

GOVERNMENT OF
THE DISTRICT OF COLUMBIA

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ZONING COMMISSION

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PUBLIC HEARING

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IN THE MATTER OF: :

MCRT Investments, LLC : Case No.
Consolidated PUD & : 22-11
Related MA from MU-12 :
MU-10, 807 Maine Ave., SW :
(Sq. 439S, Lot 15) Ward 6 :
-----:

THURSDAY

September 15, 2022

The Public Hearing of Case No. 22-11 by the District of Columbia Zoning Commission convened via videoconference at 4:00 p.m. EDT, Anthony J. Hood, Chairman, presiding.

ZONING COMMISSION MEMBERS PRESENT:

ANTHONY J. HOOD, Chairperson
ROBERT MILLER, Vice Chairperson
JOSEPH IMAMURA, Commissioner
PETER MAY, Commissioner

OFFICE OF ZONING STAFF PRESENT:

SHARON SCHELLIN, Secretary
PAUL YOUNG, Zoning Data Specialist

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OFFICE OF ZONING LEGAL DIVISION STAFF PRESENT:

JACOB RITTING, ESQUIRE

The transcript constitutes the minutes from the
Public Hearing held on September 15, 2022

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

OPENING STATEMENT:
 Anthony Hood 4

PRESENTATION:
 Case No. 22-11
 MCRT Investments, LLC, Consolidated PUD & Related MA from
 MU-12 MU-10, 807 Maine Ave., SW (Sq. 439S, Lot 15)
 Ward 6 5

PRELIMINARY MATTERS:
 MS. SCHELLIN 6

COMMENTS AND QUESTIONS:
 Commissioners 8

VOTE:
 Commissioners 10

CLOSING REMARKS:
 Anthony Hood 24

ADJOURN:
 Anthony Hood 27

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

(4:00 p.m.)

CHAIRPERSON HOOD: Good afternoon, ladies and gentlemen. Today's date is September 15th, 2022. We are convening and broadcasting this public hearing by videoconferencing. My name is Anthony Hood, and I'm joined by -- soon to be joined by Vice Chair Miller, Commissioner Imamura, and Commissioner May. We're also joined by the Office of Zoning staff, Ms. Sharon Schellin and Mr. Paul Young, who will be handling all of our virtual operations, and also, our Office of Zoning Legal Division staff, Mr. Ritting, tonight.

The virtual public hearing notice is available on the Office of Zoning's website. This proceeding is being recorded by a court reporter also -- and the platforms used are webcast live, Webex and YouTube Live. The video will be available on Office of Zoning's website after the hearing.

All persons planning to testify should have signed up in advance and will be called by name at the appropriate time. At the time of sign up, all participants will complete the oath or affirmation required by Subtitle Z, 408.7. Accordingly, all those listening on Webex or by phone will be muted during the hearing, and only those who have signed up to participate or testify will be unmuted at the appropriate time. When called, please state your name and home address before providing your testimony. When you are finished speaking, please mute your

1 audio. If you experience difficulty accessing Webex or with your
2 telephone call-in, or have not signed up, then please call our
3 OZ hotline number at 202-727-0789. If you wish to file written
4 testimony or additional supporting documents during the hearing,
5 then please be prepared to describe it and discuss it at the time
6 of your testimony.

7 The hearing will be conducted in accordance with
8 provisions of 11Z, DCMR Chapter 4 as follows: preliminary
9 matters; the Applicant's case. The Applicant has up to 60
10 minutes, but I think we can do it in 30, because I really want
11 to hear from the public collectively, and Ms. Schellin will help
12 us collectively with what time we will have if a party is chosen.
13 The report of the Office of planning and Department of
14 Transportation; the report of other government agencies; the
15 report of the ANC. I believe in -- well, I will go through that.
16 Testimony of organizations, five minutes, and individuals, three
17 minutes. And we will hear in the following order from those who
18 are in support, opposition and undeclared. Then we will have
19 rebuttal and closing by the Applicant.

