

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: :
 :
Argyle Condominium Association :
Map Amendment from RA-2 to MU-4 : Case No. 22-18
3220 17th Street, N.W. :
(Square 2607, Lot 85) - Ward 1 :
 :
-----:

THURSDAY

DECEMBER 1, 2022

The Public Hearing of Case No. 22-18 by the District of Columbia Zoning Commission convened via videoconference, pursuant to notice at 4:00 p.m. EDT, Anthony J. Hood, Chairperson, presiding.

ZONING COMMISSION MEMBERS PRESENT:

ANTHONY J. HOOD, Chairperson
ROBERT MILLER, Vice Chairperson
PETER MAY, Commissioner
Joseph S. Imamura, Commissioner

OFFICE OF ZONING STAFF PRESENT:

SHARON SCHELLIN, Secretary
PAUL YOUNG, Zoning Data Specialist

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OFFICE OF PLANNING

STEPHEN COCHRAN, Zoning and Special Project Planner

OFFICE OF ZONING LEGAL DIVISION STAFF PRESENT:

JACOB RITTING, ESQUIRE

The transcript constitutes the minutes from the Public Hearing held on December 1, 2022.

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

OPENING STATEMENT:
 Anthony Hood 5

PRELIMINARY MATTERS:
 Ms. Schellin 7

REQUEST FOR PARTY STATUS:
 Parties in Opposition 9

VOTE:
 Commissioners 16

PRESENTATION:
 Case No. 22-18 Argyle Condominium Association Map
 Amendment from RA-2 to MU-4, 3220 17th Street, N.W.
 (Square 2607, Lot 85) - Ward 1 18

COMMENTS AND QUESTIONS:
 Commissioners 24

Office of Planning:
 Stephen Cochran 39

COMMENTS AND QUESTIONS:
 Commissioners 43

PARTY IN SUPPORT 49

COMMENTS AND QUESTIONS:
 Commissioners 49

Party in Opposition 51

COMMENTS AND QUESTIONS:
 Commissioners 59

VOTE:
 Commissioners 78

CLOSING REMARKS:
 Anthony Hood 78

ADJOURN:
Anthony Hood 79

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 December the 1st, 2022. We are convened and broadcasting this public hearing by videoconferencing. My name is Anthony Hood, and I'm joined by Vice Chair Miller, Commissioners May and Commissioner Imamura. 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. I believe we'll be joined by Mr. Ritting from the Office of Zoning Legal Division at some point. I will ask all others to introduce themselves at the appropriate time.

The virtual public hearing notice is available on the Office of Zoning's website. This proceeding is being recorded by a court reporter and the platforms used are webcast live, Webex and YouTube Live. The video will be available on the 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 signup, all participants will complete the oath or affirmation required by Subtitle Z, 408.7. Accordingly, all those listening or 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.

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1 When called, please state your name and home address
2 before providing your testimony. When you are finished speaking,
3 please mute your audio. If you experience difficulty accessing
4 Webex or with your telephone call-in or have not signed up, then
5 please call our OZ hotline number at 202-727-0789. If you wish
6 to file written testimony or additional supporting documents
7 during the hearing, then please be prepared to describe and
8 discuss it at the time of your testimony.

9 This hearing will be conducted in accordance with the
10 provisions of 11-Z DCMR, Chapter 4, as follows: preliminary
11 matters; the Applicant's case; the report of the Office of
12 Planning and Department of Transportation; the report of other
13 government agencies; the report of the ANC. We have testimony
14 of organizations and individuals. Organizations will have five
15 minutes, individuals will have three minutes, and we will hear
16 in the following order from those who are in support, opposition,
17 and undeclared. Then we'll have rebuttal and closing by the
18 Applicant.

19 Again, the OZ hotline number is 202-727-0789 for any
20 concerns during these proceedings. At this time, the Commission
21 will consider any preliminary matters. But before I go there,
22 the subject -- just a second. The subject of tonight's case is
23 Zoning Commission Case No. 22-18. This is the Argyle Condominium
24 Association map amendment at Square 2607, Lot 85, 3220 17th
25 Street, Northwest. And again, today's date is December the 1st,

1 2022. Again, this is a map amendment. So with that, are there
2 any preliminary matters? I will go to Ms. Schellin.

3 MS. SCHELLIN: Yes sir. There are two requests for
4 party status. The first one is at Exhibit 23 from Denise Wiktor
5 -- hopefully, I pronounced that properly -- in opposition. She's
6 representing herself. It was filed on time. And then at Exhibit
7 -- that was Exhibit 23. Exhibit 24 is an application from
8 Dana Keeney in opposition. Again, filed on time. And she's
9 representing herself. She's also provided an addendum at
10 Exhibit 24B. And so, I don't know if you want to take them
11 individually, together, how you want to do it, but they are both
12 party status requests in opposition.

13 CHAIRPERSON HOOD: Thank you, Ms. Schellin. I have
14 looked at both Exhibits 23 and 24. Typically, that's left up to
15 the Chairman, but I'm not -- I always like to get everyone's
16 input. Both submissions, I believe, Exhibit 23 and 24, I see
17 both of them as being very general. I understand that one lives
18 across the street, and people can see in their windows. I believe
19 that's the -- what I recall. But I think when they actually
20 explained it themselves, I don't see where they are affected. I
21 think they can join.

22 And actually, I have one at, I think it is Exhibit 24,
23 as traffic, trash. And I think that's not necessarily germane
24 to others, but that's why I'm on both of those. But let me hear
25 from others. And maybe something -- one of them I probably can

1 go either way, but let me hear from others. Let me start off
2 with Commissioner May.

3 COMMISSIONER MAY: Yeah. Well, the first question I
4 had is I'm just a little confused about these two, because on
5 the first one, Denise Wiktor's application, she cites Ms. Keener
6 sic) is it, as a witness as part of her party. So I'm wondering
7 if we can get clarification on that. I mean, I think generally
8 speaking, because both of these property owners are extremely
9 close, I'm sympathetic to the party status request. But I'd like
10 to get clarity about whether, in fact, they want to be here as
11 two separate parties or whether they could be a single party.

12 CHAIRPERSON HOOD: So let's bring both of them up. I
13 think one of them in one of their submissions mentioned that if
14 the other one wanted to testify on it by themselves, they can do
15 that. But instead of me trying to reinterpret what they -- what
16 their intentions were, let's bring both of them up. Let me hear
17 from others though.

18 Commissioner Imamura?

19 Other than that issue, is there anything other than
20 that issue that we just discussed?

21 COMMISSIONER IMAMURA: No. I, too, am sympathetic to
22 their proximity, although I don't think that from what I read
23 that either one might be uniquely affected, but I would like to
24 hear more, so.

25 CHAIRPERSON HOOD: Okay.

1 And Vice Chair Miller, do you have anything to add?

2 VICE CHAIR MILLER: Probably no, not differently,
3 Mr. Chairman. But if they -- if one or -- if we're going to have
4 a party status, they should definitely be consolidated into one
5 party.

6 CHAIRPERSON HOOD: Right. I would agree. I think one
7 of them tried to do that, and I can't remember which one it was.
8 I don't have the file open.

9 VICE CHAIR MILLER: I think Denise Wiktor had
10 Dana Keeney --

11 CHAIRPERSON HOOD: Okay.

12 VICE CHAIR MILLER: -- as a witness in one of the
13 filings, but we'll hear from them.

14 CHAIRPERSON HOOD: Yeah.

15 Do we have them, Ms. Schellin to bring up?

16 MS. SCHELLIN: I believe they should both be on. I see
17 Dana Keeney and Denise Wiktor. They're both on.

18 CHAIRPERSON HOOD: Yeah, and can you bring them up?
19 Okay. Thank you.

20 MS. WIKTOR: Yes, this is Denise Wiktor. I had filed
21 my motion for party request. Dana is actually in the Netherlands
22 unaware that he was going to be filing a separate party request.
23 I would also -- would have to shorten my witness list, because
24 Richard Turner has surgery today. But my interest is, you know,
25 I am literally 100 feet from the -- 140 feet from the building

1 and have been impacted by the commercial activities that they've
2 had to date.

3 CHAIRPERSON HOOD: So, Ms. Wiktor, let me ask you.
4 You're -- I believe you're the party -- the person who requested
5 party status who had the list of other residents who live in your
6 area?

7 MS. WIKTOR: Yes.

8 CHAIRPERSON HOOD: So what is your -- what is the
9 difference in what you have as being uniquely affected as opposed
10 to the others?

11 MS. WIKTOR: Well, I was going to actually focus on the
12 density issue, that this rezoning request would more than double
13 the number of commercial units in the building than what is
14 currently allowed today.

15 CHAIRPERSON HOOD: Well, Ms. Wiktor, I will tell
16 you -- let me just tell you my opinion, and I'll hear from others.
17 I don't know if you've saw us in the past. I'm very amenable to
18 these type of requests. And when we turn people down on a party
19 request, I make sure that they are heard. But I think what you
20 just said to me, even furthermore, what I was thinking about not
21 giving you party status, but I will -- we will hear from you and
22 consider it. But let me hear what others have to say. Because
23 if all of you all have density issues, traffic issues, trash
24 issues, that is very germane and I don't see anything unique.
25 But I do understand if somebody's right across the street, the

1 windows, I believe were going to be affected. I read all that.

2 MS. WIKTOR: I had a -- right. I just never mentioned
3 the windows, I would like to say that.

4 CHAIRPERSON HOOD: Okay. Okay. Well, I will tell you,
5 I'm -- let me just finish. I will tell you that I'm going off
6 the top of my head, which is dangerous, so that means -- and also
7 Mr. Dana Keeney is here as well. So someone mentioned it. I do
8 know it was in the submission. So let me hear from others.

9 Commissioner May?

10 COMMISSIONER MAY: Yeah.

11 And Ms. Wiktor, I'm confused by your answer to the
12 initial question. Are you -- is Mr. Keeney part of your party
13 or not?

14 MS. WIKTOR: I was going to call him as a witness, but
15 since he applied for party status, I was not going to call him
16 as a witness.

17 COMMISSIONER MAY: Okay. So he's not --

18 MS. WIKTOR: If I asked -- after I filed.

19 COMMISSIONER MAY: Right. He's not part of your
20 presentation or your party?

21 MS. WIKTOR: No.

22 COMMISSIONER MAY: He would be separate. Yeah, okay.
23 All right.

24 That's the that's the key question that I was trying
25 to get clarification on. I think we can evaluate the party status

1 request based on the information that's in the record,
2 Mr. Chairman.

3 CHAIRPERSON HOOD: Okay. I've -- anybody else? I've
4 given my evaluation. If we're doing Ms. Wiktor -- Whittaker.
5 Hopefully, I'm pronouncing your name. I think it's Witkor. How
6 do you pronounce your name? Ms. Witkor, how do you --

7 MS. WIKTOR: It's two syllables, Wiktor.

8 CHAIRPERSON HOOD: Wiktor. Two syllables. Thank you.
9 I'm back in English class. Witkor. Okay, forgive me. Okay.

10 So I -- you know, again, I am very amenable. We will
11 make sure that we hear from everyone loud and clear. I don't
12 know what others feel. I am not inclined to give party status.
13 Let me hear from others.

14 COMMISSIONER MAY: Yeah. I mean, I think this is a
15 hard one, because the -- in this circumstance, the proximate --
16 the proximity to any potential negative effects is really acute
17 for Ms. Wiktor and perhaps probably even more so for Mr. Keeney,
18 since he's just one door away. So I, you know, even though that
19 generally speaking, the concerns that were raised when it comes
20 to things like, you know, traffic, congestion, I mean, that's a
21 general concern. There are other aspects of this --

22 MS. WIKTOR: What's that?

23 COMMISSIONER MAY: -- but there are other aspects of
24 this application that I think are more specific, so.

25 MR. KEENEY: But it --

1 COMMISISIONER MAY: I'm trying -- Mr. Keeney, we're
2 having a discussion amongst the Commissioners.

3 MR. KEENEY: Oh, sorry.

4 COMMISSIONER MAY: We're not really looking for your
5 feedback on this. And we're not really even talking about your
6 application for party status to begin with. We're taking them
7 one at a time. So I mean, I -- I'm leaning slightly in favor of
8 party status, but I'm -- I don't feel very strongly about it,
9 and I'm not going to really press the case if the rest of the
10 Commission thinks that it is not appropriate.

