhood conservation area. This is
8 -- okay. I'll start off with Commissioner May. If you have any
9 comments, questions on that.

10 COMMISSIONER MAY: (No audible response.)

11 CHAIRPERSON HOOD: You're on mute, Commissioner.

12 COMMISSIONER MAY: Sorry. I've got too many computers
13 going here.

14 So you know, I believe there's an argument that we can
15 make in the -- well, first of all, I recognize that the court
16 has pointed out these areas where our, you know, what we -- what
17 was written into the order insufficiently explained the rationale
18 of the Commission in supporting the approval of the PUD. There
19 are definitely some issues there, and this one is one in
20 particular.

21 But to me, it is pretty clear that the -- under the
22 Comprehensive Plan at the time, the -- there is flexibility in
23 our interpretation of the maps of the Comprehensive Plan, and
24 when you add to that, you know, 'cause the, you know, the FLUM
25 and the Generalized Policy Map are not zoning maps. That's our

1 job to make them into zoning maps. Those -- there's sufficient
2 flexibility for us to draw the lines the way they need to be
3 drawn. And I think that the, you know, overall, the other
4 policies of the Comprehensive Plan that supported the approval
5 of the PUD went in favor of the interpretation that we landed
6 on.

7 All that being said, I think it is notable that the
8 Comprehensive Plan that has now been approved by Council and has
9 been signed off by the Mayor and by NCPC, and is just waiting
10 Congressional waiting period, you know, fully supports, or more
11 clearly supports an action similar to what was done under this
12 PUD. And I will say, frankly, that part of me doesn't even want
13 to deal with this under the old regulations. I'd rather see it
14 happen as, you know, pursuant to the Comprehensive Plan that we,
15 you know, we will soon be operating under. And this applies to
16 some of the other points.

17 I mean, maybe this is what you were getting at in terms
18 of how you wanted to proceed with the discussion today, but I'm
19 not -- while I believe that we can make the case that this is
20 supportable under the old Comprehensive Plan, I'm not convinced
21 that that's how we should be proceeding tonight.

22 Anyway, that's my thought on the 90-foot building.

23 CHAIRPERSON HOOD: Okay. Let me just interject. What
24 I'm trying to do is plow through what the courts have asked us.
25 While I know we have a new Comp Plan -- and I want to hear from

1 others, too, since Commissioner May brought that up.

2 COMMISSIONER MAY: Yeah.

3 CHAIRPERSON HOOD: But I know we have a new Comp Plan,
4 but I think this Commission and the City had the foresight,
5 anyway, and I think the other policies that come into play which
6 warrant our approval, and which sustains what we had already
7 approved and worked on, I think that -- I may lose my -- my stuff
8 is blinking. So if I go away, Vice Chair, just keep it going.
9 And I'll try to get back. But I think that it's important that
10 we answer the questions of the courts, which is what we have
11 here, because I think when we made the decision, I think,
12 fundamentally, we had all the criteria to make the decisions.
13 And we acknowledged that there are some inconsistencies with the
14 properties and what's on the Generalized Policy Map and what's
15 on the FLUM. I'll acknowledge that, but I think there were other
16 policies that outweigh that. And I'm ready to make that argument
17 back to the court to just make sure we sustain it.

18 I don't think we need to wait. I would not want to
19 wait for something that's coming to us in 30 or 40 days, or
20 however the case may be. But I think what we have in front of
21 us is, argumentatively, defensible.

22 So let me hear from --

23 COMMISSIONER MAY: And I don't disagree with any of
24 that. I just think, you know, it's -- for me it's a question of
25 what's going to be the sustainable decision. What's going to

1 | lead us to a successful resolution most quickly. And getting a
2 | decision, you know, and publishing an order doesn't end the
3 | process, right. We expect that -- I would expect that that
4 | decision will be challenged, and it could be -- it could take a
5 | long time to resolve, and I think that we -- you know, we owe it
6 | to the citizens that we make the decision in a matter that is
7 | not only expeditious, but also is going to stand up when
8 | challenged. So --

9 | CHAIRPERSON HOOD: Well, again, I'm going to rely on
10 | what I have in front of me. I think -- and I understand all
11 | that. I mean, everything -- and people have a right to challenge.
12 | I just don't remember all that opposition that I saw. I thought
13 | we had weighed our options, and I thought we carefully did what
14 | we needed to do to move this to that point.

15 | But let me hear from others. Commissioner Shapiro.

16 | COMMISSIONER SHAPIRO: Thank you, Mr. Chair. I mean,
17 | I'm hearing what both of you are saying. You know, I think that
18 | what the courts have given us is broken down into the two
19 | categories that you mentioned, Commissioner May, discussed,
20 | which is the consistency with the Comp Plan and also asking us
21 | to identify and address potential adverse effects and impacts.

22 | I'm confident that we can address these issues working
23 | with the, not the current Comp Plan, but what the -- what this
24 | was measured against to begin with. I feel like we can go either
25 | way, and either way is going to be defensible. But I am mindful

1 that this has been a long time coming, and I believe that the
2 more efficient -- since both are defensible, as far as I'm
3 concerned, and confidently defensible, I feel like we are better
4 off taking the more efficient route, which is working with the
5 existing -- the Comp Plan that this is compared against, and
6 being very specific with the ways in which we see it consistent
7 with the Comp Plan, and being very specific in identifying and
8 addressing potential adverse impacts, and moving forward that
9 way. I think that's the more efficient way to do it.

10 So that's what I'd be inclined to do. And if we go
11 that route, there's lots of detail that we'd want to flush out,
12 but the information that I see makes me confident that that's the
13 best way to go.

14 CHAIRPERSON HOOD: Okay. Let me just say this. If we
15 go out -- and if any one of us go out, I'd like to finish this
16 tonight. If any one of us go out, we're going to have to -- once
17 the storm passes, we're going to have to come back in. So we'll
18 communicate -- I will communicate with Sharon if I go out, and
19 others, you just communicate through cell or email. But if the
20 power goes out, I would like to finish this tonight. I just
21 wanted to put that out, just in case we disappear.

22 Commissioner Turnbull, do you have any comments?

23 COMMISSIONER TURNBULL: Yeah. This is strange. On
24 first glance, if you look at the PUD, you could say, very -- we
25 could acknowledge that there are what appears to be

1 inconsistencies with the FLUM and the GPM, but that the design
2 that we ended up with, that the Applicant presented, mitigated a
3 lot of those issues. And there are benefits.