20 Again, the OZ hotline number is 202-727-0789 for any
21 concerns during this proceeding.

22 The subject of this evening's hearing is Zoning
23 Commission Case No. 22-11. This is MCRT Investment, LLC,
24 consolidated review and approval of a Planned Unit Development
25 and zoning Map Amendment at Square 439S, Lot 15, 807 Maine Avenue.

1 Again, today's date is September 15, 2022. And the ANC in this
2 case is ANC 6D, I believe, let me make sure. Is it 6D? Does
3 anybody know, right off? Okay. Well, if I got it wrong, I will
4 correct it later.

5 MR. RITTING: 6D.

6 CHAIRPERSON HOOD: 6D. Okay, I was right. I went off
7 the top of my head, which is dangerous. So. All right. All
8 right. Thank you, Jacob.

9 All right. So with that, Ms. Schellin, do we have any
10 preliminary -- wait a minute. Let's give Commissioner -- Vice
11 Chair Miller a moment.

12 MS. SCHELLIN: I apologize. I was sending Commissioner
13 Miller the call-in information, so. I'm having difficulty
14 logging in. So he should be -- he may be calling in.

15 CHAIRPERSON HOOD: Ms. Schellin, you sound a little
16 muffled. Maybe it's my unit, I don't know. Does she sound
17 muffled to anybody else?

18 COMMISSIONER MAY: She's muffled. She's calling from
19 under the (indiscernible).

20 MS. SCHELLIN: Okay. I'm sorry.

21 CHAIRPERSON HOOD: Oh, there you go.

22 MS. SCHELLIN: So I sent the call-in information to Mr.
23 Miller, Commissioner Miller.

24 So Mr. Young, if we could look for him in the list to
25 bring him -- unmute him so he can participate. He is having

1 troubles logging on again.

2 CHAIRPERSON HOOD: Again, Ms. Schellin, you're not
3 clear. I don't know if you need to turn your video off or you
4 might need to reboot.

5 MS. SCHELLIN: I'll try that.

6 CHAIRPERSON HOOD: Yeah, that sounds good. That sounds
7 good.

8 MS. SCHELLIN: Okay. I'll be glad to leave my video
9 off. Okay. Seven, four, four.

10 CHAIRPERSON HOOD: And before we -- once we get through
11 all the preliminaries, before we get started, I do have a
12 statement that I want to make.

13 MS. SCHELLIN: He is on.

14 CHAIRPERSON HOOD: Okay.

15 MS. SCHELLIN: I'm sorry. He's on now. Mr. Young is
16 calling him user three.

17 CHAIRPERSON HOOD: Okay. All right. Good. Okay.
18 So with that, Ms. Schellin, do we have any preliminary
19 matters?

20 MS. SCHELLIN: Yes, sir, we do. You can hear me okay?

21 CHAIRPERSON HOOD: Yeah.

22 MS. SCHELLIN: Is it better with that off? Okay.

23 So the first thing is the party status request. We do
24 have one in opposition. And that said, Exhibit 27 from the Town
25 Square Towers Condominium. They are represented by Gail Fast.

1 They did file -- they supplemented at Exhibit 27A with the
2 authorization from the Condominium, giving Ms. Fast
3 authorization to represent them in this evening's -- or this
4 afternoon's case. So 27 and 27A being the authorization, if the
5 Commission would please consider that. And I will say that the
6 Applicant filed their opposition to the party status request at
7 Exhibit 31.

8 CHAIRPERSON HOOD: Okay. Thank you. Thank you, Ms.
9 Schellin. I saw both of the Applicant's opposition and I saw
10 the party status. I think that the Town -- Ms. Fast and her
11 organization, as far as I'm concerned, have met the burden to be
12 a party, especially (indiscernible).

13 So let me open it up and hear from others, Commissioner
14 May and others. Any objections?

15 COMMISSIONER MAY: Yeah, I'm not convinced that they
16 met the status for being a party. I mean, yeah, they were in
17 proximity, but all of the concerns that they raised are general
18 concerns for the neighbors -- I mean for the neighborhood. I
19 don't see how it specifically affects their building, even though
20 a portion of it is within 200 feet -- or the residents of their
21 building. It's all their concerns, you know, traffic, economic,
22 social; those are all general neighborhood concerns.