11 CHAIRPERSON HOOD: Okay.

12 Commissioner Imamura?

13 COMMISIONER IMAMURA: Thank you, Mr. Chairman. I align
14 myself with your comments and not -- I don't feel very strongly
15 that they're uniquely affected so.

16 CHAIRPERSON HOOD: And Vice Chair Miller?

17 VICE CHAIR MILLER: I have no further comments,
18 Mr. Chairman.

19 CHAIRPERSON HOOD: Okay. So again, Ms. Wiktor, I am
20 inclined to decline your party status application, because the
21 key for me is what you submitted, "uniquely affected." And that's
22 the threshold that that really, I think, even in your submission,
23 there's a threshold that goes to a number of people. So we can
24 -- we will hear what you have to say, and I -- believe me, I will
25 be very amenable to that.

1 So with that, I'm going to make a motion to deny
2 Ms. Wiktor's party status in this case. But again, she will be
3 able to testify at the appropriate time. And that's my motion.
4 Is there a second?

5 COMMISSIONER MAY: Second.

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

8 VICE CHAIR MILLER: Mr. Chairman, before we vote, I
9 just want to say if they would combine their -- if they would
10 get together as neighbors who have the same issues, basically, I
11 would grant a consolidated party status before I vote right now
12 to deny an individual party status. I just wanted to put that
13 on the record. That's -- I think I made that point in my first
14 comment, but --

15 CHAIRPERSON HOOD: Okay. I could actually probably go
16 with that, if they do a united (indiscernible). But it's --
17 again, I don't have a problem with them uniting, but I'm going
18 again, by the submission, which any court anybody's going to look
19 at. And I think the key word for our threshold is "uniquely."

20 So Ms. Wiktor, if you and Mr. Keeney -- I don't know
21 how you can talk or he's online. He -- Dana Keeney is online.
22 But they are -- as you mentioned, out of the country, I believe.
23 So I don't know how you all can coordinate that, unless you want
24 to talk in front of us right now and see if you all want to
25 coordinate your party status as the Vice Chair has mentioned.

1 MS. WIKTOR: Okay. I just spoke to Mr. Keeney, and he
2 is amenable to consolidation.

3 CHAIREPERSON HOOD: Okay.

4 MS. WIKTOR: I think we would handle -- or I would call
5 him as a witness. I don't know that he had any additional
6 witnesses.

7 CHAIRPERSON HOOD: Okay. All right. So I will -- I
8 don't, you know, I'm not going to push it hard the other way. So
9 with that, since the Vice Chair has mentioned that, I will -- we
10 will go down those lines. So I will -- unless somebody else
11 disagrees, we will have a joint party status. But I want to make
12 note that the application that we're going to -- other than
13 Mr. Keeney putting together, I think, validates it more. But I
14 didn't see where you were uniquely affected. So "uniquely" is
15 the key word for me.

16 So with that, Vice Chair, would you like to make a
17 motion on this party status, and we'll call this the Wiktor party.

18 VICE CHAIR MILLER: Okay. I --

19 MS. WIKTOR: Wiktor-Rollins. Wiktor-Keeney. I'm
20 sorry.

21 CHAIRPERSON HOOD: Wiktor-Keeney. Okay.

22 VICE CHAIR MILLER: Okay. So I -- correct me if I'm
23 wrong, Ms. Schellin, or Mr. Chairman. I would move that the
24 Commission grant party status -- consolidated party status to
25 Ms. Denise Wiktor and Mr. Dana Keeney and ask for a second.

1 CHAIRPERSON HOOD: I will second it, but I will make
2 an amendment that we will deny Dana Keeney's individual party
3 status because they're joining with Ms. Wiktor. I'll get that
4 right before the night's out. So I will add that to -- if you
5 would accept that as a friendly amendment, then we can accept
6 that what you (indiscernible).

7 VICE CHAIR MILLER: Sorry. Yeah, I meant to do that.
8 I wanted it to be correct.

9 CHAIRPERSON HOOD: Okay. All right. So it's moved and
10 properly seconded. Any further discussion?

11 (No audible response.)

12 CHAIRPERSON HOOD: Great.

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

15 MS. SCHELLIN: Commissioner Miller?

16 VICE CHAIR MILLER: Yes.

17 MS. SCHELLIN: Commissioner Hood?

18 CHAIRPERSON HOOD: Yes.

19 MS. SCHELLIN: Commissioner Imamura?

20 COMMISSIONER IMAMURA: Yes.

21 MS. SCHELLIN: Commissioner May?

22 COMMISSIONER MAY: Yes.

23 MS. SCHELLIN: Motion is -- carries four to zero to one
24 to deny individual party status to Ms. Wiktor and have a joint
25 party of Wiktor-Keeney for this case. The minus one being the

1 third Mayoral appointee position which is vacant.

2 CHAIRPERSON HOOD: Okay. So the party now will be the
3 Wiktor-Keeney party.

4 Ms. Schellin, do we have anything else?

5 MS. SCHELLIN: I did not see any proffered expert
6 witnesses from Mr. Sullivan.

7 CHAIRPERSON HOOD: Okay. Let's bring Mr. Sullivan up,
8 and --

9 MS. SCHELLIN: Mr. Young can take down the Wiktor-
10 Keeney party.

11 CHAIRPERSON HOOD: Good afternoon, Mr. Sullivan, are
12 you proffering anybody as an expert?

13 MR. SULLIVAN: No, we're not proffering an expert.
14 I'll just be providing the presentation myself.

15 CHAIRPERSON HOOD: Okay. Well, with that, how much
16 time you need? The whole 60 minutes?

17 MR. SULLIVAN: No. 10, 15 minutes. 15 minutes.

18 CHAIRPERSON HOOD: Good, man. Okay. So with that,
19 let's turn it over to Mr. Sullivan.

20 MS. SCHELLIN: Well, just in that way, the party -- the
21 Wiktor-Keeney party knows how much -- they'll have equal time to
22 the Applicant, just to put them on notice. They'll know how much
23 time they have to present.

24 CHAIRPERSON HOOD: Okay. So that's a good point,
25 Ms. Schellin.

1 So to the party, Wiktor-Keeney party, the time that the
2 Applicant has, you will have the same time to present, and we'll
3 probably be asking questions to flush out a lot more, so.

4 All right, so unless there's anything else,
5 Mr. Sullivan, you may begin.

6 MR. SULLIVAN: Thank you, Mr. Chair, and members of the
7 Zoning Commission.

8 Mr. Young, if you could please load the PowerPoint
9 presentation?

10 This is Zoning Commission Application No. 22-18 for
11 3220 17th Street, Northwest, Square 2607, Lot 85. The proposal
12 is for a map amendment from RA-2 to MU-4.

13 Next slide, please.

14 So, the Argyle Condominium is an existing building
15 built in the early 1900s. It's a -- has always been a mixed-use
16 building with retail uses and currently childcare uses on the
17 ground floor and on the basement level equaling approximately
18 about 7,000 square feet of space right now. The proposal is to
19 change from RA-2 to MU-4 based on a FLU Map designation, which
20 was recently adopted by the D.C. Council, which I'll go into
21 later in the presentation. We do have the unanimous support from
22 the ANC. The Office of Planning is recommending approval. It is
23 not inconsistent with the Comprehensive Plan, including the
24 Future Land Use Map and other Elements. And DDOT has written a
25 report without no objection, and I'll note that they evaluated

1 this as if the property would be fully developed under the MU-4,
2 including the available commercial use there.

3 There's no expectation that the existing commercial
4 spaces are going to be expanded. There's 41 condominium units
5 currently, and there's no intention or expectation that any of
6 those residential units would convert to commercial use.

7 Next slide, please.

8 This chart shows differences in zoning aspects between
9 RA-2 and MU-4, same height limit, and the building is
10 approximately 50 feet in height, maybe a little under right now.
11 It's a four-story building. Lot occupancy, 60, 60 percent. The
12 current lot occupancy of this building is probably around 85.
13 FAR currently goes from 1.8 to 2.5 and a slight change in the
14 rear yard.

15 Next slide, please.

16 So I wanted to give some perspective with some photos.
17 So this is coming up Park Road Northwest, traveling southeast,
18 and the building is on the right.

19 Next slide, please. And this is from the direct north,
20 the building is on the right. 17th Street is straight ahead to
21 the right, and Mount Pleasant straight ahead. There was some
22 information from neighbors saying that the building was
23 surrounded on three sides by row houses.

24 Next slide, please.

25 That's not the case. This is across the street --

1 directly across the street, and there's commercial uses across
2 Mount Pleasant.

3 Next slide, please.

4 And this is looking up Mount Pleasant. The building
5 is on the left.

6 Next slide, please.

7 And the overhead view, you can see there's residential
8 behind it and south across the street. To the right is a large
9 apartment building across the street. On the other side is not
10 a park, but some other commercial uses. And right across the
11 street is MU-4 zone.

12 Next slide, please.

13 And here's another view of the existing building.

14 Next slide, please.

15 So this slide shows the recent update on the FLU Map
16 from the D.C. Council. It went from -- I think we have a -- so
17 it goes -- it's now low density commercial and moderate density
18 residential. It was just moderate density residential before,
19 so the commercial was added to make it a mixed-use designation.

20 Next slide, please.

21 And here you see the zoning -- the MU-4 zone across the
22 street is of a similar designation on the Future Land Use Map,
23 and this essentially pulls that into that MU-4 zone.

24 Next slide, please.

25 So the subject property is designated as medium density

1 residential, low density commercial, which is consistent with the
2 proposed MU-4 zoning. MU-4 zone is the corresponding zoning
3 district under the low-density commercial designation. And this
4 designation is used to define shopping and service areas that are
5 generally low in scale and character. Retail office and service
6 businesses are the prominent -- predominant uses. And areas with
7 this designation range from small business districts to draw
8 primarily from the surrounding neighborhoods to larger business
9 districts, uses that draw from a broader market area. And a
10 common feature is that they are comprised primarily of one to
11 three-story commercial buildings.

12 Next slide, please.

13 Property is also like in a neighborhood conservation
14 area, which is not inconsistent with the Generalized Policy Map,
15 as the neighborhood conservation areas still allow for limited
16 redevelopment opportunities, and these uses already exist. I
17 quote, "The guiding philosophy in the Neighborhood Conservation
18 Area is to conserve and enhance established neighborhoods.
19 Limited development and redevelopment opportunities do exist
20 within these areas, but they are small in scale."

21 I'll just note that there's no changes proposed here.
22 There's no additions to the building, and no changes internally
23 with the designation of the uses. This is a condo building,
24 (indiscernible) each of the residential units are owned
25 specifically as condo units by residents.

1 Next slide, please.

2 And the Racial Equity Analysis. The map amendment will
3 further the goals around racial equity. Specifically, the change
4 in zoning will facilitate the ability to maintain existing
5 commercial spaces and new uses within those existing commercial
6 spaces when necessary, without requiring a BZA use variance. The
7 use variance process is effectively a barrier to entry to opening
8 a retail business as it adds significant time, expense, and the
9 most important thing is the uncertainty in time that it takes to
10 get a use variance, which makes it extremely difficult to secure
11 a tenant that can take that time and a landlord that can wait
12 and leave a space open, waiting to see what that decision might
13 be.

14 So accordingly, the map amendment, we believe, will
15 lower the barrier to entry and open the door to business owners
16 who may not have the time, the resources, and financial backing
17 to pursue a use variance. And the map amendment is not
18 inconsistent with the Comprehensive Plan including the Comp
19 Plan's racial equity goals. Therefore, as detailed above, the
20 Commission's approval of the rezoning would further actions that
21 would increase racial equity.

22 Next slide. please.

23 We have completed the Racial Equity Analysis Tool. The
24 zoning action will not result in the displacement of any
25 residential or commercial tenants, and it will not result in any

1 changes to market rate affordable or replacement housing and will
2 not result in changes to the physical environment. It will
3 increase access to opportunity in that future replacement
4 commercial uses will be more accessible to disadvantaged or less
5 established businesses.