4 I think you can't -- we can't look at this simply by
5 one set of eyes, looking at one specific thing, whether it's the
6 FLUM or the GPM. I think you've got to look at the overall aspect
7 of what we got with the plan, the mitigations that were put in
8 place to alleviate some of the apparent inconsistencies with the
9 Comp Plan. And I think that we did -- shadow studies were done,
10 and I think the overall benefit package is enough to put this
11 over the edge, that this is actually a wonderful plan. And I
12 think we could make -- we could go through it bit by bit and come
13 up with a -- I don't want to call it a defense, but we could
14 explain better exactly what is in the plan and how it meets --
15 it truly does meet the Comp Plan.

16 I'm not sure what else you want to go forward on.

17 CHAIRPERSON HOOD: Okay. Well, thank you. Vice Chair
18 Miller.

19 VICE CHAIR MILLER: Thank you, Mr. Chairman. Yeah. I
20 may go out any minute, because it looks like a Cat 5 hurricane
21 outside. It doesn't look like it may be behind me, but in front
22 of me, it does. Anyway, although I have never been in a Cat 5
23 hurricane, so maybe I shouldn't compare it to that. I've been
24 in a Cat 2 hurricane.

25 Anyway, I agree with everything that my colleagues and

1 you, Mr. Chairman, have said. The court, as usual, has laid out,
2 when they've remanded and vacated our occasional decisions, a
3 roadmap as to how we can cure them, and I think we -- I agree
4 that we could cure them through a better articulation of how the
5 project -- the development -- this new community's development
6 from the Park View, Bruce Monroe -- former Bruce Monroe Elementary
7 School site, meets the Comprehensive Plan policy, and how the
8 adverse impacts are mitigated, outweighed -- are mitigated or
9 outweighed by other Comprehensive Plan policies.

10 But I strongly feel that the Council and the Mayor,
11 partly as a result of this case and other cases that have been
12 challenged before the D.C. Court of Appeals, took action, both
13 in the framework element of the Comprehensive Plan two or three
14 years ago, which became effective one to two years ago, and in
15 the land use element and other elements of the Comprehensive
16 Plan, which were just adopted a few months ago -- a couple months
17 ago, and the Mayor and Council had amendments in both of those
18 Comprehensive Plan enactments -- the last one is waiting
19 Congressional approval, as you referenced, and others have
20 referenced, which will become effective by late September or
21 early October, at the earliest -- at the latest, and Congress has
22 never overturned a Comprehensive Plan legislation. They hardly
23 ever overturn any legislation. They have other ways of knowing
24 our affairs that they don't need to get a -- need to use the
25 Congressional review and enactment process to do that.

1 So the framework element of the Comprehensive Plan was
2 amended by the Council two to three years ago, became effective
3 two years ago, which changed the way you evaluate the density
4 designations in the Comprehensive Plan, so they're not tied to
5 heights and stories, which is a lot of what this court opinion
6 and the opponents' arguments is all based upon, as opposed to
7 density. You have the nine-story building, the six-story
8 building, that was all taken out of the framework element as to
9 how you would analyze the density designations to make it,
10 instead, a density FAR designation -- evaluation, and this
11 project clearly falls within the FAR designations.

12 We, obviously, approved this 5-0 four years ago, I
13 think, and we made an argument as to how it met the Comprehensive
14 Plan policies at that time. But the Council and the Mayor have
15 taken action twice, now, in the framework element amendments two
16 years -- three years ago that changed the way you look at density
17 designations to look at FAR instead of stories and heights. So
18 that's, kind of, thrown out as -- all those arguments in this
19 case, and also emphasized, in that framework element, affordable
20 housing as a major priority, relocation assistance as a major
21 priority, minimizing displacement, build first, all of which is
22 in the PUD order of this case, which is why I believe that the
23 Mayor and Council took action in the framework element two years
24 ago.

25 And then just this past few months, the Council changed

1 other elements of the Comprehensive Plan, the density
2 designations, to increase it on this site from the moderate to
3 medium to get rid of the conservation -- neighborhood
4 conservation area designation where it was impeding the
5 development of this development. That is what the Mayor and
6 Council did in the Comprehensive Plan, which our zoning is
7 required to be not inconsistent with.

8 Yes. I think we can make a case to make -- that the
9 development of this project fits within the pre-existing
10 Comprehensive Plan, 'cause we approved it, and we can make a
11 better articulation of all of those arguments, but the Council
12 and the Mayor, in their recent amendments over the past couple
13 years, not just for this case, but for other cases, responding
14 to the PUD challenges that we've had to deal with, made changes
15 to the Comp Plan. And so -- and that's going to become -- and
16 the Mayor and Council have approved it, and NCPC has approved it,
17 and it's going to become effective late September or October
18 making it more clearer than ever that this development fits the
19 Comprehensive Plan policies.

20 So I really do not want to proceed, personally, tonight
21 with evaluating this project only on the 2011 Comprehensive Plan
22 that we originally evaluated this project. I think we could
23 argue again, better, obviously, since it was remanded, vacated,
24 that it may -- that Comprehensive Plan, but the Council and Mayor
25 made changes to specifically make clear that this project should

1 go forward.

2 So I want to wait -- I'd like to wait two months --
3 that's all we're talking about, late September, early October,
4 and just make it clean, that we are approving this development
5 because that is the policy of the District of Columbia Government
6 in the -- as articulated through the Comprehensive Plan with
7 which our zoning should not be inconsistent. We don't need to
8 argue the past. It's been four years. That's going to be -- if
9 we approve it, better articulating the previous decision, that
10 will be appealed yet again, and maybe the new decision will be,
11 too, but it will be on a lot firmer ground, as the Council and
12 Mayor recognized, by making those amendments to justify this
13 development going forward.

14 So I would like -- I think if you, Mr. Chairman, want
15 to approve this and better articulate why it meets all of those
16 five concerns that were in the D. C. Court of Appeals decision,
17 which we asked all the parties over a year ago to respond to,
18 which they did over a year ago, or a year ago, but I think we
19 might as well wait a couple of months and just make the decision
20 based on the existing Mayor and Council, NCPC approved
21 Comprehensive Plan that makes it absolutely clear that this
22 development meets the policies and goals of the City as
23 articulated in the Comprehensive Plan.