23 CHAIRPERSON HOOD: Okay.

24 Commissioner Imamura.

25 COMMISSIONER IMAMURA: I'm in agreement with

1 Commissioner May on this one. It didn't seem to me that, yeah,
2 that they're significant -- any more significantly impacted than
3 anyone else. It is pretty, you know, general issues that they
4 raised, that everybody would share the same concern.

5 CHAIRPERSON HOOD: Okay.

6 And Vice Chair Miller, you have any comments on party
7 status application?

8 VICE CHAIR MILLER: I actually did not have any problem
9 with granting them party status given that they're adjacent
10 (indiscernible). I'll go with the majority.

11 CHAIRPERSON HOOD: Well, Vice Chair, we don't have a
12 majority because -- if you're along with me, I wanted to give
13 them party status. So we have a two, two split, which means if
14 I call for a vote, they won't get party status. Boy, I tell you,
15 it's rough.

16 VICE CHAIR MILLER: There you go.

17 CHAIRPERSON HOOD: Yeah, so. So I'm still going to
18 call for the vote, and we'll just play it out. I move that we
19 give -- the council that are calling this Town Square Towers
20 Condominium, party status, and zoning -- in this case, Zoning
21 Commission Case No. -- give me a second, I've got too many files
22 open. Too many files open.

23 VICE CHAIR MILLER: 22-11.

24 CHAIRPERSON HOOD: Thank you. Zoning Commission Case
25 22-11.

1 VICE CHAIR MILLER: And I'll second it.

2 CHAIRPERSON HOOD: Okay. It has been moved and properly
3 second. Any further discussion?

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

6 MS. SCHELLIN: Commissioner Hood?

7 CHAIRPERSON HOOD: Yes.

8 MS. SCHELLIN: Commissioner Miller?

9 VICE CHAIR MILLER: Yes.

10 MS. SCHELLIN: Commissioner May?

11 COMMISSIONER MAY: No.

12 MS. SCHELLIN: Commissioner Imamura?

13 COMMISSIONER IMAMURA: No.

14 MS. SCHELLIN: The motion fails for a lack of a quorum
15 -- I'm sorry, for a lack of majority vote. It's 2-2-1, so they
16 will not be granted party status.

17 CHAIRPERSON HOOD: Okay. So we don't have anything
18 else, I don't think, as far as that goes. They have not been
19 granted party status. But I will say this, and I'm saying this
20 to the Applicant, this -- for me, this is a heavy lift. I don't
21 think we even touched -- I don't even -- I was sitting here
22 thinking today when I was looking at these numbers, because I'm
23 telling, if we move forward, I don't how this (indiscernible).
24 I don't even think we -- I don't even know what we did when we
25 set this down. Maybe some of this thing has prevailed itself as

1 we got into it. I don't think we come nowhere clear. When I
2 look at the numbers and I look at the data that is being
3 presented, I'm actually insulted that I -- if I helped set it
4 down, and I hope I didn't make the motion, I hope I didn't, and
5 I haven't even looked to see because I don't want to know if I
6 made the motion, I should not have, if I made a motion in this
7 case. This case, I think -- and I agree with the ANC and the
8 community. And I'm just letting the Applicant know, you got a
9 heavy lift for me. I'm only one vote. You saw what just happened.
10 But I can tell you, you got a heavy lift, and I'll leave it at
11 that. And I don't know if I even want to go forward with the
12 case. That's kind of where I am. Commissioner
13 May.