6 Next slide, please.

7 The proposal also satisfies other Citywide Comp Plan
8 Elements, including the Land Use Element, the Economic
9 Development Element, Housing Element, Historic Preservation
10 Element and Mid-City Area Element as discussed here.

11 Next slide, please.

12 A quick response to some of the opposition testimony.
13 We do have the full unanimous support of ANC 1D. We attended
14 two full ANC meetings, which there was considerable time for
15 discussion at both of those meeting -- meetings. The -- a lot
16 of the issues raised here are in the nature of use variance issues
17 and not really a Comp Plan. We see this as we're asking the
18 Zoning Commission to implement the wishes of the D.C. Council and
19 the Office of Planning and very specifically upgrading the
20 designation -- the land use designation of just this particular
21 property in the recent Comp Plan update.

22 Next slide, please.

23 And I think that may be it for my presentation. Yes.
24 Thank you.

25 CHAIRPERSON HOOD: Well, thank you, Mr. Sullivan. I

1 appreciate your very succinct presentation. I do have a few
2 questions. Well, you know what, I'm going to go last like I
3 normally do.

4 Commissioner May, you have any questions or comments?

5 COMMISSIONER MAY: Yeah.

6 Mr. Sullivan, can you explain a little bit -- in a
7 little bit more detail how it is that the existing commercial
8 uses are operating there now? They -- I mean, are there four
9 different businesses operating with use variances? What's -- I
10 mean, I don't really understand it.

11 MR. SULLIVAN: Yeah. So there's a combination of uses
12 in there or the -- there's four uses in five spaces --

13 COMMISSIONER MAY: Right.

14 MR. SULLIVAN: -- and they came about in different
15 ways. So the commercial spaces have existed as legally
16 non-conforming spaces since the time the building was built,
17 since 1913. And so, for instance, the Argyle Market operates as
18 a continuing legally non-conforming use. The daycare in there
19 operate, one, I believe, is a use variance. One may be a special
20 exception. In the 2016 Regulations, as you know -- from 1958 to
21 2016, there was a regulation that said you could convert from one
22 legally non-conforming use to another by special exception. And
23 that was the way that most of these uses would have changed and
24 replaced tenants during that time.

25 And the 2016 Regulations brought about a change in that

1 special exception, in that the neighborhood serving facility
2 option was removed from the regulations, which effectively made
3 any change from one legally non-conforming use to another a use
4 variance. And that's why we've done at least, I don't know,
5 maybe five to ten use variances of spaces that had lost their
6 legally non-conforming status or were changing from one use to
7 another and could no longer get the special exception. So this
8 makes it really difficult for a building owner to replace tenants,
9 and it makes it difficult for the tenant as well, because
10 typically, a landlord can't wait the time. It -- a use variance
11 could be a year and a half, especially if there's a party
12 opponent. It could be a year and a half before an order is
13 issued.

14 Also, there's A lot of uncertainty -- a lot more
15 uncertainty on the use variance of whether or not that can
16 actually be achieved. So that time period makes it difficult for
17 the landlord to find the tenants that might fit the market, might
18 be the best tenants for the market, and also difficult for the
19 tenant that might not be -- it might be a startup retail business,
20 might not be established business, might be a chain. Where a
21 chain may be able to afford to sit around for a year and a half
22 and wait for an approval, a lot of other businesses can't, I
23 know.

24 I -- we struggle a lot with, for instance, well daycare
25 is one, obviously, that usually needs occupancy immediately. But

1 there's other uses, retail -- usually, when somebody decides to
2 start a retail business, their plan isn't to sit around and wonder
3 if it's going to get approved for six months and then wait for a
4 BZA order for a year after that. So my understanding -- the --
5 and I wasn't involved with this at that time, but the commercial
6 unit owners went to the Office of Planning, and this was suggested
7 as a proposal, and that's how we got to the Future Land Use Map
8 Amendment by the Council to lead to this to make it --

9 COMMISSIONER MAY: Got it, so.

10 MR. SULLIVAN: -- more accessible. Thanks.

11 COMMISSIONER MAY: If say any of the given or the
12 existing users actually got the use variance, wouldn't that use
13 variance survive in perpetuity, or would it -- it would have to
14 be revisited if there were a change to the actual use? I mean,
15 if it's the same use, it could stay forever, right?

16 MR. SULLIVAN: Yeah. Well, it would -- sure. If it
17 was the same use, it would stay forever, just like for a special
18 exception or a variance or for any legally non-conforming use,
19 yes.

20 COMMISSIONER MAY: Right. Well, there -- and there's
21 no option for -- to switch uses that are in the same use group,
22 for example, same -- similar intensity?

23 MR. SULLIVAN: So it's supposed to be the same use.
24 No, there's no option for -- it's not use groups, it's a use. So
25 every different retail use would be effectively a different type

1 of use.

2 COMMISSIONER MAY: Okay. Yeah, that's not practical.
3 So I think one of the things that we will hear at some length
4 from the party in opposition and from the individuals who've
5 written letters and so on, have to do with basic kind of good
6 neighbor policies. And I'm wondering if, you know, if you have
7 anything to say about that. Because, you know, the story of the
8 trash chute. I mean, if I had a trash chute, an exterior trash
9 chute made of sheet metal outside, like, across the alley from
10 my house, I would go insane. And this was apparently a deliberate
11 move on the part of the building owners when it went condo. I'm
12 just -- I'm curious about things like that, because it seems to
13 me that there are steps that the building owners could take to,
14 you know, be better neighbors. I'm just curious about that.

15 MR. SULLIVAN: No, I agree. And the building owner
16 will -- stands ready to do that. They've actually had -- I mean,
17 on some of the issues, there's a genuine dispute about the
18 accuracy of the testimony coming the other way. When it comes
19 to the chute, and they're just --

20 COMMISSIONER MAY: Well, you can rebut that when
21 they -- when we hear that testimony, right.

22 MR. SULLIVAN: Yeah. And I -- I was hesitant to go
23 down that that road, because I didn't, you know, see this as a
24 use variance type of analysis. We didn't want to open it wide
25 open to that.

1 COMMISSIONER MAY: Yeah, it's not a use variance, but
2 you know, we're -- there's an application to us to change the
3 zoning and whether we consider it and how quickly we move on it
4 can be affected by how well the building owner is getting along
5 with its neighbors, so.

6 MR. SULLIVAN: I appreciate that. So if that's the
7 case, then I probably -- I would like to -- the building owner
8 or the commercial unit owner -- principal commercial unit owner
9 is here, and maybe we could have them come in and talk about some
10 of those things for sure. Yeah.

11 COMMISSIONER MAY: Okay. So -- but there's -- is there
12 -- I mean I take it that the commercial unit owners aren't
13 necessarily -- they're not going to have control over things like
14 the trash chute for the condos above, right?

15 MR. SULLIVAN: I think since -- I'm going to have
16 Mr. Gleason talk. I'll have him --

17 COMMISSIONER MAY: Okay.

18 MR. SULLIVAN: -- respond rather than speculating.

19 COMMISSIONER MAY: Mr. Young, if you can bring
20 Mr. Gleason up? Paul?

21 Mr. Gleason, your -- I can see your image. Can you
22 speak to us? Or your name. I can see your name. You're muted
23 at the moment.

24 MR. GLEASON: Okay.

25 COMMISSIONER MAY: Yes, we can hear you now.

1 MR. GLEASON: Okay.

2 COMMISSIONER MAY: Yes. Yes, sir. Hopefully, you
3 heard my point. Did you hear my question or?

4 MR. GLEASON: I did hear the question. There is a
5 trash chute on the west side of the building that serves all of
6 the residential units, the 41 residential unit owners. That
7 trash chute has been in place since my involvement in developing
8 the building in 2000. It was replaced and upgraded in the early
9 2000s.

10 CHAIRPERSON HOOD: Mr. Gleason, could you --

11 MR. GLEASON: That trash chute doesn't --

12 CHAIRPERSON HOOD: Could you identify yourself? Could
13 you identify yourself first, and tell us who you are?

14 MR. GLEASON: I'm sorry, sir. My name is Wayne Gleason.
15 My address is 3220 17th Street, Northwest, Unit T60, Washington,
16 D.C.

17 CHAIRPERSON HOOD: Thank you.

18 COMMISSIONER MAY: So you're -- you control the
19 commercial unit or a commercial unit?

20 MR. GLEASON: That's correct, sir.

21 COMMISSIONER MAY: And you were also the developer of
22 the building into condos.

23 MR. GLEASON: I converted the building into
24 condominiums. That's correct, sir.

25 COMMISISONER MAY: Right. Okay. So who -- who's in

1 control of that trash chute, for example? I mean, if there are
2 improvements that need to be made to that or the trash management,
3 who does that? Is that you?

4 MR. GLEASON: The condominium association.

5 COMMISSIONER MAY: The condominium association.

6 MR. GLEASON: And you're a member that, right?

7 MR. GLEASON: I sit on the board of that association,
8 yes.

9 COMMISISONER MAY: Yes.

10 MR. GLEASON: I hold one of five seats on that board.

11 COMMISSIONER MAY: Okay. Has there has there been any
12 discussion of making similar improvements? I mean, have there
13 been complaints from the neighbors in the past and that you're
14 trying to address?

15 MR. GLEASON: I've never heard a complaint from a
16 neighbor about sound related to a trash chute.

17 COMMISSIONER MAY: Or well -- rat generation as a
18 result?

19 MR. GLEASON: Yes. I mean I certainly have heard
20 complaints about rats in the neighborhood, but the trash chute
21 is a sealed trash chute. It's closed, and it services a dumpster,
22 which is underneath the trash chute, that's also a closed
23 dumpster.

24 COMMISSIONER MAY: Okay. All right. Well, we'll hear
25 more testimony about that. You may need to answer more questions.

1 Mr. Chairman, I don't think I have any other questions
2 about this. I mean, I agree with Mr. Sullivan that this is really
3 about Comp Plan consistency, but we all want to believe in the
4 good neighbor policy. So I just thought I would ask a few
5 questions about that in anticipation of the testimony that we'll
6 hear. That's it.

7 CHAIRPERSON HOOD: All right. Thank you.

8 Commissioner Imamura?

9 COMMISSIONER IMAMURA: Thank you, Mr. Chairman. I'll
10 be brief. I see this as a map exercise. I certainly am sensitive
11 and appreciate the grievances from those that are in opposition.
12 But as Commissioner May had pointed out, I mean, that all goes
13 to sort of the good neighbor policy. But really, this is a map
14 exercise to see if it is or isn't consistent with the Comp Plan
15 and the FLUM. I just want to -- I thought I read somewhere in
16 the opposition that there was some concern about increasing
17 commercial space. But -- and so, I wanted to ask: Are all the
18 commercial spaces fully leased?

19 MR. GLEASON: Is that question to me, sir, or is that
20 to the Mr. Sullivan?

21 COMMISSIONER IMAMURA: Sure. That can be to you,
22 Mr. Gleason.

23 MR. GLEASON: Yes, there are five commercial spaces in
24 the building. All of them are occupied by long-term tenants.

25 COMMISISONER IMAMURA: And all the condominiums are

1 owned.

2 MR. GLEASON: Or sold. Yes, that's correct. All the
3 41 individual residential condominiums are sold, and all the
4 commercial condominiums are rented to long-term tenants.

5 COMMISSIONER IMAMURA: And this building contributes
6 to the Historic District. So the building itself is physically
7 bound by the four walls, or the walls that encompass the building
8 itself. So there's really no real means to expand any sort of
9 commercial lease space.

10 MR. GLEASON: Yeah, I think we (indiscernible).

11 COMMISSIONER IMAMURA: That's all that I wanted on the
12 record, Mr. Chairman. That's all that I have.

13 CHAIRPERSON HOOD: Right. Thank you. Vice Chair,
14 Miller, any questions or comments?

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

16 Thank you, Mr. Sullivan and Mr. Gleason for your
17 presentation and answers to questions of my fellow Commissioners.

18 Yeah, I concur with my colleagues that this is
19 primarily, if not exclusively, a zoning consistency case with the
20 Comprehensive Plan that was specifically changed a year ago, I
21 guess, or more recently to add the low-density commercial
22 designation to the previously medium-density residential
23 designation. So it's now -- it's been for the last year to a
24 mixed use, medium, low-density commercial, which reflects the
25 -- what's actually happening at the site and what has been

1 happening for many, as I understand it, for many decades.