24 So that's where I am. I am sorry I'm rambling and then
25 maybe expressing my frustration. This is a case that was filed

1 five years ago by the Executive and Private Development Partner
2 to provide new community replacement quality affordable housing
3 for public housing residents and mixed income units for
4 additional housing residents, retaining all that -- retaining and
5 enhancing the Parks and Recreation Open Space that is in that
6 Parkview neighborhood which was just a temporary -- maybe that's
7 -- yeah -- retain -- half of the site in Parkview will be Parks
8 and Recreation Open Space, and I think it will be a lot better
9 than what's currently there. I played on those tennis courts.

10 I would encourage us to move forward after the parties
11 -- all of the parties -- and the parties in opposition a year
12 ago asked for a new public hearing on this case. I'm not sure
13 that's necessary, but I think since we have this time until the
14 Comp Plan becomes effective, 'til late September or October, to
15 ask the parties to -- they responded to the five discrete
16 conditions, concerns of the D.C. Court of Appeals that we asked
17 them to respond to, and I appreciate all their work in responding
18 to that, and I've looked at that. I think we now should ask them
19 to, maybe, respond to the Comprehensive Plan changes that are in
20 a -- both in the framework element and the land use element, and
21 other elements that affect this case, and receive that -- we
22 don't necessarily have to have a public hearing and have umpteen
23 hours of hearings, 'cause we've had umpteen hours of hearings
24 already on this case, but I'm not averse to that if that's what
25 will prevent this project from being delayed any further.

1 I think we should decide this case based on the new
2 Comprehensive Plan that, clearly, more clearly says that this
3 project development is what is consistent -- not only not
4 inconsistent, but consistent with the Comprehensive Plan policies
5 and objectives.

6 Thank you, Mr. Chairman.

7 CHAIRPERSON HOOD: Okay. Thank you. Again, I guess
8 we have to call this for a vote. I understand there are two ways
9 -- two approaches, and I get it, I understand it. But this
10 Commission made a decision some years back. It was sent to the
11 court -- I don't need to give you the history, you already know
12 it. It was sent to the Court for us to answer five things. We
13 were confident in what we did then; we're confident in what I
14 think we're doing now.

15 I'm not trying to read the court, because if we answer
16 their five now, send it back to them better addressed, it's fine.
17 If we wait and try to come up under the new Comp Plan, we're
18 still going to -- might be in the same place. So to say that
19 the valve is released then because it's already been decided,
20 which we know it has, but I think our decision -- this Commission
21 had the foresight to do the necessary recommendations and the
22 setbacks, and we acknowledge -- and we will acknowledge that this
23 is not consistent with some things, but there are other policies
24 that outweigh. What we're looking at is just a small piece.
25 There are other policies that outweigh everything that we've done

1 | in this case. And that's where we put our strength to that.

2 | And I'm ready to at least let the courts know, 'cause
3 | for me, perception becomes reality. If we take the other way
4 | out, they'll say, well the Zoning Commission -- well, I don't
5 | know what they may say. Let me not put words in -- 'cause I
6 | never know what the courts are going to do.

7 | But I think that we have defensible arguments,
8 | defensible criteria that we can better respond to what's being
9 | asked of us, because it's already there. There's only five
10 | things. We acknowledge that the filing inconsistencies -- we've
11 | said that. But we've acknowledged that the 90-foot and the 60-
12 | foot buildings are taller than -- for the GPM and the FLUM
13 | designation in two courses of the property, but we also
14 | acknowledged that there were setbacks in the density and what we
15 | were trying to achieve. We acknowledged all of that. It was
16 | set back, I mean, it was high on one end and a step down on the
17 | other side. So we acknowledged all that. We just need to put
18 | that in the response back to the courts. Or do we send them back
19 | something -- or don't send them back anything, and we'll move on
20 | another thing?

21 | I think what we have is defensible. I think -- and I'm
22 | not waying what will happen, 'cause again, I can't predict it.
23 | I hear what the Vice Chair is saying. I hear what Commissioner
24 | May is saying. I don't necessarily, remember everything
25 | Commissioner Turnbull -- I think he could go either way if I'm

1 not -- and I also hear what Commissioner Shapiro is saying.

2 So I'm -- that's what my comments are. I don't know
3 if you have additional comments to that. I hear what you're
4 saying, Vice Chair and Commissioner May, but I think we have
5 something in front of us, and I think we need to respond, even
6 though it's been a while, it's unfortunate. We are in the middle
7 of something trying to get something accomplished. That's
8 basically where we are.

9 So that's all I have on that, but you know, if we have
10 to put it up for a vote on how to proceed, then we'll just do
11 that.

12 Vice Chair Miller.

13 VICE CHAIR MILLER: I agree with you totally, Mr.
14 Chairman, that our previous decision was defensible, and we can
15 better articulate how it's defensible under the existing -- under
16 the pre-existing Comprehensive Plan and how we can acknowledge
17 the inconsistencies and show how those pre-existing policies
18 outweighed. But you know, the court took God knows how long,
19 three years to overturn our decision. We took a year from the
20 court's decision to today to respond. I think we can take three
21 months and just make -- and use the arguments that the Council
22 and the Mayor gave us for this type of case, precisely, and clean
23 and -- not open up to necessarily a public hearing, ask the
24 parties -- there's time right now, ask them to respond to the
25 framework element changes a couple of years ago in the Comp Plan

1 and the land use element and other changes in the Comp Plan that
2 were specifically designed to accommodate this development and
3 other developments, frankly, that were overturned by the D. C.
4 Court of Appeals.

5 So --

6 CHAIRPERSON HOOD: Let me --

7 VICE CHAIR MILLER: I can support -- I think it's
8 defensible. I wouldn't have voted for it four years ago, was
9 it, I'd like to go forward better and articulate better why it's
10 -- with the rationale as to why, acknowledging the
11 inconsistencies and how it outweighs other policies of the Comp
12 Plan, but the Council has added new policies that give us even
13 more arguments. And they've changed the density; they've upped
14 it at this site. And they took away the conservation area and
15 the problematic area.

16 I don't see, after four -- five years, when this --
17 after five years when this case was originally filed, why we
18 can't wait two and a half months and just make it a clean
19 argument. Unless, as you said, we can't keep the case going --
20 I don't think we need to have a public hearing. I would like to
21 have the parties, maybe, to have an opportunity to respond to
22 what the Council and Mayor have done and why they don't think
23 that that still doesn't -- parties in opposition, why that still
24 doesn't allow it to happen, or it's so inconsistent.