14 COMMISSIONER MAY: Mr. Chairman, interestingly enough,
15 yeah, actually, there was a discussion about whether we should -
16 - whether or not we should set this down. And I raised that
17 question, and I think, according to my notes, you were generally
18 agreeing with me, that it was questionable whether we should even
19 set it down. But we did, largely because it's a -- I think
20 because it was going to provide a lot of affordable housing, not
21 as much as we thought it should have, but a lot. And I -- it's
22 hard for me to remember what comments I made, which sat down,
23 but I think I had concerns that, you know, having, you know, not
24 having the ANC on board on this from the very beginning is
25 problematic given the ANC and their ability to work with

1 developers. So, I actually do agree with you that it's -- it is
2 a heavy lift, but of course, we'll listen to the whole case,
3 unless you want to, you know, pull the plug right now. But you
4 know, I guess I'm happy to hear the case and see what happens
5 with it. But I think it's a -- I think that the
6 -- even though I did not support party status, I think the
7 concerns that were raised by the party that requested party
8 status, I think are legitimate concerns. And certainly the ANC
9 has very serious concerns about this. And you know, they're
10 troubling. So anyway, I just wanted to add my two cents and what
11 I could recall from my notes on the set down.

12 CHAIRPERSON HOOD: Well, I'm glad to know -- and I'm
13 glad to know that I did kind of have some problems then, because
14 my problems have gotten worse. I'm ready to pull the plug on
15 this and send it back. I don't feel like wasting the public's
16 time. I don't feel like wasting anybody's time. From the numbers
17 I read and the data I read, unless I miscalculated, they're so
18 far apart, I think it's a disservice, not only to us, but to the
19 residents of this City to go forward with something like this,
20 that I think it's a slap in the face to what the Council has
21 mandated for us to do, especially when it comes to racial equity.
22 And that's just where I am. I don't know. Do I need to put a
23 motion on the table that we not go forward and we send them back
24 and work with the community? I don't know. Let's have that
25 discussion first. Because here's the thing, we're going to go

1 through all this; we're going to go through all this and we're
2 going to waste time. And I don't have time. None of us on here
3 has time to waste time.

4 So anyway. Let me hear from Commissioner May or whoever
5 wants to talk.

6 COMMISSIONER MAY: I would just add, I think -- I think
7 we should probably be specific about what the concerns are. I
8 mean, I think when we first set it down, the proposal was 15
9 percent affordable housing what -- that didn't change at all. I
10 mean, there were some tweaks, but it didn't change; the
11 percentage didn't go up. And I was arguing for more, given that
12 this was a huge increase in the density of the site and that it
13 was, you know, if we looked at IZ Plus as a standard -- and I
14 know we don't apply IZ Plus in PUDs, but it is a good sort of
15 measuring stick -- we would have expected something like 20
16 percent. There was a confusing answer from the Office of Planning
17 about why this would actually conceivably be better at just 15,
18 but that was the issue back then.

19 Right now, the biggest concern I have is the
20 consistency with the Small Area Plan and issues like the footprint
21 of the building and the height of the building. And I feel like,
22 you know, it is the -- you know, there's a certain window of
23 availability to expand the FAR and the footprint on a project
24 like this that comes with an up zoning and with a PUD. And in
25 this case, they took everything to the absolute max. But I don't

1 feel that, in doing so, they have been appropriately respectful
2 of what the community has generally wanted in that Southwest
3 Small Area Plan. I think the building is taller and the footprint
4 is larger than the Small Area Plan probably contemplated. So
5 that's kind of my biggest issue on it from what I know so far.
6 And again, we haven't heard the whole case, but this is my problem
7 going in. And I would like to see greater collaboration with
8 the neighborhood in order to get this to the point where the ANC
9 and the neighbors who care so much about it to support it.

10 CHAIRPERSON HOOD: I'm going to comment on it
11 (indiscernible), because I agree with you, Commissioner May. I
12 will tell you all right now where I am, I'm not in favor of moving
13 forward. I guess if you've already heard and noticed that.

14 Let me hear from Commissioner Imamura and Vice Chair
15 Miller.

16 COMMISSIONER IMAMURA: Sure. Mr. Chairman, thank you.
17 I think Commissioner May summarized many of the issues.
18 I counted at least 20 letters in opposition here. And I think
19 to your point, Mr. Chairman, about the *Good Neighbor Policy*, you
20 know, these things take a while to get off the ground. So it's
21 going to be incredibly painful, I think, for the Applicant to
22 move forward with this project, the amount of time it's going to
23 take without the public support, without the community support.