2 So there's -- that's a big factor here in this
3 application. But I agree with Commissioner May that that the
4 good -- that the Applicant needs to be a good neighbor. They're
5 before us, and we want to make sure that they have been a good
6 neighbor. And let me ask a -- and we'll hear more about that
7 from the neighbors who are here in opposition, and maybe there
8 are neighbors here in support. I don't know who signed up to
9 testify. But I know there's the party in opposition, the two
10 neighbors within 100 or 140 feet.

11 Mr. Gleason, you said all of the commercial units are
12 -- the five commercial units are rented. I thought I read that
13 one of them hasn't been occupied for a while. Is that not
14 correct? Is -- has one been vacant for a while, or are they all
15 fully occupied and functioning as commercial spaces?

16 MR. GLEASON: They all are occupied, rented, fully
17 functioning as commercial spaces with the same tenants for over
18 a decade.

19 VICE CHAIR MILLER: And they -- and can you just --
20 it's in the record. Well, I saw four of them. I mean, I'm
21 recalling for them. Can you just say what -- who -- what the
22 use -- what those commercial uses are for those five? I think
23 there's the Argyle Market.

24 MR. GLEASON: I'm sorry, Commissioner. There's a
25 little bit confusion, because one of the occupants, the Tiny Tots

1 Preparatory School was an extension, an expansion of the
2 preparatory school, which has been in the building for a couple
3 of decades. They have now expanded during COVID and taken over
4 two commercial spaces.

5 VICE CHAIR MILLER: They're (indiscernible) in two of
6 the spaces.

7 MR. GLEASON: Right. They occupy 10 and 20 --

8 VICE CHAIR MILLER: Okay.

9 MR. GLEASON: -- along with 40. So three of the
10 commercial -- three of the five commercial spaces are occupied
11 by daycare.

12 VICE CHAIR MILLER: I see. And so, three of the five,
13 daycare; one, the Argyle market; and what's the other one?

14 MR. GLEASON: Morpheus Development Group, which is my
15 office, which is in the building, and I'm sitting in now.

16 VICE CHAIR MILLER: And you also live there somewhere
17 up above?

18 MR. GLEASON: I also have a residence in the building,
19 a condominium in the building, a residential condominium.

20 VICE CHAIR MILLER: You are the perfect example of the
21 mixed-use designations that the Comp Plan --

22 MR. GLEASON: Yes, sir.

23 VICE CHAIR MILLER: -- is calling for here. Okay, I
24 don't think I have any other questions really, at this point. I
25 may later after the party in opposition to ask further, you know,

1 and I'm sure there would be rebuttal of their testimony when you
2 get to that point in this hearing. But I'll wait until that
3 point.

4 CHAIRPERSON HOOD: And thank you. I don't have many
5 questions either. As stated, this is consistency. And you know,
6 we talk about the good neighbor policy. I sure hope the good
7 neighbor policy is not presented as it was to me some time back.
8 And that was at -- when you got ready to come down in front of
9 the Board or Commission, then we talked good neighbor policy.
10 That good neighbor policy should be going on all the time before
11 you get in front of the Commission or Board. And I -- so I just
12 want to make sure that that's out there, because I think, from
13 my standpoint, the reason that we're having some of this is there
14 seems to be a trust or a misleading or a misunderstanding about
15 what's actually going on.

16 Because Mr. Sullivan, when you -- what you told me, I
17 think, is a prime example of what this Commission is duty-bound
18 to do. So I'm trying to figure out -- have you all presented to
19 the community? I know you presented to the ANC, but I mean --
20 and some of these questions, I'm sure, are probably going to be
21 for the -- those -- the party in opposition. But did you hear
22 some of these same concerns, Mr. Gleason, and Mr. Sullivan, when
23 you are presented to the community or whoever presented to the
24 community?

25 MR. GLEASON: I heard these concerns expressed by

1 Mr. Keeney and Ms. Wiktor during the ANC meetings. I've responded
2 to the ANC. These are -- I want them to testify before I
3 characterize their testimony, of course, but I should just say
4 just with what's been raised already with respect to the trash
5 chute, there are nine residences with bedrooms that are within
6 10 feet of that trash chute with condominiums inside the Argyle.
7 And I would say in the 20 years I've been in this building, I've
8 never heard a resident make a complaint or suggestion that we
9 need to do something to dampen sound from the trash chute.

10 So this is an issue, not only I haven't heard expressed
11 by neighbors, but I've never heard it raised by condominium
12 residents who live within feet of that trash chute. As a matter
13 of fact, my bedroom is within 10 feet of that trash chute.

14 CHAIRPERSON HOOD: Okay. All right.

15 Mr. Sullivan, if you could, and I want to ask you to
16 kind of explain in layman's terms, what you're trying to achieve
17 here; not a long dissertation, but just in layman's terms, what
18 you're trying to achieve. What is the ultimate goal you're trying
19 -- what is the expected outcome of trying to do this?

20 MR. SULLIVAN: So the expected outcome is to provide
21 long term stability for the building and the commercial condo
22 owners so that when there's changeover in tenants in the future,
23 they can have -- they can compete on a fair playing field with
24 the commercial uses across the street and in the attached or what
25 would be an attached MU-4 zone and not have to go through the

1 use variance process, which would lead to expense and
2 uncertainty. The main point being that it really, really limits
3 the opportunities for tenants and for landlords to get the uses
4 in there that might best fit the neighborhood and the building
5 in the market.

6 CHAIRPERSON HOOD: I think it also -- as you've already
7 mentioned, the racial equity -- I'm really saying this, because
8 I want to make sure that the party in opposition understands
9 exactly what's happening here, because leveling the playing field
10 and the racial equity is exactly what I see that's going on here.
11 Because as you mentioned, the time to come in front of the BZA,
12 sometimes us, that's so unpredictable. So that -- when you add
13 the time, unpredictability, having to go through another process
14 in the District, that adds money. So -- and I'm hoping that, as
15 this is a consistency case, I'm hoping that the parties in
16 opposition understand exactly what you're trying to achieve. I
17 don't think this is a major ask, and I don't see a whole lot
18 changing. I just see -- I see it leveling the playing field, so
19 I'll leave it at that. All right, thank you both.

20 Any further -- any second go rounds?

21 (No audible response.)

22 CHAIRPERSON HOOD: Okay.

23 All right. Ms. Schellin, do we have anyone from the
24 ANC who's here who may want to cross? That's ANC 1D?

25 MS. SCHELLIN: I do not see anybody from ANC.

1 CHAIRPERSON HOOD: Mr. Gleason, I really wanted to ask
2 you this. I wanted to ask you -- your last name is Gleason. I
3 wanted to know did you have any family members, like,
4 Jackie Gleason. I'm -- I shouldn't probably ask you that, but
5 I'm just curious. I always know to seize the moment, so I'm
6 going to ask you. You can yes or no, or you can tell me mind my
7 business.

8 MR. GLEASON: He is the more talented section of the
9 Gleason name to which I have no affiliation, unfortunately.

10 CHAIRPERSON HOOD: Okay. All right. Thank you. So I
11 appreciate you letting me ask you that, because that was getting
12 ready to kill me. I said, I wonder if they're related.

13 MR. GLEASON: Well, it's not the first time I've heard
14 the question, Mr. Chairman.

15 CHAIRPERSON HOOD: Okay. All right. Well, random from
16 me. You never know what may come up.

17 COMMISSIONER MAY: It's like -- Mr. Chairman, don't
18 people ask you if you're related to Robin?

19 CHAIRPERSON HOOD: Yeah, I get -- I -- I'm related to
20 Robin. I look like Carol Mitten (phonetic). I get all kinds of
21 things that go on. So I don't even worry about it no more. I
22 just take it into stride and keep on going.

23 All right, so we don't have anyone from ANC 1D.

24 Let's go to the Office of Planning. And I -- do we
25 have DDOT? I don't think we have DDOT in the map amendment. So

1 let's just go to Mr. Cochran. And Mr. Cochran, you can give us
2 the quick version.

3 MR. COCHRAN: Okay. Thanks, Mr. Chair. It will be a
4 quick break rather, but you might hear a few repetitions of what
5 you've already heard. I apologize for that.

6 So I'm Steve Cochran, with the Office of Planning
7 representing OP in Zoning Commission Application 22-18.

8 OP, of course, is recommending that you approve the
9 request to amend the location zoning from RA-2 to MU-4 and to
10 require IZ Plus. The map amendment would -- that would bring the
11 site's zoning into alignment with the 2021 Comprehensive Plan's
12 Generalized Future Land Use Map is the one that's before you.

13 The property's located at the intersection of 17th
14 Street, Mount Pleasant Street and Park Road. It's at the upper
15 end of the Mount Pleasant neighborhood commercial corridor, where
16 that corridor transitions into a rowhouse neighborhood to the
17 west and a moderate -- there's a moderate strip of medium density
18 residential uses on -- oh, I'm sorry.

19 Paul, could you please pull up the PowerPoint? Thank
20 you. Okay. Thanks.

21 Yeah, I was assuming you could see all that stuff. So
22 anyway, the property's located at the upper end of the Mount
23 Pleasant corridor, at the intersection of 17th Street and Park
24 Road and Mount Pleasant Street, which is the upper end of the
25 neighborhood commercial corridor, where that corridor's

1 transitioning into rowhouse neighborhoods to the west and
2 moderate, sometimes medium density apartment buildings on a strip
3 that's along the north side of Park Road. And then there are
4 medium density apartment buildings to the east, over towards 16th
5 Street.

6 The site in question is occupied by a contributing
7 building to the Mount Pleasant Historic District. It's had
8 primarily residential usage, but with continuous ground-level
9 commercial usage since it was built in 1913. When it first
10 opened, it actually had for the area that's now occupied by the
11 market, there was a CMO (phonetic) for a drugstore. And that
12 continued for several decades as a drugstore and then other
13 commercial uses after that.

14 So as you can see in the slide, the pre-2021 FLUM
15 accurately reflected the low-density commercial usage on Mount
16 Pleasant Street, and the variety of residential uses on either
17 side of that street. You can see it from the zoning and from
18 the land use map. However, it didn't reflect the mixed-use
19 reality of how the Applicant's site had been used for over a
20 century, that is to say low density commercial on the ground
21 floor, like the uses on Mount Pleasant Street and medium density
22 residential uses above, like the buildings across Park Road from
23 the site. The 2021 Comp Plan FLUM designation for the site
24 reflects that century long reality.

25 And Paul, if you can go to the next slide. Thanks.

1 As you can see on this slide, the map amendment number
2 9980 continued the site's previous medium density, residential
3 designation, but the amendment also added a stripe for low density
4 commercial use. The MU-4 zone is among those that Section 227.10
5 of the Comp Plan's Framework Element indicates as being
6 consistent with the low-density commercial category. That's the
7 strike that got added. The zone would also be not inconsistent
8 with the medium density residential designation. The Framework
9 Element actually indicates that FARs from 1.8 to 4.0 are
10 appropriate for moderate to medium density residential and the
11 MU-4 zone permits a maximum residential FAR of 2.5 without IZ and
12 3.0 with IZ. So it would clearly fit within the Framework
13 Element's description of medium density residential. The
14 non-residential use MU-4 would be limited to 1.5 FAR.

15 Now, the site's existing building could not be used
16 entirely for non-residential purposes even if all the owners in
17 the condominium building wanted it and went through all the legal
18 rigamarole. Let me try that again -- legal complexities. A
19 new building couldn't entirely be commercial, unless it were
20 willing to be smaller than the existing building and have only a
21 1.5 FAR, so a mixed-use building looks almost inevitable for the
22 future. The map amendment -- unless, of course, there was some
23 sort of calamity.

24 The map amendment would also be not inconsistent with
25 the Policy Map, which includes the location as a neighborhood

1 conservation area. The MU-4 zone would enable the retention and
2 conservation of the existing mix of uses on the site.

3 OP's setdown report and our testimony addressed the
4 proposal's positive relation to the Comprehensive Plan's written
5 elements, particularly land use, housing, historic preservation,
6 and economic development.