25 But I'm willing to wait two and a half months after

1 five years from this (indiscernible), I mean, there's so many
2 arguments that we've been given to argue more than what was in
3 the preexisting Comp Plan.

4 CHAIRPERSON HOOD: Okay. Commissioner Shapiro.

5 COMMISSIONER SHAPIRO: Yeah, and I appreciate that
6 argument. It's actually -- it's swaying me, and in part, because
7 I am looking for -- I feel like we're -- we can confidently defend
8 this either way, and I'm mindful of what you said, Vice Chair
9 Miller, that it actually might be more efficient to open this up,
10 as you're describing it.

11 But I'm curious about -- and maybe we have the answer.
12 We may need to ask Mr. Tondro of the Office of Attorney General;
13 can we go that route? Does our -- do our rules and regs allow
14 us to open this back up in that, kind of a limited way without a
15 public hearing? If we're benching this against the, what we
16 assume will be the new Comprehensive Plan in October or so. Do
17 we know the answer to that?

18 CHAIRPERSON HOOD: So I'm going to bring Mr. Tondro
19 back up. I hear what the Vice Chair and Commissioner May and
20 others have said, but my fundamental issue is -- probably some
21 of it's outside of the zoning, because, number one, Mr. Turnbull
22 heard the case, and this is, you know -- so that's one thing for
23 me. The other thing -- that's why I'm ready to fight with what
24 we have. Number two, 'cause I don't believe, and that's what -
25 - and I'm letting Mr. Tondro -- I'm saying this so he can respond

1 | to this, I don't believe we can incorporate the new Comp Plan
2 | without hearing from the residents. I just fundamentally don't
3 | think, to me, it doesn't qualify for me to pass a test, because
4 | we have new requirements that people have to respond to. So I
5 | don't know if it's a legal statute where we don't have to, because
6 | we've heard the case, and I agree with the Vice Chair, there's
7 | one element for us to add to the argument, but we would have to
8 | go back to hearings, I believe, which -- I don't know. I don't
9 | know. Let Mr. Tondro -- you heard my response; you've heard the
10 | response from all of us. Could you add something to all of that
11 | for us.

12 | MR TONDRO: Yes. I think -- it would certainly --
13 | since the new Comprehensive Plan would be a standard by which you
14 | are evaluating the PUD, I think there would have to be the
15 | opportunity for the parties, at the very least, to respond to how
16 | they would evaluate that. And that's, as the Vice Chair had
17 | indicated, was his suggestion. I think that the Commission has
18 | that authority, should they want to, to do that. I'm sure that
19 | could also be challenged, but everything can be challenged.

20 | I will make one note just to -- of clarification, that
21 | the Comprehensive Plan amendments that were just adopted and are
22 | awaiting Congressional review, clearly change the FLUM that would
23 | address the large part, if not all of the issues raised by the
24 | Court of Appeals' remand. They did not change the Neighborhood
25 | Conservation Area Designation directly, but it did so indirectly,

1 | because that relies on the FLUMs. I -- just as a point of
2 | clarification. So I apologize for that. I don't --

3 | VICE CHAIR MILLER: On that, Mr. Tondro, on the -- I
4 | thought on the framework element that Council made changes to how
5 | a Neighborhood Conservation Area could be even more easily
6 | developed than previously in policies -- pre-existing policies
7 | in the framework element before two years ago.

8 | MR TONDRO: Yes. I apologize. You are correct. I
9 | just want to make it clear that -- just that the mapping of the
10 | general policy -- of the GPM had not changed. That was all, just
11 | a clarification. But I agree with you, yes. The framework
12 | element had changed a number of different issues, including what
13 | you're talking about. Yes.

14 | CHAIRPERSON HOOD: So Mr. Tondro, let me just ask this.
15 | So I hear you backing what the Vice Chair said about going to
16 | the parties, and you said that it could all be challenged. The
17 | challenge now will become that we didn't open it up to the public
18 | for the public to comment. I mean, am I making sense?

19 | Now, again, as Commissioner May alluded to earlier, and
20 | I'm using my lawyer hat now, not my architectural hat, I'm using
21 | my lawyer hat. I just -- so I just see it -- I, you know, the
22 | problem that I think we're faced with is we're trying to figure
23 | out to get something done as the City has already, basically,
24 | directed us, but I still think we can defend this, but I do take
25 | heed to what the Vice Chair and what Commissioner May have said.

1 | But I just think we're going to have to have other hearings. I
2 | may be wrong in that, and I don't have a problem with it, but
3 | how much more are we going to now add to the time? But anyway,
4 | and five years, I guess it's not much.

5 | Commissioner May.

6 | COMMISSIONER MAY: I just wanted to ask Mr. Tondro, who
7 | disappeared, whether he thought that if we did have a hearing,
8 | whether we could limit the scope of the hearing so that we did
9 | not have to subject everyone involved into days and days of more
10 | hearings on this. Will we be able to, I don't know exactly how
11 | we would limit the scope, but just, basically, you know, focus
12 | it on how the changes to the Comp Plan have affected the basis
13 | for any decision in this case?

14 | I see a lot of nodding by Mr. Tondro. Yeah.

15 | MR. TONDRO: Yes. Commissioner May, yes, that's right.
16 | I meant to say that before I disappeared. I'm sorry, but yes,
17 | that certainly -- if you did want to go forward, I would suggest
18 | that, both for the parties but also, then, if you wanted to open
19 | it up for the public, which is probably a good idea, but in both
20 | cases, to absolutely be clear, then, to police it that all
21 | responses must be limited just to this aspect, which is how does
22 | the new Comprehensive Plan, both -- and I think it's both the
23 | framework element, which is already effective, as well as the
24 | rest of it that is -- that should be effective by the end of
25 | September, how that changes the evaluation or the recommendations

1 to the Commission on whether or not they should approve the PUD.

2 COMMISSIONER SHAPIRO: But Mr. Chair, I mean,
3 practically speaking, that's not -- it may be in words a limited
4 scope hearing, but all we're doing is saying weigh in on whether
5 you think this is not inconsistent with the Comp Plan and FLUM.
6 That's what we do every day.

7 COMMISSIONER MAY: Well, but it's --

8 COMMISSIONER SHAPIRO: I don't see how that's limiting
9 the scope, practically.

10 COMMISSIONER MAY: It wouldn't be a complete
11 reiteration of the entire case that would then be subject to
12 cross-examination, right.