24 So to Commissioner May's point and actually what's in
25 the record, you know, I think there are some issues there with

1 the Small Area Plan for sure. Certainly, I think they're feeling
2 that they're affiliated or more closely related with what's been
3 done at The Wharf there. And while they're on the periphery of
4 that, I don't think that's what the Small Area Plan had intended.
5 So there's some serious concerns with the project with this --
6 with this case. I certainly would be in favor of supporting your
7 plan, Mr. Chairman. And I think I'll just recommend -- would
8 like to hear what Vice Chair Miller has to say.

9 CHAIRPERSON HOOD: Okay. Vice Chair Miller.

10 VICE CHAIR MILLER: Yeah. I'm sorry I'm not able to
11 participate by video, but you can hear me okay?

12 CHAIRPERSON HOOD: Yes, we can hear you.

13 VICE CHAIR MILLER: So I probably made the motion to
14 set it down. I don't know if I did, but I probably did, hoping
15 that some of these issues would get resolved between that time
16 and this hearing.

17 Yeah, I agree with Commissioner May's comments about
18 the Small Area Plan and the ANC's concerns about the inconsistency
19 with the Small Area Plan, even though the Future Land Use Map of
20 the Comprehensive Plan, which takes more precedence than the
21 Small Area Plan (indiscernible), could be read in conjunction
22 with the Small Area Plan, did change this site, I believe, from
23 a lower density, I think commercial zoning -- had an office
24 building there, the Disabled Veterans office building, nonprofit
25 office building -- to medium density, mixed-use, residential and

1 commercial. So it is not inconsistent -- the proposal is not
2 inconsistent. But the ANC's strong opposition in this case raises
3 a number of valid issues, which are just overwhelming in a way.
4 And I really would -- I could go forward tonight since we're all
5 here and the opposition is here, which I was willing to give
6 party status to. But everybody's here, I guess I'm willing to
7 go forward, but it's certainly not ready in this shape. And I
8 agree with the Chairman's frustration that there hasn't been more
9 progress in working with the -- this very responsible ANC on, on
10 resolving these issues which are -- this is on the north side
11 of Maine Avenue, M Street, Maine Avenue, I guess, there. I don't
12 want to extend The Wharf wall to the north side. I mean, there's
13 a reason why The Wharf was The Wharf, and it doesn't look like a
14 wall the river side as much as it does from the Maine Avenue
15 side. But I don't want to create a wall, a tunnel effect along
16 Maine Avenue. That just -- it might lead to other projects doing
17 this. So, yeah, the -- I don't think there has to be major
18 changes, but there needs to be significant progress to work with
19 the ANC on resolving their issues.

20 I can go forward tonight, Mr. Chairman, if you're
21 willing to, but we're certainly nowhere near making a decision
22 on this if there's not changes that are made in the current
23 proposal that is before us. So I hope those comments somewhat
24 are helpful to our conversation.

25 CHAIRPERSON HOOD: I think they are, and I appreciate

1 everybody's comments. I would just like to say this to my
2 colleagues. I think it would be in the best interest for all of
3 us. We can sit here and plow through this and try to figure it
4 out and try to help tweak it. If it was a little closer, you
5 know, we've done it in the past and I don't mind chairing the
6 hearing, but something like this that is so far apart. And not
7 just the neighbors have a problem, I have a problem. When I look
8 at the unit mix and I look at what's being proposed, I have a
9 serious problem. So I can't get over that to concentrate on the
10 rest of the stuff that's going on. So to me, I mean, I'm human
11 like everybody else. And for me, I think that the reality of it
12 is we need to have more -- a better collaboration with the
13 community, look at this affordable housing, look at this racial
14 equity lens, which I think they just blew it out of the water.
15 And I do know that Mr. Freeman wants to say a word, but you know
16 -- and if the chair of the ANC is here, they can say a word
17 because I want to be fair -- but I am not inclined to go forward.
18 I've already been given the date of November the 14th. That is
19 just where I am. And between now and November 14th, I expect to
20 see, I would hope, as my colleague, Commissioner May and others
21 have mentioned, some of the things -- we want to see you closer
22 together. I want to figure out what's going on with this unit
23 mix. I could hear it tonight. You could buffalo me tonight,
24 but I don't feel like going through that. What I want is a more
25 substantive plan for this -- for this community, which is going