7 When the plan is considered through an equity lens, the
8 map amendment would not likely be negative. There'd be no
9 displacement. But unless the existing building collapses,
10 there'd also not likely be any new residential units, so it
11 wouldn't have likely that much of a positive impact on the
12 particularly important housing portion of the racial equity lens
13 view. The most positive impact on that would more likely be the
14 retention of the existing retail jobs and the related positions
15 on the site. The Applicant has told OP that most of those
16 positions are filled by persons of color. There are also other
17 uses in the site: educational uses, daycare uses that serve
18 primarily persons of color.

19 While the map amendment would also apply IZ Plus to the
20 site, and additional affordable housing units are needed in the
21 plan area, IZ Plus is not likely to have a significant impact,
22 as long as the existing building remains standing.

23 So to conclude, the Applicant's proposal is a map
24 amendment that implements the 2021 update to the Comprehensive
25 Plan's Future Land Use Map, and OP recommends its approval. Thank

1 you.

2 CHAIRPERSON HOOD: Thank you, Mr. Cochran. Very well
3 done. This -- I actually don't have any questions for you, but
4 I really appreciate your report. I think it was very well done.

5 Commissioner May, you have any questions or comments?

6 COMMISSIONER MAY: I do not. Thank you very much.

7 CHAIRPERSON HOOD: Okay.

8 Commissioner Imamura, any questions or comments?

9 COMMISSIONER IMAMURA: No. Thank you, Mr. Cochran, for
10 your report and your delivery.

11 CHAIRPERSON HOOD: And Vice Chair Miller, any questions
12 or comments? I think you're on mute. I think you're on mute,
13 Vice Chair.

14 VICE CHAIR MILLER: Thank you, Mr. Cochran, for your
15 report. And you are recommending IZ Plus with a half amendment,
16 although you're recognizing the reality, the likelihood that
17 there -- it's not likely to produce any more affordable units
18 than a typical IZ designation because of its fully-occupied
19 condominium and just the historic use, unless, as you said, unless
20 the building collapses, and then they have to rebuild. But you
21 are recommending it, I guess, in that long term. And because it
22 meets the criteria for the map amendment for designating it as
23 IZ Plus, that is your recommendation because of the racial --
24 because of the affordable housing goals for this particular
25 planning area.

1 MR. COCHRAN: You've said it better than I could say
2 it. But yes, it's because there is a deficiency in the affordable
3 housing pipeline in that plan area, so we would always almost
4 apply IZ Plus, even if it's not going to come into play for,
5 hopefully, 50, 100 years, whenever the historic building were no
6 longer useful and had to be demolished.

7 VICE CHAIR MILLER: And I agree totally with that
8 recommendation. I think there were just a couple of typos in
9 the report, which I just -- I might be misreading it, but I just
10 want to make sure, because this is our written record for what
11 we're doing here, and there's a party in opposition. So on page
12 five, it talks about the pre-2021 Comprehensive Plan Land Use Map
13 designation, and it says moderate density residential, but it
14 actually was medium density residential.

15 MR. COCHRAN: That's correct. It was medium density.

16 VICE CHAIR MILLER: And you've added -- and what was
17 added was the low density (indiscernible).

18 MR. COCHRAN: Low density stripe. Now I understand why
19 you asked for those two maps for the OP hearing report.

20 VICE CHAIR MILLER: That's -- yeah, that's right. And
21 so similarly on -- I do read every word of your reports, but I
22 may be misreading it. On page eight of the report in the middle,
23 the paragraph -- the first paragraph that is written in -- "the
24 Applicant has petitioned for a low density commercial/medium
25 density residential MU-4 zone designation," and then it's -- and

1 then it reads -- "which is not consistent with the recently
2 amended FLUM designation."

3 MR. COCHRAN: Oh --

4 VICE CHAIR MILLER: I think you're saying -- you meant
5 --

6 MR. COCHRAN: Yeah.

7 VICE CHAIR MILLER: I think the not needs to go away,
8 or it need to be not inconsistent.

9 MR. COCHRAN: Yeah, it's the D.C. double negative.

10 VICE CHAIR MILLER: Yeah. So I just wanted to maybe
11 in our record, since this will be a two-vote case; is that
12 correct, Mr. Chairman? Maybe we can just have that corrected in
13 the record, just so that the record is correct, because that's
14 important -- this is the consistency. These are both -- those
15 are both consistency issues in a consistency case, and I want to
16 make sure the record's absolutely correct.

17 MR. COCHRAN: If -- excuse me, but if I might add to
18 that, since you're correcting the record. The subject is Zoning
19 Commission Case 22-18. It said it everywhere in the report, but
20 in the subject line it said Zoning Commission Case 22-17. So
21 while correcting, that could be corrected.

22 VICE CHAIR MILLER: Thank you. I appreciate that.

23 And just out of curiosity, I'm not sure it makes a
24 difference, because the law is the law in terms of what the Future
25 Land Use Map designation is, as a result of the most recent Comp

1 Plan land use map changes were and then what -- and what was done
2 here, it was the change was to add the low-density commercial
3 stripe. Was that initiated by the Mayor, or did it come from
4 the Council? Do you happen to know off the top of your head?
5 Did it come to the Council that way, or did the Council --

6 MR. COCHRAN: I -- I'm not sure whether it was -- it
7 depends on how you go -- far you go back with initiation. I do
8 know that the developer of the site did have a conversation with
9 the person at the Office of Planning during the Comprehensive
10 Plan amendment process, but I don't know who initiated the process
11 that got the stripe on it.

12 VICE CHAIR MILLER: Well, it's not that really relevant
13 to what we're doing, because the law is the law, and -- but I
14 just was curious if it had been part of your process or it came
15 later.

16 MR. COCHRAN: I don't want to say anything incorrect,
17 so I'll just have to demure on that.

18 VICE CHAIR MILLER: I'm not sure I need that information
19 to make a decision in this case, but thank you. Thank you for
20 your report.

21 CHAIRPERSON HOOD: Okay.

22 Ms. Schellin, we don't have anyone from DDOT. Usually
23 we don't in these cases. Is that correct?

24 MS. SCHELLIN: No, sir. I did not see anyone.

25 CHAIRPERSON HOOD: Okay. I'll give the DDOT report.

1 And basically what it says is -- and this is our exhibit, whatever
2 exhibit number it is. But anyway, basically what it says is
3 "DDOT encourages the Applicant to participate in a Preliminary
4 Design Review Meeting (PDRM) with the Office of Planning and DDOT
5 to discuss the public space design when a -- when a future
6 development is proposed." And it goes on and talks about some
7 of the things they'd like to see, the summary of DDOT. They
8 have -- they did their review, they have their recommendation.
9 "DDOT has reviewed the Applicant's request and determined that
10 based on the information provided, the proposed rezoning would
11 likely not impact the District's transportation network. DDOT
12 has no objections to the approval of the requested map amendment."
13 So they didn't -- any recommendations. They don't have -- they
14 just only said that when something does come up, that they expect
15 you to work with those parties involved with the Preliminary
16 Design Review Meeting with the Office of Planning and DDOT.

17 Any -- well, I was about to say, does anybody have any
18 questions, but I'm not going to take questions on DDOT report.
19 I just wanted to say that for off the record.

20 Any further questions on DDOT's information.

21 (No audible response.)

22 CHAIRPERSON HOOD: All right, let's go to the ANC.

23 Ms. -- again, the ANC has supported this project.
24 That's ANC 1D. Do we have anyone from the ANC?

25 MS. SCHELLIN: No, sir.

1 CHAIRPERSON HOOD: Ms. Schellin, are you looking, or
2 you --

3 MS. SCHELLIN: Yes, I looked. I said, no, sir.

4 CHAIRPERSON HOOD: Oh, I didn't hear you. All right.

5 Again, the ANC 1D advises the Zoning Commission to
6 approve the zoning map amendment application. And I appreciate
7 their work. So they did vote. I don't see -- oh, here it is.
8 The resolution passed five to zero at the legally noticed public
9 meeting of ANC 1D on November the 15th -- oh, they just did that
10 -- 2022 with a quorum present, voting yes, and they have the name
11 of the commissioners who were there. And the quorum, the
12 commission is three, five commissioners were present. So they
13 have -- they had all their -- I think they were missing one
14 Commissioner. All right.

15 And any other government reports that I may have
16 missed. Let me see. I don't believe I saw any. I didn't focus
17 on a whole lot of -- all right. And again, that was ANC 1D.

18 Ms. Schellin, do we have anyone who'd like to testify
19 at all in this case?

20 Oh, that's right. Let me go to the party. Do we have
21 any parties in support? We don't have any party --

22 Do we have any people who are here in support,
23 Ms. Schellin?

24 MS. SCHELLIN: Let me check very quickly. I don't
25 think so, but let me double-check.

1 VICE CHAIR MILLER: While she's checking --

2 MS. SCHELLIN: Actually, we -- we do. We have
3 Andrew Doster. He is the only proponent. So after him would go
4 the party in opposition.

5 MR. DOSTER: Hi everybody. I mainly just I'm a -- a
6 neighborhood resident about a block away on Park Road, right at
7 the corner of 18th and Park. Thanks for letting me speak.

8 I am mainly interested in hearing what the proposed
9 plans were and (indiscernible) for discussion here for the
10 rezoning. But there is a lot of misinformation going around in
11 the neighborhood. As you know, rumors can spread around what the
12 future plans are. I am a proponent for redevelopment. I mean
13 if they want to bring in new restaurants or whatever. But that's
14 not for this discussion. So I am supporting the rezoning, as
15 you guys have put forward.

16 CHAIRPERSON HOOD: Mr. Doster, I want to -- I don't
17 know you. I've never seen you in front of the Commission before,
18 but I want to thank you for catching it quick that this is not a
19 proposed -- but you explained it perfectly. So this -- don't
20 let this be your last time coming back in front of the Zoning
21 Commission. So I appreciate your comments. Let me see if anyone
22 has any questions of you.

23 Commissioner May?

24 COMMISSIONER MAY: I do not. Thank you.

25 CHAIRPERSON HOOD: Commissioner Imamura?

1 COMMISSIONER IMAMURA: (No audible response.)
2 CHAIRPERSON HOOD: Vice Chair Miller?
3 VICE CHAIR MILLER: No. Thank you.
4 CHAIRPERSON HOOD: And the Applicant?
5 Mr. Sullivan, you have any questions or Mr. --
6 MR. SULLIVAN: I do not. Thank you, Mr. Chair.
7 CHAIRPERSON HOOD: Okay. Thank you.
8 Well, Mr. Doster, stay engaged. So we appreciate it.
9 And thank you for your comments and thank you for your time.
10 MR. DOSTER: Thank you all. Appreciate the
11 opportunity.
12 CHAIRPERSON HOOD: All right. Thank you.
13 All right, anybody else, Ms. Schellin, in support?
14 MS. SCHELLIN: No, sir.
15 CHAIRPERSON HOOD: Okay. Let's go to the party in
16 opposition. The Wiktor --
17 MS. SCHELLIN: Wiktor and --
18 CHAIRPERSON HOOD: -- and Keeney party.
19 MS. SCHELLIN: -- Keeney.
20 CHAIRPERSON HOOD: I had to look at my -- how I wrote
21 it out, so I can get those two syllables in.
22 Wiktor and Keeney party. And you all will have --
23 Ms. Schellin, how much time do they have?
24 MS. SCHELLIN: The Applicant ended up only taking ten
25 minutes.

1 CHAIRPERSON HOOD: Okay. So you all will have ten
2 minutes, those -- according to our regulations. And whenever
3 you're ready, Ms. Wiktor, you may begin.

4 MS. WIKTOR: Thank you. I'm going to refer a lot to
5 my written statement, since our time is short. I'd like to
6 clarify a few things. The ANC 1D meeting in October, they decided
7 not to vote on this matter. And then for the November meeting,
8 they put it on the agenda less than 24 hours before the vote. So
9 I guess technically since the meeting was noticed timely, but the
10 agenda was not noticed very far in advance.

11 And in reference to one of the earlier questions, the
12 Argyle Market operates under a zoning variance. It was Case No.
13 14879. The daycare operates under a zoning variance, Case No.
14 18475, in which they applied to increase their occupancy to 29
15 students.