13 COMMISSIONER SHAPIRO: Right.

14 COMMISSIONER MAY: And you know, the Chairman can rule
15 on whether comments are relevant to the limited scope of the
16 hearing, right, and make sure that people stay focused on it. So
17 yeah. I mean, it's -- is it going to mean that it's going, you
18 know, take two hours instead of 20 hours, no, but is it going
19 to, you know, it might cut the time in half.

20 And I, personally, am in favor of doing that, 'cause
21 I, you know, I think this actually would be a really good case,
22 not just to -- a good way to resolve this case, but I think it
23 paves the way for people to understand the broader implications
24 of the Comprehensive Plan changes and what it means for other
25 cases, as well. So I think it's actually worth going through

1 | this exercise rather than just, sort of, doing, you know, the
2 | immediate quick work and hoping that it prevails. I think it's
3 | better to have this out and have it out in public and go through
4 | it, even if it means multiple hearings, and make a really sound
5 | decision that will resonate in other cases, as well.

6 | COMMISSIONER SHAPIRO: So that, for me, though, that
7 | would be an argument for not limiting the scope, but just having
8 | it out.

9 | COMMISSIONER MAY: Well, but again, limiting the scope
10 | means not having to go through the regular order of the Applicant
11 | making the, you know, presenting the case in full detail and
12 | having the Office of Planning, you know, make their case in full
13 | detail. It means not having to -- and as I recall, we didn't
14 | have issues with -- that were raised in the -- certainly not in
15 | the remand, having to do with traffic impacts, for example, so
16 | we wouldn't have to go into that in great detail. So I think
17 | there is some utility of limiting the scope.

18 | COMMISSIONER SHAPIRO: Okay. That's logical.

19 | CHAIRPERSON HOOD: We have, fundamentally, done this
20 | previously, but I can assure you, at least as long as I'm around
21 | in the chair, if people want to get up and talk about traffic,
22 | they're going to be able to talk about traffic. This City is
23 | the most inclusive city that I've been around or been in -- the
24 | only one I've lived in, but one of the things I -- only one thing
25 | I will say, when I talk to other people around the City is you

1 all have other people in other cities. My Board tells me, we
2 don't get input, it's there when we look up. So I have to applaud
3 the District of Columbia -- I've said this more than once, applaud
4 the -- I'm sure they have some type of scheme, she may just not
5 be in tune to it, but I will just tell you that if residents come
6 down and we don't have traffic on the agenda and they want to
7 talk traffic, I'm sorry. Anthony Hood is going to let them --
8 I'm going to try to keep it focused, but I'm going to let them
9 talk traffic, because that's what's on their mind, and that's
10 what they -- that's what we're here for, to listen and to hear
11 it. Now, I'll do the best I can, but sometimes, as you know when
12 we try to limit things, we spend more time on limiting than we
13 do to just let them go ahead and speak. We can explain to them,
14 but they can tell us what's ever on their mind, on their heart.

15 So that's just where I am. So if we go in this
16 direction -- I'm starting to buy into it. I still think this is
17 the defensible. I think we have enough argument here. I don't
18 think that we -- I want to show the court that our decision is
19 sustainable, and I want to answer their questions, but if I'm
20 hearing that we want to wait, I will acquiesce, with hesitation
21 and reservation to going that route, but I'm not sure if others
22 agree with that, as well.

23 Commissioner May.

24 COMMISSIONER MAY: Yeah, Mr. Chairman, I think we all
25 agree with you. The decision was defensible, and we could make

1 that case. What we are looking for is the path that's going to
2 be -- going to give us greater certainty. Because this is not
3 about, you know, making decisions. We don't, you know, the result
4 here has to be about getting the project built. Right. It's
5 not just about whether we make a decision, and we hand it off to
6 the court for their work or, you know, to the parties to do
7 whatever they're going to do with it. This is about getting it
8 built. And I think that the path that gets it built fastest is
9 the one where we do this hard work up front.

10 And I do, actually, think that, Mr. Chairman, you can
11 help people focus. That's the word you used. I think you can
12 help people focus if we do a limited-scope hearing.

13 CHAIRPERSON HOOD: Okay. The next thing is how fast
14 can we get this done? And I'm asking Ms. Schellin and Mr. Tondro,
15 how fast can we move on this?

16 I think, though -- I, you know, when the courts keep
17 giving you back everything, sometimes you got to give them back
18 something and, "Okay, this is our rationale."

19 Maybe, you know, and I agree, it's not just about making
20 a decision, but I want -- I know that this Commission worked
21 hard, not just in this case, but other cases, and I know there
22 are a lot of times some of the things that we say in the transcript
23 might not necessarily get translated, because we do evaluate, and
24 we do a lot of evaluations. Some things don't get captured. And
25 I'm not pointing the fingers at anybody, but I'm just -- my point

1 is that some of the things that we have -- when it comes back to
2 us, and I say, "Wait a minute. I thought we talked about that."
3 But some of the things didn't get -- don't get captured, and my
4 only fundamental issue is I want to show the court that the
5 Commission does their job. I'm not trying to prove nothing to
6 them, but I just want to show them that we did our due diligence.

7 Commissioner Shapiro.

8 COMMISSIONER SHAPIRO: Yeah, I know, I'm just, kind of,
9 shifting a bit, 'cause I'm thinking what Vice Chair Miller -- I
10 think it was Vice Chair Miller, said about that the way that --
11 no, it might have been Commissioner May, the court gave us this
12 roadmap for how we are to take up this case with the remand. And
13 the roadmap is quite clear. So why not respond to what they're
14 saying?

15 COMMISSIONER MAY: I don't know. I agree and appreciate
16 the idea of the roadmap, but I'll tell you, I've tried to follow
17 the court's roadmaps, not necessarily in the Zoning Commission,
18 in the past, and they don't always agree with their previous
19 guidance, right. I mean, I just -- I think --

20 COMMISSIONER SHAPIRO: I hear you.

21 COMMISSIONER MAY: -- that's a gamble. And I think
22 we're --

23 COMMISSIONER SHAPIRO: But I think if you look at the
24 more recent record with our more recent orders and remands, it
25 feels like, and maybe this is my fantasy, but it feels like that

1 | that conversation we've had before is happening in a clearer and
2 | healthier way.