1 through a whole lot over the years, we put a lot on them. And
2 the ask this time -- the ask I think is just overwhelming. It
3 is overwhelming for us to ask them. I'm not going to shove
4 anything down any committee, anybody in this City's throat. And
5 that's what I would be doing. I would feel like that's what I
6 would be doing if I proceed in this tonight, and I'm not going
7 to do that. So you can count me out on this one tonight. Let
8 them go back and work more together, loosen up some of these
9 loose ends, and you all can enjoy the rest of your evening.
10 That's where I am.

11 But, Ms. Schellin, let's bring the chair of the ANC up.
12 And also, let's bring up Mr. Freeman.

13 MS. SCHELLIN: Mr. Young, if you could bring up Andrew
14 Bossi. He's going to be the ANC rep. He's the one who's been
15 authorized.

16 CHAIRPERSON HOOD: Please don't come up and talk about
17 the case. Let's just -- you've heard where we are. Let's not
18 try to present this to go forward, because we're not going forward
19 this evening. All right.

20 So, Mr. Freeman, let me turn it over to you.

21 MR. YOUNG: I don't see who you said for the ANC,
22 Sharon.

23 MS. SCHELLIN: Yeah, I don't see him either.

24 MR. FREEMAN: It was Commissioner Kramer, unless
25 they've changed it.

1 MS. SCHELLIN: Oh, Fredrica Kramer. Is she -- is she
2 on there? Because they -- she also represents for that ANC, so
3 maybe she's going to represent authorized also. We can ask her.

4 CHAIRPERSON HOOD: So what I'm going to respectfully
5 ask from Mr. Freeman and Ms. Kramer, not to try to counteract
6 what we've already said. Just make sure that November 14th --
7 all I want to know is November 14th okay, and that you all are
8 going to continue to collaborate with the community, and that's
9 all we need to know. I don't need to know anything else about
10 this case. All right.

11 All right. Mr. Freeman, you may begin.

12 MR. FREEMAN: I would like to say in terms of -- there's
13 a lot of conversation about consistency with the Southwest Small
14 Area Plan, included as Exhibit 28D --

15 CHAIRPERSON HOOD: I asked -- Mr. Freeman, I asked that
16 we not do that.

17 Let me direct it like this, and then I'll take both of
18 you all (indiscernible).

19 Is November 14th a good day for you all to come back?

20 Ms. Kramer said, yes.

21 MS. KRAMER: That's fine. Yes, thank you.

22 CHAIRPERSON HOOD: Okay. Thank you.

23 What about you, Mr. Freeman?

24 MR. FREEMAN: Yes, that's fine.

25 CHAIRPERSON HOOD: Okay. Thank you very much.

1 So you can take them down, Mr. Young. And I would ask
2 you all -- let me just -- before you take them down, I would ask
3 you all to continue to collaborate. That's the seriousness of
4 it. The Council has given us the direction. I have heard it
5 loud and clear at my oversight hearing, loud and clear. And I'm
6 going to be -- I'm going to do what I have to do in this case.
7 And I appreciate my colleagues and all of us working together.
8 I think the 14th is going to be a lot easier than the September
9 15th. Trust me.

10 Okay. Thank you both.

11 Ms. Schellin, do we need to do anything else?

12 Do my colleagues have any other comments?

13 MS. SCHELLIN: The only other thing you would be -- if
14 you wanted, go ahead and approve their proffered expert
15 witnesses, since you've already done the party status. Since you
16 won't be entertaining party status in the future, if you want to
17 go ahead and approve the expert witnesses, or if you want to just
18 wait until the actual hearing.

19 CHAIRPERSON HOOD: Let's kind of wait because there
20 may be --

21 MS. SCHELLIN: Okay. Because that might change. Okay.

22 CHAIRPERSON HOOD: But let me say this also. I don't
23 want to cut anything off, because there may be a reconsideration,
24 but we'll just wait and see what happens, what's presented in
25 front of us. I can't predict what's going to happen on the --

1 in November.