16 The only other zoning variance granted in the building
17 was for the hair braiding salon on Park Road, which was 15783.
18 A zoning inspection was conducted of the building about ten years
19 ago, and we were told that the offices of Morpheus did not need
20 a variance since they operated primarily to serve the building.

21 Now the daycare has expanded into the two other spaces
22 during the pandemic, but has not applied for a variance to
23 increase their usage and have not actually applied for a
24 certificate of occupancy for that space.

25 With regard to the trash chute, Mr. Gleason is correct.

1 The trash chute was put in there by John Redmond, the previous
2 owner. And when Mr. Gleason presented to the ANC and the
3 community that they were developing the building into
4 condominiums, it was raised as an issue at those meetings, and
5 they promised to address the issue. The one -- they did not
6 however, take the chutes back inside the building. The
7 (indiscernible) clear that Mr. Redmond had a building permit to
8 put them on the outside. And he did, however, at some point they
9 limited the hours that people could drop trash down. Because the
10 Chairman's right. I could hear when somebody dropped bottles
11 down that chute at 3:00 in the morning. That doesn't happen
12 anymore. But I find it hard to believe that he -- all I can say
13 is that to my memory, the community and individuals, including
14 myself, have raised to him issues around the trash noise. They
15 agreed to take care of it.

16 We're in a difficult position, because this is a map
17 amendment which limits really what the neighborhood can do. And
18 all along, myself and some of the other neighbors, not all of
19 them, have said the increase in commercial spaces -- the use of
20 commercial spaces on the 17th Street side are not objected to.
21 It's the use on the Park Road side. In other words, we
22 would -- you're extending the Mount Pleasant business corridor
23 and wrapping it around the building into the residential
24 corridor. And that's where the problem is. And the way this
25 map amendment is structured, it's really not -- it doesn't address

1 that concern.

2 Now, the two units on -- there are three doors on the
3 Park Road side of the building. One has not been used since I
4 lived in the neighborhood in 1981; it goes into the store. One
5 is in the center of the building, which in the early '80s was an
6 AA meeting space. And some time around 2012, it was the African
7 hair salon operating under a zoning variance. And then the end
8 door, I -- I'm not clear what its original use is, but that's
9 where Mr. Gleason and his partner live.

10 Our concerns are that originally those two units,
11 Mr. Gleason's and the one -- the African hair salon, were
12 commercial units. They've been recently converted to
13 residential. But there's nothing to prevent them from going back
14 to commercial other than the condo bylaws. Mr. Gleason owns the
15 seven units -- Mr. Gleason and his partner through their company,
16 own the seven units that are at T-designation, which were when
17 the building was rebuilt were considered commercial and have --
18 had various commercial uses, some permitted, some not. And it -
19 - over the -- since they condoized the building, but they also
20 own at least three other units in the building. So they have
21 kind of a super majority in the condo votes in the building.

22 So the concern -- our concern is -- and, again, as it
23 -- the gentleman said, rumors in the neighborhood. The Argyle's
24 -- the African Hair Gallery space at one point was proposed by
25 one of the owners. They were thinking about putting a wine bar

1 down in there, which would put it directly across the street.
2 The -- in 2018, the Argyle Market applied for a sidewalk cafe to
3 be on the Park Road side of the building, which was prohibited
4 by their current zoning variance.

5 So a lot of this is -- goes to control and quality of
6 life issues, which I'm hearing from the Commission they have no
7 control over, because this is a map amendment. And finally --

8 CHAIRPERSON HOOD: Ms. Wiktor? Ms. Wiktor, let me stop
9 the clock for a second if you can. You're getting down to four
10 minutes, and I'm going to add those seconds when I'm talking.
11 And you have Mr. Keeney. So I want you to understand that you
12 -- you've only leaving Mr. Dana Keeney four minutes and about 23
13 seconds. So I just want you to understand where we are.

14 MS. WIKTOR: Then I just will add that there's never
15 been more than really three uses, commercial uses in that building
16 and it -- at any one time, in its hundred and some years of
17 existence. So there is going to be a density change. I'll defer
18 to Mr. Keeney at this point.

19 MR. KEENEY: Okay.

20 CHAIRPERSON HOOD: And we'll start the clock again.

21 MR. KEENEY: All right. Can you hear me okay?

22 CHAIRPERSON HOOD: Yes, we can hear you fine.

23 MR. KEENEY: All right.

24 CHAIRPERSON HOOD: Go ahead.

25 MR. KEENEY: Thank you. And thank you for the hearing.

1 And I'm, you know, I appreciate the -- everybody's input. And
2 it's clear, you guys take the job serious, and that's good to
3 know.

4 Like Denise is saying, I'm -- I live at the 7026 Park
5 Road. I'm 100 feet. I'm one house away from the Argyle. From
6 my front porch, which I use a lot, I look right up, and I see
7 the whole Park Road side, and I see a part of the alley. And
8 so, I see everything that happens up there on the side of the
9 building. And like Denise was saying, you know, commercial up
10 in front never had a problem with it. But have a problem with
11 that -- with it coming around the corner onto what is currently
12 a completely and always has been a completely residential block.

13 Like -- we -- people have talked about the African hair
14 salon. You know, you guys talked about a good neighbor thing
15 and that -- that is a big part of the problem here. One, on that
16 trash chute. I had mentioned the trash chute in terms of both
17 the noise and in terms of the rat problem. There is no
18 insulation. The dumpsters are sometimes closed, and they're
19 sometimes open. And it makes a lot of noise when -- I'll be
20 startled when they start throwing stuff down there during the day
21 or whatever.

22 On the African Hair Gallery, they -- it was a terrible
23 situation. They would be open until 2 or 3:00 in the morning.
24 They'd park cars right in front of the office on Park Road in
25 the alley, honk their horns. Customers were loud and abusive and

1 threatened one neighbor with the, you know, shooting him and
2 actually it went to court. Every day we had to clean up trash
3 and hair on the street. When I brought this to the attention of
4 the owners of the commercial space, they told me to go talk to
5 the African hair people, who laughed and walked away.

6 The other -- there's another issue with the daycare.
7 The daycare has a door. They have an entrance on 17th Street,
8 but they've got a door that opens into the alley. I guess it's
9 an emergency exit. It's used every day by parents dropping off
10 their kids and picking up their kids. And it's used by the
11 daycare staff when they take the kids out the door for a walk.
12 The problem is it opens directly into the alley. There's no way
13 to see what cars were coming, this or that. And it's pretty
14 scary. It's pretty scary when they just throw that door open
15 and come out or when, yeah, or they -- or the -- when the parents
16 block -- come in, they either block the alley, or they take up
17 the parking spaces in 1724 Park. So that's a problem. This is
18 that good neighbor you're -- thing you're talking about. It's
19 just never existed. And at -- that good neighbor thing hadn't
20 existed, and there's not a whole lot of -- very little trust in
21 that it, you know, the cause of that. And it's -- I think it's
22 on -- you know, this whole thing, it came up now, like Denise
23 said, it was a very short notification. And you know, I see
24 where you guys are coming from. Okay. It's a -- this is a map
25 thing. Well, that map -- whole map thing from my perspective is

1 -- was kind of a sneaky thing, because now it's being presented
2 as a fait accompli, and it's like well, it's more than just a
3 nap. It's where I've lived for 35 years. And I believe that me
4 and my neighbors, Denise and everybody else has a right to enjoy
5 the peace and tranquility of our properties. And I'm very
6 concerned about, you know, new businesses opening up, especially
7 on the Park Road side. I've seen what delivery trucks can do.
8 I've seen what the trash trucks can do. Parking's a problem.
9 Any business that comes in there that attracts from outside the
10 neighborhood, is going to be a problem with parking and with
11 congestion and everything else.

12 That Park Road side of the building, there's a bus stop
13 there that's used by the school kids. It's used by the people
14 in the neighborhood, and it's already a point of congestion. Any
15 further traffic is going to be terrible. And when there was the
16 African Hair Gallery there on the Park Road side, trash was
17 terrible. It was just terrible. So I mean those -- that's the
18 thing. I -- and I have a lot of concern about it -- if they were
19 allowed to put -- to have an entrance and exits and so forth or
20 deliveries on the Park Road side that, you know, that's the
21 beginning of the end of the -- or it's a big corruption of the
22 residential neighborhood. That's just never happened before and
23 I'd hate to see it happen. And it would certainly -- it would
24 directly impact me on a daily basis, as it would Denise and the
25 other people who live on the block.

1 So there's only -- you know, they way I look at it, the
2 only winners in this are the people who own the commercial space;
3 that they -- now they -- here's -- it's interesting too, because
4 they say well, we need to be able to rent it faster, and they
5 don't say it, but, of course, for more money. But they've got
6 it all rent now, and apparently the renters have been there for
7 20 years or decades, so I don't understand the problem.

8 You know, what -- if -- and here's the other thing I
9 don't like. By going all the way to M-4, you take away the
10 opportunity for people like me who are directly affected, because
11 I live so close, to have any input on future decisions. And when
12 you're dealing with something that where you haven't had good
13 experiences in the past, and now you want to take away any
14 opportunity for -- to even have a meeting like this. Well, that
15 seems crazy to me. And my understanding is that there is another
16 designation maybe M-3. Denise, you know better than I do. But
17 I don't see why it has to go all the way to M-4. And I -- I'm
18 totally against taking away any neighborhood input on this. If
19 you've had tenants that have been there for a decade or more,
20 you're doing okay. And you know, I think that -- I think what
21 this is really about is increasing profits and increasing rents.

22 Denise, did you have anything else to add?

23 MS. WIKTOR: No, I just would add that we do think that
24 if you are going to redesignate it, MU-3 would be more appropriate
25 given the neighborhood.

1 MR. KEENEY: And that -- in my written statement, it
2 says the rest of what I had to say, and I appreciate you all
3 taking a look at it.

4 CHAIRPERSON HOOD: Okay. I know we're over time, and
5 I believe -- Mr. Sullivan will indulge me. Is there anyone else
6 on the parties, because I know we had a list of people, so is
7 anyone else who's -- wanted to testify or just you two?

8 MS. WIKTOR: Right at this point, it's just us two. I
9 think there are some other residents signed up.

10 CHAIRPERSON HOOD: Who are here in opposition. Okay.
11 We'll call them after. They're just partner -- not part of your
12 party.

13 Okay. So let's see if we have any follow up questions
14 of the party of the Wiktor-Keeney party.

15 Commissioner May, you have any questions of Mr. Keeney?

16 COMMISSIONER MAY: Couple quick ones. When did the
17 African Hair Gallery actually move out?

18 MR. KEENEY: When was it, Denise? Was it 2010, 2012?
19 It would -- it's been a while. It's still a bad memory, but it's
20 been a while.

21 MS. WIKTOR: I would defer to Mr. Gleason, but I don't
22 -- because I don't remember exactly. But it's been about ten
23 years.

24 COMMISSIONER MAY: Okay. And then with the various
25 issues that you had with the commercial space, have either of you

1 contacted Mr. Gleason as the manager of those commercial spaces
2 or the owner of them?

3 MS. WIKTOR: I have, yes.

4 MR. KEENEY: I have -- yeah, I've talked to him on the
5 street, because I live right there, and I've stopped him a couple
6 of times. And I can tell you, the exchanges were not always
7 friendly or pleasant.

8 COMMISSIONER MAY: Okay. I just wanted to know that
9 you had -- whether you had reached out to him directly about any
10 of these issues.

11 MR. KEENEY: Yes, sir, I --

12 COMMISSIONER MAY: We can ask him specifically about,
13 you know, what his reaction to these comments are.

14 Ms. Wiktor, did you have something to say too?

15 MS. WIKTOR: I was going to say with respect to problems
16 with the African Hair Gallery, it was my husband that the person
17 threatened to shoot, and she was convicted over a parking space.
18 And I believe I raised that with Mr. Gleason on the street at
19 one point to let him know what had happened.