3 | COMMISSIONER MAY: Yeah, I don't disagree with that
4 | idea, but again, I'm -- I do think -- I do feel very strongly
5 | that Vice Chair Miller is correct, that we should take this full
6 | on, in light of the Comp Plan, because it does -- it just is a
7 | much stronger foundation for, you know, getting to a decision
8 | that's going to lead to the construction of the project.

9 | CHAIRPERSON HOOD: So it seems like Commissioner
10 | Shapiro was leaning back towards let's go with this, and then I
11 | seem like I was leaning back towards let's go that way. But I'm
12 | telling you, I'm still ready to fight it. I think we have enough
13 | evidence to give back to them.

14 | I guess what I'm trying to do is to figure out the path
15 | forward. I think -- I don't mind having the hearings. I don't
16 | mind the limited scope, but if somebody wants to talk about
17 | traffic, I'm sorry. And I'll try --

18 | COMMISSIONER MAY: That's okay.

19 | CHAIRPERSON HOOD: I'll try to get them back, but people
20 | want to come down, and they want to be heard.

21 | COMMISSIONER MAY: Right.

22 | CHAIRPERSON HOOD: I'll ask them -- like we've done.
23 | These are the three things; they might have three other things.
24 | We're going to hear those. I'm just saying that up front.

25 | COMMISSIONER MAY: Okay.

1 UNIDENTIFIED SPEAKER: Okay.

2 COMMISSIONER SHAPIRO: Yeah, but I mean, that's why I'm
3 saying that, respectfully, what you're saying is the idea of
4 limited scope is a fantasy. And it's okay. Right. But I just
5 think that the reality of this, either we're going to have a
6 hearing or we're not going to have a hearing. So I'm not so
7 worried about the limiting of the scope. There may be some value
8 to that.

9 CHAIRPERSON HOOD: Yeah. And I think we could start
10 off with that criteria. I'm not saying I'm against a limited
11 scope. I think we should have a limited scope, but residents
12 want to be -- I put myself, when I testified in front of the BZA
13 years ago, I probably didn't come in and talk about what they
14 wanted to hear. I talked what I wanted to say, you know, not
15 -- and I'm using myself, now, as an example.

16 So anyway, Commissioner Turnbull.

17 COMMISSIONER TURNBULL: Well, I won't be here, but I
18 just think that, going forward on this, if you have people coming
19 in in opposition, different parties that were opposed before are
20 going to be in opposition, are you concerned about the other
21 things that are going to come into the mix than went into it
22 before, and is that going to throw a monkey wrench into trying
23 to answer the court on the five issues that you're given? I
24 mean, I'm just concerned that you're going to end up with a
25 hodgepodge of more issues coming up. Maybe not, I don't know.

1 I'm just throwing that out.

2 COMMISSIONER MAY: Frankly, I would say that we're
3 likely to have greater expressions of support to moving forward
4 with the project if we have a hearing given all of the ways that
5 the world has changed since we had these hearings before, and I
6 think that the expressions of the public across the City and
7 their support for seeing, you know, more affordable housing, and
8 -- I just -- I feel like the momentum is behind getting, I mean,
9 is going to help move projects like this forward given the way
10 the world has changed and the way the City has changed in the
11 last couple of years.

12 So I mean, yeah, I think there might be new things that
13 come up, but I think they're actually going to be supportive of
14 making this decision.

15 CHAIRPERSON HOOD: I think Commissioner May is right.
16 Now that I think about it, there's one element that we did not
17 deal with in this case, and that was the racial equity component.
18 I think that would be the showstopper for me, to proceed in this
19 fashion, with everything else that comes in with it. I have no
20 problems with that. I think that's one of the pieces that were
21 not evaluated, I don't believe, that we, at least, took into
22 consideration. And now we have those two offices, and I plan on
23 leaning on them until I'm told, again, that they don't work for
24 us.

25 So Ms. Schellin and Mr. Tondro -- let me see. Anybody

1 | else have any further comments on this? We can keep talking
2 | about this, 'cause I might go back to when we defend it, 'cause
3 | that's kind of where I am.

4 | VICE CHAIR MILLER: I just want to say that this has
5 | made the case for Commissioner Turnbull not to retire.

6 | CHAIRPERSON HOOD: You might stick around two or three
7 | more months so we can get through this case.

8 | Ms. Schellin, I mean, how do we work the dates? And
9 | Mr. Tondro and Ms. Schellin, if you all could help out with this.

10 | MS. SCHELLIN: Well, I just did a quick look at the
11 | Regs, and a further hearing, typically, only requires a 14-day
12 | notice, but that's usually only to the parties, and it sounds
13 | like you want to open it up to everybody, if I'm hearing
14 | correctly.

15 | CHAIRPERSON HOOD: Well, let us have that discussion.
16 | Isn't that the right thing to do? I mean, do we have to, but
17 | isn't that the right thing to do?

18 | COMMISSIONER SHAPIRO: Mr. Chair, this is where I get
19 | frustrated. "The right thing to do" is to use the most -- we
20 | believe in this case and this project, right. So the right thing
21 | to do is what's going to get this thing built as expeditiously
22 | as possible. I'm less worried about whether we're going to do
23 | right by the public to make sure that everybody gets their voice
24 | heard again, 'cause I think we did right when we did this the
25 | first time and voted for this case.

1 CHAIRPERSON HOOD: So let's expand on that. So let's
2 expand on this, Commissioner Shapiro. When I say, "Right thing
3 to do," -- well, that's my Alexa telling me what to do, but when
4 I say "the right thing to do," I think that this City has set
5 the groundwork for public input. And I applaud the City for
6 that, and I don't want to be (indiscernible) out people's input.
7 Now, I mean, I think even me, I think people want to have input.
8 And the City's going to be told that the Zoning Commission cut
9 us out, and that -- and I'm -- and the headline will be "Anthony
10 Hood Cut Us Out." They won't say "Zoning Commissioner."

11 So I -- that's just where I am. I just think we have
12 to open it up for everybody. I'm sorry.

13 COMMISSIONER MAY: Yeah.

14 CHAIRPERSON HOOD: That's the right thing to do. I
15 feel good about that. Let me hear from others on that.

16 COMMISSIONER MAY: I'm fine with that, and I have a
17 different perspective from Commissioner Shapiro on what the right
18 thing to do is in this circumstance, which is not, you know,
19 because, again, I feel like this -- having a hearing and going
20 through the process and doing the hard work now is actually a
21 more certain course to ultimate success. So, but yeah. I'm fine
22 with having, you know, an open hearing and trying to limit the
23 scope.