2 MS. SCHELLIN: Are you saying that you're going to
3 allow -- because usually they have to apply for party status the
4 original hearing date, so.

5 CHAIRPERSON HOOD: Well, here's the problem. Things
6 may change. We may get a party status in support. And here's
7 the thing, whether there is opposition or support, we will welcome
8 that. So I'd just -- I'd rather wait. Unless my colleagues
9 disagree, I'd rather wait. We've already decided from them. And
10 if nothing changes, my two colleagues who are there, continue to
11 keep the same. I mean, nothing changes. I don't want to close
12 the door of opportunity for us, because this case here, things
13 may change. The merits of it may change.

14 COMMISSIONER MAY: I would not be opposed to
15 entertaining new party status requests in advance of the November
16 14th hearing date. If we (indiscernible) nobody. I mean,
17 whatever the normal lead time is.

18 CHAIRPERSON HOOD: Right. Okay. They obviously
19 (indiscernible) want to close the door on it.

20 MS. SCHELLIN: Right. But per the Regs, that group
21 can't apply again unless, I mean.

22 CHAIRPERSON HOOD: The Regs are there. We wrote the
23 Regs, so we can (indiscernible), doing everything else, we could
24 defer the Regs.

25 MS. SCHELLIN: The motion failed for lack of a majority,

1 so I guess that's --

2 CHAIRPERSON HOOD: We may have a quorum by November.

3 MS. SCHELLIN: Right. Okay. All right. I just wanted
4 to make sure so we know what to accept and not accept. So I just
5 want to have the correct direction for staff, and that's it.

6 CHAIRPERSON HOOD: Well, let me just say this, Ms.
7 Schellin. Use what you always use, because you always do a great
8 job. So we're going to support that.

9 MS. SCHELLIN: Thank you.

10 CHAIRPERSON HOOD: I know you have a lot of interesting
11 competing interests coming at you, but we support what you do and
12 we appreciate it. And if not, present it to us, and we'll take
13 care of it from there.

14 Mr. Ritting, do you have something?

15 MR. RITTING: Yeah, I just -- it's more of a question
16 for Ms. Schellin and for the Commission if you want
17 (indiscernible). Do you want to set a date for written
18 submissions prior to the continued hearing date of November 14th?
19 Often that is useful to prevent stuff from coming in at the last
20 second.

21 MS. SCHELLIN: It's typically 20 days prior. So I
22 would say that that date would still suffice 20 -- any
23 supplements. If the application is supplemented, it is supposed
24 to be not less than 20 days prior to the hearing. So I think
25 that that date should still -- or that time period should still

1 suffice.

2 MR. RITTING: Okay.

3 MS. SCHELLIN: And then also, since the Chairman
4 stated, or maybe it was Commissioner May stated, he would not be
5 opposed to entertaining party status request prior to the
6 November 14th hearing. And anybody who wants to -- I just want
7 to state this while people are listening -- anyone who wants to
8 apply for party status in advance of the November 14th hearing,
9 they need to do that, so that it can be considered at a hearing
10 prior to that hearing date. And our only meeting dates are in
11 October, October 13th, and November 10th.

12 COMMISSIONER MAY: So I should clarify, I would not
13 object to them considering party status requests at the hearing
14 on the 14th.

15 MS. SCHELLIN: Okay.

16 COMMISSIONER MAY: But they would have to apply in
17 advance by the normal --

18 MS. SCHELLIN: Oh, yes. They have to apply at least
19 14 days prior.

20 COMMISSIONER MAY: Yeah, that's what I was trying to
21 say.

22 MS. SCHELLIN: Okay. I thought you wanted it to be
23 -- okay. Then forget everything except for, apply 14 days before,
24 got it.

25 CHAIRPERSON HOOD: All right. So I would ask the

1 public, please work with Ms. Schellin. She has a lot of competing
2 interests, especially coming from us as well. So -- she has a
3 lot of people to try to take care of -- especially us. So I
4 would ask you to please work with her and be "collegial", is the
5 word I would use.