20 COMMISSIONER MAY: Okay. All right. Thank you.

21 CHAIRPERSON HOOD: Okay.

22 Commissioner Imamura?

23 COMMISSIONER MAY: That's it.

24 CHAIRPERSON HOOD: Okay. Thank you.

25 Commissioner Imamura, any questions?

1 COMMISSIONER IMAMURA: No, Mr. Chairman.

2 CHAIRPERSON HOOD: Okay.

3 And Vice Chair Miller, any questions or comments?

4 VICE CHAIR MILLER: No, I was going to ask the same
5 question that Commissioner May asked about the -- when the hair
6 salon closed, and I appreciate the -- so I have no questions,
7 but the -- I appreciate the party in opposition's testimony.

8 It's good to see you, Denise Wiktor. I think we worked
9 together at the Council for many years. I think you were the --

10 MS. WIKTOR: And I was also --

11 VICE CHAIR MILLER: -- same person that I remember.

12 MS. WIKTOR: Yes, and I worked for two Council members,
13 and I also was Public Space manager for about eight years.

14 VICE CHAIR MILLER: Yeah. So good to see you. So
15 thank you for participating today. Bye.

16 CHAIRPERSON HOOD: Okay. My only question to the Wiktor
17 and Keeney party is that -- okay. I -- you heard me ask the
18 Applicant about the ANC process, and I know you all said -- I
19 understand in your submission what you thought about the ANC
20 process. But do you feel like you -- did you have -- whether
21 they voted for it. And I think it was Mr. Keeney.

22 And you mentioned the encroachment of coming down, I
23 think you said Park Road. Was it Park Road?

24 MR. KEENEY: Both Park Road and 17th Street there.
25 They're right on the corner of two completely residential

1 streets.

2 CHAIRPERSON HOOD: Are they both -- okay. I'm not
3 going -- I'm trying to think, because I used to -- I think I used
4 to -- I'm sure I used to drive down that street on my way to
5 school when I was at UDC. That was some years ago. That's been
6 a while, so I'm sure -- are those both residential streets?

7 MR. KEENEY: Yes.

8 MS. WIKTOR: 17th Street is a residential street, and
9 it's residential. I had submitted the link to the DDOT map,
10 which is listed as a local road. Park Road is listed as a minor
11 arterial. I think a lot of people get confused, because that
12 right at Park Road is where Mount Pleasant and 17th Street come
13 together. And Mount Pleasant's commercial. So the east side of
14 that large, open triangle, where everything comes together is
15 commercial. The west side is residential. South of the -- on
16 17th Street, the rest of it -- the way down to Lamont is row
17 houses. And I did misspeak. The north side is actually where
18 single -- next to the apartment building were single family
19 houses, not row houses.

20 CHAIRPERSON HOOD: Not row houses, okay. Okay. Well,
21 thank you, Ms. Wiktor, for that clarification, because when I'm
22 driving, I don't necessarily look around, look and see all where
23 -- I just know -- I know that something's on my peripheral vision.
24 Because if I start looking, I will be in somebody's house with
25 my car. So I don't -- I want to make sure I pay attention to

1 the traffic.

2 So I don't necessarily have any further questions. I
3 think I understand.

4 And I would agree, Mr. Keeney, your statements about
5 the good neighbor policy. You would have caught on very quick
6 of how that good neighbor policy -- I believe if the good neighbor
7 policy was in place -- and I'm saying this to the Applicant --
8 was in place. I don't think we would see Mr. -- Ms. Wiktor. And
9 I may be wrong -- or Mr. Keeney. I may be wrong, but I think
10 this sends a strong message. While you got the ANC vote,
11 everybody doesn't always go to the ANC meetings. I think it's
12 important -- it's very important to work with the neighbors and
13 be a part of the neighborhood.

14 That's why we came up with the good neighbor policy
15 some years back. Don't give us the good neighbor policy after
16 the fact. Give it to us while you're there and before and let's
17 work and collaborate and "co-exist" is what I like to say. All
18 right. So that's enough of my lecture, and hopefully, I -- we'll
19 see how things go -- move forward.

20 Ms. Schellin, who else do we -- oh, let me see. Does
21 the applicant have any questions of -- Mr. Sullivan, you have any
22 questions of the party?

23 MR. SULLIVAN: I do not, thank you.

24 CHAIRPERSON HOOD: Okay. And again, no one's here from
25 the ANC, so we will continue.

1 Well, thank you both. And thank the party, the Wiktor
2 and Keeney party, for coming down to give us your presentation
3 on this case. So thank you very much for your positions.

4 All right. Ms. Schellin, do we have anybody else who's
5 here in opposition who'd like to testify individually or
6 undeclared?

7 MS. SCHELLIN: Yes.

8 CHAIRPERSON HOOD: Okay. Let's bring them up.

9 MS. SCHELLIN: The witnesses that signed up to testify
10 are as follows. We have Victoria Sanders, Nancy Petrovic, and
11 those were the only two who registered.

12 CHAIRPERSON HOOD: So, let me also say for the
13 party -- for the Wiktor and Keeney party, don't go anywhere,
14 because I'm going to -- you'll have a chance to ask questions,
15 if -- to the witnesses, if you choose to.

16 Okay. So let's go with the first person. I think you
17 called, Ms. Sanders. Right, Ms. Schellin? Ms. Sanders?

18 MS. SCHELLIN: Yes, Victoria Sanders.

19 CHAIRPERSON HOOD: Okay. Ms. Sanders, you -- welcome
20 to the D.C. Zoning Commission. You may begin. Ms. Sanders,
21 you're still on mute.

22 Now who was the other person, Ms. Schellin?

23 MS. SCHELLIN: The other person was Nancy Petrovic.

24 CHAIRPERSON HOOD: Is she on the phone?

25 MS. SCHELLIN: Let me check the phone number. It

1 starts with 365 --

2 Mr. Young?

3 CHAIRPERSON HOOD: Ms. Sanders is -- may have a -- be
4 having a problem. While she's getting that together, we can go
5 to Ms. Petrovic.

6 MR. YOUNG: That's not the number that's calling in.

7 MS. SCHELLIN: I see that.

8 CHAIRPERSON HOOD: Because I only see one person who's
9 going to testify in opposition.

10 Ms. Sanders, are you getting it together?

11 MS. SANDERS: Can you hear me now?

12 CHAIRPERSON HOOD: Now we can hear you. There you go.

13 MS. SANDERS: Okay. There. Well, you had to unmute me
14 on your end.

15 CHAIRPERSON HOOD: I don't think so. I know I -- well,
16 anyway, we won't -- whatever.

17 MS. SANDERS: Well, thank you for your patience with
18 me trying to get on. I just have a few comments regarding -- I
19 worked in the building when The Well was in the building, and
20 the trash chute goes into trash bins, which I -- that are open.
21 I don't think it's a closed trash chute in my opinion. There
22 were cockroaches in the office that I worked in, The Well, which
23 was a massage therapist place for women. The owner was a doula
24 for -- it was for expecting women mostly.

25 My biggest problem is traffic. And like they said,

1 Guild students catch the bus across the -- right across the street
2 from there. It's crowded twice a day. When they were doing
3 Piney Branch, and they diverted traffic onto Park Road, it was a
4 mess. It can't handle traffic, because it's that T-intersection.
5 And you can't go -- you either have to go left on 17th Street,
6 right on 17th Street or right on Mount Pleasant. You can't go
7 over to 16th. It's just -- everything backs up. And I was almost
8 killed in the intersection when the traffic was coming from Piney
9 Branch, when they were diverting -- detouring traffic from Piney
10 Branch Road. And I counted up, just on our side of the block,
11 there are at least 15 children of various ages. And I -- that
12 goes to Dana saying that we -- there -- you can't handle traffic
13 on Park Road right there. You can't have distributors parking
14 their trucks for whatever on Park Road. It takes away from all
15 those families that live on Park Road. I don't have any children.
16 And I don't really have a stake in this game, but I don't see
17 where this benefits Park Road or this neighborhood.

18 I mean, Mount Pleasant is what it is. I mean if you
19 want to go for a glass of wine, and have dinner, there's Elis.
20 There's a taco place. There's Del Mar's, there's Thai food,
21 there's Nito, there's, you know, and that's all on Mount Pleasant
22 Street. There's nothing on 17th Street and Park Road. So I
23 guess for me, safety is the biggest concern of the families in
24 the area, if this becomes a multipurpose. And the alleyway could
25 become a thoroughfare, which is partially is now with, as Dana

1 said, I love the aspect of having the daycare there. I think it
2 supports the neighborhood, but it is dangerous opening the door
3 right into the alley way. And some people travel very fast. And
4 garbage trucks come down there, you know. So just for the safety
5 of the children, they need to go out the front onto 17th Street
6 and not back of the alley. And again, thank you for your patience
7 with me and for listening to what I have to say.

8 CHAIRPERSON HOOD: Thank you, Ms. Sanders. I would
9 just encourage you to work with what's already there and maybe
10 make some suggestions and see if those suggestions would be to
11 the -- those businesses that already exist and see if those
12 suggestions will be welcomed or will be at least looked at. So
13 we appreciate your viewpoint. Let's see if we have any questions
14 for you.

15 Commissioner May?

16 COMMISSIONER MAY: I do not. Thank you very much for
17 your testimony.

18 CHAIRPERSON HOOD: All right.

19 And Vice Chair -- I mean, I'm sorry.
20 Commissioner Imamura?

21 COMMISSIONER IMAMURA: I do not. Thank you,
22 Ms. Sanders, for participating in the process.

23 MS. SANDERS: You're welcome.

24 CHAIRPERSON HOOD: And Vice Chair Miller?

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

1 echo your comments that -- and I appreciate Ms. Sanders'
2 testimony. I -- she should continue to try to voice her concerns
3 to the business that are there to the ANC that represents you
4 before District agencies, like DDOT, in terms of enforcement of
5 existing laws.

6 And I understand what you're saying about the whole
7 east-west through the park, adverse effects of when Piney Branch
8 was being rebuilt. That -- the whole east-west thing is kind of
9 a racial equity issue, Mr. Chairman, in this City, which is why
10 I kind of which is why always favored Klinge Road in my own
11 neighborhood being reopened, which was a very controversial
12 thing. And it wasn't reopened. It's a park, as Commissioner
13 May is very well aware of, a park trail washes out, floods out
14 all the time. So maybe it wasn't that great of a vehicular route.
15 But the east-west routes, when Piney Branch was closed, I
16 understand the adverse effects, because I tried to get to those
17 16th and Kennedy courts at all times of the day, and it was a
18 problem coming from west of the park to east of the park.

19 Work with your ANC, your -- with the businesses that
20 are there to try to improve conditions and enforce existing laws.

21 CHAIRPERSON HOOD: Okay. Thank you.

22 And thank you again, Ms. Sanders.

23 Let's see, Mr. Sullivan, did you have any questions for
24 Ms. Sanders?

25 MR. SULLIVAN: No, thank you.

1 CHAIRPERSON HOOD: Does the party in opposition, Mr.
2 Keeney or Ms. Wiktor have any questions for Mr. Sanders? I'm
3 sorry, Ms. Sanders. Ms. Sanders.

4 MS. WIKTOR: I would just note the current zoning
5 variance for the daycare prohibits exist onto the alley and use
6 of the alley entrance. We've never been able to get that
7 enforced, so this rezoning of the building will actually get rid
8 of that prohibition.

9 CHAIRPERSON HOOD: All right. Maybe I didn't follow
10 that. So you're saying there's something that --

11 MS. WIKTOR: That's a condition of the zoning variance.
12 The neighbors didn't oppose the zoning variance if a restriction
13 was put in that they not use that alley entrance to discharge
14 children. And that is part of the Zoning Order in Case 18475.

15 CHAIRPERSON HOOD: What year was that, Ms. Wiktor?

16 MS. WIKTOR: I don't know the year without -- because
17 I just have the case number. It doesn't show the year on your
18 site unless you open the case. But I think it was approximately
19 ten years ago, around 2012, 2010.

20 CHAIRPERSON HOOD: All right.

21 MS. WIKTOR: It was as a result of the zoning inspection
22 on the building. They found that they were operating outside
23 with the allowable zoning was, and they sought an increase in the
24 students to be allowed there.

25 CHAIRPERSON HOOD: So the enforcement arm, if that's

1 still an issue, I still would work with DCRA and talk to the
2 Zoning office there, and they don't know what happened here, and
3 if this is approved, and they will figure -- I'm sure they have
4 some kind of way to work that out. So I would start there.
5 That's just my suggestion.