24 CHAIRPERSON HOOD: Okay. And Commissioner Shapiro, I
25 don't guess I answered your question to your satisfaction, but

1 that's just what I believe. All right. Anybody else have any
2 questions or comments?

3 I still think the right thing to do, though,
4 Commissioner Shapiro, and I know you -- what you said about the
5 right thing to do, is to answer the court's questions. That's
6 the right thing, but we are --

7 COMMISSIONER SHAPIRO: Mr. Chair, I agree. You have
8 my vote for that.

9 MS. SCHELLIN: So in that case, given the normal notice
10 period, you're going to get a hearing in November.

11 COMMISSIONER MAY: Because of available dates or
12 timing?

13 MS. SCHELLIN: Timing and dates.

14 COMMISSIONER MAY: Why -- well, what if we looked at
15 other dates.

16 VICE CHAIR MILLER: Because the hearing could be before
17 the effective date of the legislation.

18 MS. SCHELLIN: That hasn't got anything to do with it.
19 It's -- we don't count August, even though that case has not been
20 put in effect. We don't count August. So you've got, I mean,
21 basically -- first of all, I noticed that a procedural -- well,
22 not even a procedural order, a public hearing notice. Somebody,
23 you know, that's got to be prepared. I don't know how long it
24 will take to get that prepared. Then it has to be published.
25 (Audio interference) in September, and we need at least 40, and

1 I believe the ANC Act -- that COVID rule is still in effect, so
2 is that 51 days that they get, Max, notice, or is that just notice
3 before final action?

4 MR. TONDRO: That's notice before final action, and I'm
5 not -- I think that that is no longer applicable. I'd have to
6 double check.

7 MS. SCHELLIN: Okay.

8 MR. TONDRO: But either way, that's before final
9 action, so I don't think that would apply.

10 MS. SCHELLIN: No. Okay. So 40 days. So that puts
11 us around the third week of October, maybe the fourth week,
12 depending on when it gets published, and that -- we've got October
13 25th open as of today, but again, depending on when it gets
14 published.

15 CHAIRPERSON HOOD: Let me ask this. Let me ask this.
16 Can we have it so we can -- that's the earliest date, October
17 25th?

18 MS. SCHELLIN: Depending on when it gets published. If
19 it gets published very soon, yeah.

20 CHAIRPERSON HOOD: What's the date that it needs to be
21 published for October 25th? What is it, one, two weeks?

22 MS. SCHELLIN: Yes.

23 CHAIRPERSON HOOD: So Mr. Tondro, can we have the --
24 who does the hearing notice?

25 MS. SCHELLIN: Mr. Tondro.

1 CHAIRPERSON HOOD: Okay. Then can we have that done
2 within a week or two or whatever the -- so we can have the hearing
3 for October 25th?

4 MR. TONDRO: Absolutely. I'll do all that I can to get
5 it to Ms. Schellin by -- submit it no later than Wednesday, and
6 I'll try by tomorrow.

7 CHAIRPERSON HOOD: Wednesday of this week?

8 MS. SCHELLIN: That would be nice, 'cause I'm out
9 starting Thursday for vacation for that and another week.

10 MR. TONDRO: So it will happen.

11 CHAIRPERSON HOOD: So okay. So October 25th is when
12 we're looking to have this.

13 MS. SCHELLIN: Okay.

14 CHAIRPERSON HOOD: Mr. Shapiro.

15 COMMISSIONER SHAPIRO: For what it's worth, I have a
16 long-standing obligation, and I'm not available on October 25th.

17 COMMISSIONER MAY: What about the 26th, the Tuesday?

18 COMMISSIONER SHAPIRO: I'm gone that week. I can do
19 the week before.

20 COMMISSIONER MAY: Can we get it by the 21st? That's
21 open on my calendar.

22 MS. SCHELLIN: The 21st is not open. It's -- there's
23 a case that was just assigned to that.

24 COMMISSIONER MAY: Is it going to be a long case, or
25 is it a short one that we could --

1 MS. SCHELLIN: It's a second-stage PUD.

2 CHAIRPERSON HOOD: Okay. Well, what about the week
3 after?

4 MS. SCHELLIN: On the 18th, it's the text amendment on
5 parking, 21-10. I don't know how long that will take.

6 COMMISSIONER MAY: Well, we could also do it some other
7 day that week.

8 MS. SCHELLIN: The 19th.

9 COMMISSIONER MAY: Yeah.

10 MS. SCHELLIN: 19th or Wednesday, the 20th.

11 COMMISSIONER MAY: Well, I've got a soccer game on
12 Wednesday, the 20th.

13 MS. SCHELLIN: Oh, no longer volleyball.

14 CHAIRPERSON HOOD: Well, I see the -- yeah. Let's do
15 the 20th, then.

16 COMMISSIONER MAY: No, Tuesday is my volleyball night.
17 I've given up my (indiscernible) on Tuesday.

18 CHAIRPERSON HOOD: Well, what night are you -- that you
19 have volleyball?

20 COMMISSIONER MAY: Tuesday.

21 MS. SCHELLIN: Tuesday.

22 COMMISSIONER MAY: The 19th.

23 (Cross talk.)

24 MS. SCHELLIN: Now, it's soccer on Wednesdays.

25 CHAIRPERSON HOOD: Well, let me ask you this, which

1 --

2 COMMISSIONER MAY: Well, let's do Tuesday the 19th.

3 UNIDENTIFIED SPEAKER: It starts on the 19th.

4 CHAIRPERSON HOOD: which one do you like the most,
5 soccer or volleyball?

6 COMMISSIONER MAY: I have paid money for tickets on a
7 -- for a game on the 20th. I would like to be able to go, but
8 I'll --

9 CHAIRPERSON HOOD: So --

10 (Cross talk.)

11 COMMISSIONER MAY: -- I'll, you know, I'll do what I
12 need to do.

13 CHAIRPERSON HOOD: I'm just playing. Let's do the
14 19th. Your volleyball friends will probably appreciate you not
15 being there for volleyball. They'll probably thank us.