6 So I want to thank my colleagues for going in this
7 fashion. I think it will be in the best interest of time.

8 Also, one of the things that I want to impress upon the
9 Applicant and the ANC and the community, continue to work and
10 let's bridge this gap closer together. We said -- my problem
11 is unit mix. My problem is affordability. The MFI -- there's a
12 number of other things. But let's continue to bridge the gap
13 closer together, as what Commissioner May and others have spoken
14 about already.

15 Any other questions or comments?

16 All right. So we got it. You have an early evening
17 tonight. I want to thank everybody. And we will postpone this
18 until -- reconvene this November the 14th at 4:00 p.m. on these
19 platforms. With that, goodnight.

20 Oh, the next Zoning Commission -- let me see if I can
21 get this one right, Ms. Schellin. The Zoning Commission will
22 meet again -- is it September 21st?

23 MS. SCHELLIN: 19th.

24 CHAIRPERSON HOOD: Oh, I'm sorry.

25 MS. SCHELLIN: (Indiscernible) BZA.

1 CHAIRPERSON HOOD: That's the BZA. I must think I'm
2 on the BZA. September the 21st.

3 MS. SCHELLIN: The 19th.

4 CHAIRPERSON HOOD: I'm sorry, September 19th, in Zoning
5 Commission Case No. 21-14, New Macedonia Baptist Church. I sure
6 hope that goes a lot better, being a church.

7 Okay. With that, I want to thank everybody, and this
8 hearing is adjourned. Good night. Oh, okay. I'm sorry. Yes.

9 COMMISSIONER MAY: Did you want to put in a plug for
10 the roundtable on the 22nd as well?

11 MS. SCHELLIN: Yes.

12 CHAIRPERSON HOOD: I love the advertisement I'm seeing.
13 I'm on some of those emails: The Federation, DC Empower. I love
14 those (indiscernible).

15 COMMISSIONER MAY: I don't know anything about
16 those. I just know that, you know, we can talk about it.

17 MS. SCHELLIN: We have (indiscernible).

18 CHAIRPERSON HOOD: I appreciate it.

19 MS. SCHELLIN: We really only have like eight people
20 who have signed up.

21 CHAIRPERSON HOOD: We're going to have more than that.
22 We're going to have more than that. I appreciate it.

23 MS. SCHELLIN: Maybe they're coming, but as of this
24 morning, it was only eight. (Indiscernible) just (indiscernible).

25 CHAIRPERSON HOOD: If we got no more than eight, let

1 me know, and I'll go out and meet them.

2 But anyway, November 22nd, the Zoning Commission will
3 be having a public roundtable exactly on what -- some of the
4 things I mentioned today. It is called Racial Equity. It is
5 4:00 p.m. on these same platforms. We're asking for solutions.
6 We got the complaints. I get the complaints. I'm asking the
7 public to come down and help us with solutions and help us to
8 get to the point where we can make it work. And I do have some
9 other ideas about making it work. We want to make sure the
10 "rubber meets the road" when it comes to racial equity as put in
11 legislation by the City Council to us. We want to make sure it's
12 just not -- we're just not having a conversation and it goes
13 undone. We want to make sure it fundamentally works. And I
14 think I can speak for all of us on that.

15 Was that a good enough plug, Commissioner May?

16 Or you can do -- I tell you what, on the 22nd, on the
17 15th, I mean, the next hearing, the 19th, you do the plug. Remind
18 me. You do it.

19 COMMISSIONER MAY: We'll see. We'll see if I remember.

20 CHAIRPERSON HOOD: All right. So anything else
21 anybody? And thank you for the reminder. So with that, this
22 hearing will reconvene November 14th, these same platforms, 4:00
23 p.m.

24 COMMISSIONER MAY: All right. All right. Thank you.

25 (Whereupon, the above-entitled matter went off the

1 record at 4:33 p.m.)

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C E R T I F I C A T E

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12 This is to certify that the foregoing transcript

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In the matter of: Public Hearing

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Before: DCZC

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Date: 09-15-2022

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Place: Teleconference

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

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