6 All right. I think I got everybody. We don't have
7 anything from ANC.

8 All right. So Mr. Sullivan, can you do the --

9 And thank everyone who came down to testify and give
10 their viewpoints. I -- we really appreciate your input to help
11 us make our decision, which is a consistency case. So I know
12 I'm saying that, but we will see where we go from here.

13 So Mr. Sullivan, do you have any rebuttal or any
14 closing?

15 MR. SULLIVAN: Maybe if Mr. Gleason would like to just
16 a short rebuttal, just -- and maybe the Commissioners might have
17 some questions.

18 But Wayne, a minute or two, if you want to address any
19 of the comments that you heard. Muted.

20 MR. GLEASON: I'm sorry. Can you hear me now?

21 MR. SULLIVAN: (No audible response.)

22 MR. GLEASON: I don't have a rebuttal, Mr. Chairman,
23 but just an attempt at clarification. There were several
24 references to traffic and safety and trash, many of them having
25 to do with the African Hair Gallery. This was a tenant in the

1 building, actually when the building was converted to
2 condominiums. They occupied a space on the north side of the
3 building along Park Road, and they had two entrances to that
4 space.

5 The only change to the condominium since it was
6 constituted in 2004, was to change the mix between residential
7 and commercial. Originally, the building was 39 residential and
8 six commercial. Following the exit of the African Hair Gallery,
9 which occupied a former commercial space on the north side of the
10 building, that space was converted into two residential units.

11 So in actuality, since the origination of the
12 condominium in 2004, the commercial space has been reduced from
13 six to five. Now, currently, there are two residential units
14 that face Park Road where that commercial space used to be. So
15 there is no proposal concept or even feasible idea that those
16 residential units could be converted back to commercial units.
17 It would not only be impractical, but from a business standpoint,
18 you might be aware that the District right now is scrambling to
19 try and convert commercial into residential use because of an
20 over generous amount of commercial space as a result of COVID.

21 So the other addition -- concern that was expressed was
22 about should there ever be commercial spaces there, there would
23 be traffic issues. Right in front of the north side of the
24 building is a bus stop. So there is no way a commercial vehicle
25 could ever stop to load, unload in that space with the existence

1 of the current traffic flow and the bus stop that exists there.
2 So we are talking about hair that was blowing around 12 years
3 ago as a trash issue. You know, as I took the building, the hair
4 gallery was a tenant I inherited. It wasn't the best one. I
5 worked best to improve that property, and the owners and operators
6 interacted with the community, but over ten years ago, that tenant
7 left, and the space was converted from commercial into
8 residential.

9 CHAIRPERSON HOOD: Okay. Thank you, Mr. Gleason. I'm
10 not going to consider that as rebuttal. That's clarification as
11 you see. And I would ask Mr. Gleason that you continue to work
12 with the neighbors who you heard here in opposition and the party.
13 Because, again, that good neighbor policy is important. So I
14 don't think that's rebuttal, and I'm putting that on the record.
15 So unless one of my colleagues disagrees with me, then we'll
16 cross on it, but I don't think that was necessarily germane to
17 what we're actually doing about hair and the parlor and some
18 other things. I could make a nexus, but I don't think it's
19 necessary. Unless I hear from my colleagues, I don't think it's
20 necessarily germane that we go down that road and cross-examine
21 on what he just said.

22 (No audible response.)

23 CHAIRPERSON HOOD: Okay.

24 All right, Mr. Sullivan, can you do a closing?

25 MR. SULLIVAN: Yes, thank you, Mr. Chair. Just to

1 summarize, I respectfully request that the Zoning Commission
2 adopt this map amendment application so that the current
3 commercial spaces and the commercial condo unit owners and
4 prospective tenants can enjoy the stability of -- the same
5 stability and economic conditions that are shared in the MU-4
6 district across the street and to better provide for the stability
7 and a level playing field for these commercial spaces in the
8 future. Thank you.

9 CHAIRPERSON HOOD: Thank you, Mr. Sullivan. You used
10 a triple word that I -- leveling playing field. Jerrily Kress,
11 we started talking about that years ago, and that's what it was
12 all about. Now we're talking about racial equity, so.

13 Let's see, where my colleagues, what you're -- what you
14 all feel like. Do we need to take more time, or you want to look
15 at that other zone, or how do you wall want to do it?

16 Let me open it up for -- let me start -- yeah, I'm
17 going to start with Commissioner May. I've been doing that, so
18 let me continue.

19 COMMISSIONER MAY: All right. I was, you know, going
20 back to the basis for the case. It really is a map consistency
21 case, and so there's no reason for us, based on anything we heard
22 today to deny this map amendment in my view. It is lamentable
23 that there are concerns among the neighbors for the operation of
24 the commercial properties in that building. I think the, you
25 know, the concern that the couple units that were once commercial

1 that are now residential could swing back to being commercial.
2 I don't think that's realistic. I tend to agree with Mr. Gleason
3 on that. I think that this is just about making sure that the
4 existing commercial spaces remain viable.

5 And we've heard that, you know, the ones that are there
6 right now are not inherently problematic. I mean there are some
7 issues with the safety and the operation of the daycare facility,
8 and it would be in Mr. Gleason's best interest and the interest
9 of that tenant to discontinue any use that's not allowed under a
10 previous zoning -- a previous BZA Order no matter what, because
11 if it's a safety issue, it's a safety issue whether or not there
12 was a BZA case that controls it. So that is something to be
13 addressed.

14 So -- and I mean I do think that there's work that
15 Mr. Gleason and his company can do and should do to be better
16 neighbors here. But I don't feel like we have reason or ability
17 to compel that. This is really pretty much a straight up zoning
18 consistency case. So I'm prepared to move forward as quickly as
19 the Chairman would like.

20 CHAIRPERSON HOOD: Yeah, I wish I could have got that
21 same the other night.

22 Anyway, Commissioner Imamura?

23 COMMISSIONER IMAMURA: Mr. Chairman, I would like to
24 expedite that and strenuously urge that we move forward. I would
25 just comment that, you know, there are some real grievances out

1 there. Sometimes we don't care for our neighbors. Clearly,
2 there's either misinformation, misunderstanding, and for this
3 particular Applicant and others out there, you know, it's
4 critically important to squelch any of those -- that
5 misinformation. Just it behooves you to do that and to reach
6 out, you know.

7 This is not the forum to air out those grievances, and
8 we are not here to enforce -- we're not an enforcement -- arbiter
9 of the D.C. government here. This is just really a policy and
10 regulation discussion. So I'm prepared to move forward. I --
11 I'm -- and I hope that Mr. Gleason and the neighbors can work
12 together to get past this. And I certainly hope others realize
13 that this is not the forum to air those out.

14 CHAIRPERSON HOOD: Okay. Thank you. Well said.

15 Okay. Vice Chair Miller?

16 VICE CHAIR MILLER: Thank you, Mr. Chairman. I think
17 I'm having some connectivity issues. If you lose me, let me
18 know.

19 I concur with my colleagues, Commissioners May and
20 Imamura and what you've said previously, Mr. Chairman. And if
21 it's -- I mean this is a map consistency case, and the map --
22 the Comp Plan was changed to legitimize basically what's the
23 reality of what's been going on there for decades in terms of
24 low density commercial on the first, and I don't know what other
25 floor, and residential above. And it's a condominium, and it's

1 historic, and I don't -- it doesn't look likely to change as the
2 Office of Planning has testified as well. The ANC is unanimous
3 support, and they are the representatives of the neighborhood who
4 we're required to give great weight to. I appreciate the party
5 in opposition's concerns and agree that the -- that we all need
6 to be good neighbors working together.

7 Mount Pleasant is a very special, diverse,
8 racially-diverse neighborhood. And this building by the
9 commercial business establishments that are there, or the
10 employees at least, to the record that we have, are of color.
11 And so, there's a lot, you know. So I'm prepared to move forward
12 tonight. Thank you, Mr. Chairman.

13 CHAIRPERSON HOOD: And thank you. I know you all may
14 find this hard to believe, but I'm not going to say anything on
15 this. I think the three of you have covered it. I wish I could
16 have said that, again, the other day. But I -- but anyway, and
17 so I have to seize the moment. All right, so let me do this.
18 Let me hear a motion.

19 Somebody can make a motion. Would one of you guys like
20 to make a motion?

21 VICE CHAIR MILLER: We are all guys. When -- we
22 got -- are we going to get a gal here?

23 CHAIRPERSON HOOD: Possibly, but I just said one of the
24 guys, you know.

25 VICE CHAIR MILLER: Just thinking diversity.

1 CHAIRPERSON HOOD: The City wants that. I hear that
2 very often.

3 VICE CHAIR MILLER: I know. I know they do. I thought
4 they were going to place me with one.

5 CHAIRPERSON HOOD: No. No, I've actually nominated
6 two, but I -- I mentioned two, but anyway, that's a whole other
7 discussion. So let's put this --

8 VICE CHAIR MILLER: Okay. All right. Put that on the
9 public record.

10 CHAIRPERSON HOOD: Yeah. Let's put this -- let's go
11 ahead. Would somebody like to make a motion?

12 COMMISSIONER MAY: Mr. Chairman?

13 CHAIRPERSON HOOD: Yes?

14 COMMISSIONER MAY: I'll make the motion that the Zoning
15 Commission take proposed action on Case No. 22-17, petition to
16 rezone 3220 17th Street Northwest, from RA-2 to MU-4.

17 CHAIRPERSON HOOD: It's been moved. Can I get a second?

18 COMMISSIONER IMAMURA: Second.

19 VICE CHAIR MILLER: I'll second it.

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

22 (No audible response.)

23 CHAIRPERSON HOOD: Not seeing any, Ms. Schellin, would
24 you do a roll call vote, please?

25 MS. SCHELLIN: Yes, sir.

1 Commissioner May?

2 COMMISSIONER MAY: Yes.

3 MS. SCHELLIN: Commissioner Imamura?

4 COMMISSIONER IMAMURA: Yes.

5 MS. SCHELLIN: Commissioner Hood?

6 CHAIRPERSON HOOD: Yes.

7 MS. SCHELLIN: Commissioner Miller?

8 VICE CHAIR MILLER: Yes.

9 MS. SCHELLIN: The vote is four to zero to one to
10 approve proposed action on Zoning Commission Case No. 22-18, the
11 minus one being the third Mayoral appointee position, which is
12 vacant.

13 And if we could have the Applicant provide us with a
14 draft order in the next two to three weeks, that would be great.

15 CHAIRPERSON HOOD: Okay, Ms. Schellin, do we have
16 anything else on this case?

17 MS. SCHELLIN: No, sir.

18 CHAIRPERSON HOOD: Okay. And I hope you guys didn't
19 mind me calling you guys, but next time I'll call you
20 Commissioners. So forgive me on that. Well, I may call you guys
21 again, so at least until we get a lady.

22 COMMISSIONER MAY: We'll call you Robin Hood. How
23 about that?

24 CHAIRPERSON HOOD: That's fine. I -- you can call me
25 Carol Mitten. Call me Carol Mitten. That's even better.

1 COMMISSIONER MAY: All right, Carol Mitten.
2 Chairman Mitten.

3 CHAIRPERSON HOOD: So the Zoning Commissioner is going
4 to meet December the 5th on these same platforms, which is this
5 coming Monday, Zoning Commission Case No. -- I mean, I'm sorry,
6 96-13A. This is Street Retail, LLC. And we'll be on these same
7 platforms.

8 Is that correct, Ms. Schellin?

9 MS. SCHELLIN: That is correct.

10 CHAIRPERSON HOOD: Make sure. I give the wrong date
11 out.

12 So with that, I want to thank everyone for their
13 participation tonight. And again, as my colleagues already
14 mentioned, looking forward to the Applicant and the community
15 still working together. And I thank everyone for their exercise
16 tonight in this case. And with that, this hearing is adjourned.
17 Good night, everyone. Have a great weekend.

18 COMMISSIONER MAY: Thank you. Good night.

19 (Whereupon, the above-entitled matter went off the
20 record at 5:52 p.m.)

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C E R T I F I C A T I O N

This is to certify that the foregoing transcript

In the matter of: Public Hearing

Before: DCZC

Date: 12-01-22

Place: Teleconference

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