16 COMMISSIONER MAY: Yeah, they probably would. At this
17 point I'm so old, I'm just taking space on a court.

18 MS. SCHELLIN: Okay. October the 19th.

19 CHAIRPERSON HOOD: (Indiscernible) is the 19th --
20 Commissioner May, is the 19th fine for you, seriously?

21 COMMISSIONER MAY: I'll do it.

22 CHAIRPERSON HOOD: Okay. Okay. 'Cause we can always
23 go the week after -- after Commissioner Shapiro --

24 MS. SCHELLIN: And this is going to be a limited-scope
25 hearing like we've done before?

1 CHAIRPERSON HOOD: I'd like for somebody to send me the
2 definition of that, but anyway, yeah.

3 MS. SCHELLIN: We've done them before.

4 COMMISSIONER MAY: Yep.

5 MS. SCHELLIN: Yep.

6 CHAIRPERSON HOOD: Still, send me --

7 MS. SCHELLIN: Several times.

8 CHAIRPERSON HOOD: -- the definition of that.

9 MS. SCHELLIN: Well, we put it in the hearing notice
10 what they're to testify on.

11 CHAIRPERSON HOOD: Okay. Good luck. But seriously,
12 though, I'm going to -- I will handle it the best way I can. I
13 just ask everybody up front to be patient --

14 COMMISSIONER MAY: Yep.

15 CHAIRPERSON HOOD: -- with me and the residents. Okay.
16 All right. So we got that. Do we need to do anything else on
17 that?

18 MS. SCHELLIN: No.

19 CHAIRPERSON HOOD: All right. I think this has been a
20 very good discussion. We'll see what happens on the 19th at 4:00
21 p.m. We'll add that and are looking forward to Mr. Tondro, to
22 have the hearing notice, and we appreciate that.

23 So does anybody have anything else for the hearing
24 tonight? Anything else, Ms. Schellin? Commissioner Shapiro.

25 COMMISSIONER SHAPIRO: Just a process point. Is there

1 | some action we need to do to be more explicit about what direction
2 | we're going?

3 | MS. SCHELLIN: No. Just the fact that you've decided
4 | to have a further hearing, that is your action.

5 | COMMISSIONER SHAPIRO: Okay. That's all I have, Mr.
6 | Chair.

7 | CHAIRPERSON HOOD: Okay. That was a good question,
8 | 'cause I just -- okay.

9 | CHAIRPERSON HOOD: All right. So Office of Planning,
10 | I don't think, has anything. So we decided the path forward with
11 | that, and I appreciate everybody's input. I think this is a very
12 | good lively discussion.

13 | MS. SCHELLIN: I do have something. I'm sorry, but I
14 | have something.

15 | CHAIRPERSON HOOD: Yes. Ms. Schellin.

16 | MS. SCHELLIN: I need your tablets, however you're
17 | going to get them to me. I need them, like, this week. Can you
18 | -- are you planning to come by the office, or do I need to send
19 | a courier? (Audio interference.)

20 | (Cross talk.)

21 | MS. SCHELLIN: Yes, I'm going to be in the office
22 | tomorrow and Wednesday, but there's somebody there all week.
23 | There is someone in the office all week.

24 | CHAIRPERSON HOOD: Okay. I will try to get mine down
25 | there tomorrow.

1 MS. SCHELLIN: Okay.

2 CHAIRPERSON HOOD: Tomorrow morning. I'll text you and
3 let you know.

4 MS. SCHELLIN: Except for Peter, Peter May does not
5 have a tablet.

6 COMMISSIONER MAY: Yeah, I'm going to have to
7 coordinate separately, 'cause --

8 MS. SCHELLIN: Within the (indiscernible).

9 COMMISSIONER MAY: -- using has died. So I'm going to
10 -- I don't know how I'm going to handle it from here, but I'll
11 have to talk to your guys about it.

12 MS. SCHELLIN: Okay. And so --

13 COMMISSIONER TURNBULL: And I have something else for
14 you, so --

15 MS. SCHELLIN: Yes. Yes. And I'll have something for
16 you. And Rob and Commissioner Shapiro, you guys will work out
17 getting your tablets to the office, like, this week, 'cause they
18 have an upgrade to do.

19 COMMISSIONER SHAPIRO: I'll text you and let you know
20 how it's going to work.

21 MS. SCHELLIN: Okay. Rob?

22 VICE CHAIR MILLER: Same.

23 MS. SCHELLIN: Okay. Thank you.

24 CHAIRPERSON HOOD: And I'll do it, too, if I don't make
25 it. I'll figure out another way.

1 MS. SCHELLIN: Okay.

2 CHAIRPERSON HOOD: All right. Does anybody have
3 anything else?

4 COMMISSIONER TURNBULL: I just wanted to -- before we
5 all leave, I want to thank you guys before I break up. This was
6 really nice tonight. I really appreciate it. I think you guys
7 are the best. You guys are the best.

8 CHAIRPERSON HOOD: Commissioner Turnbull, I will end
9 on this note. Thank you very much. It's been a pleasure serving
10 with you. I would just say these two words, you'll never hear
11 anything else about Anthony Hood. Well done. That's the only
12 thing I'm going to say.

13 COMMISSIONER TURNBULL: Just so you know, we are -- I'm
14 interviewing -- we will be interviewing three people on Friday
15 who could take over. And then there's going to be three people
16 on Tuesday. So there's six candidates. There's five guys and
17 one woman. I wanted more women on the list, but I couldn't get
18 it. So anyways, we -- I think, and then we going to have a final
19 the following Friday. So I don't know if we'll have someone
20 selected but knowing how the Federal Government works and how our
21 Agency works, it probably will take a couple of weeks or more
22 before we get someone signed up. So I don't know. But I'll try
23 to keep you informed as to who's coming, and I'll try to get a
24 set up so that -- get the Architect to send the over a letter
25 to, I think, both to you, Anthony, and to Sara advising you who

1 will be representing the Architect. I guess we'll send something
2 to Fred, too, I guess, or maybe Sara takes care of it.

3 CHAIRPERSON HOOD: All right. Well, Mike, thanks again
4 for everything. And look, have fun, man.

5 COMMISSIONER TURNBULL: I'm going to try. We'll see
6 what happens.

7 COMMISSIONER MAY: We'll miss you, Mike.

8 COMMISSIONER TURNBULL: Thank you guys, thank you all,
9 and, Rob, say thank you to Ruthanne for me, will you?

10 CHAIRPERSON HOOD: All right. Well, good night
11 everybody. This meeting is adjourned.

12 (Whereupon, the public meeting was adjourned at 8:11
13 p.m.)

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C E R T I F I C A T E

This is to certify that the foregoing transcript

in the matter of Public Meeting

Before: DCZC

Date: 07-26-21

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