

GOVERNMENT OF
THE DISTRICT OF COLUMBIA

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ZONING COMMISSION

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REGULAR PUBLIC HEARING

+ + + + +

THURSDAY

FEBRUARY 9, 2023

+ + + + +

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

ZONING COMMISSION MEMBERS PRESENT:

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

OFFICE OF ZONING STAFF PRESENT:

SHARON SCHELLIN, Secretary
PAUL YOUNG, Zoning Data Specialist

OFFICE OF ZONING LEGAL DIVISION STAFF PRESENT:

JACOB RITTING, ESQUIRE
HILLARY LOVICK, ESQUIRE
DENNIS LIU, ESQUIRE

The transcript constitutes the minutes from the Regular Public Hearing held on February 9, 2023

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(4:00 p.m.)

CHAIRPERSON HOOD: Good afternoon, ladies and gentlemen. We are convening and broadcasting this public meeting by video conferencing. My name is Anthony Hood. Joining me this evening are Vice Chair Miller, Commissioner May, and Commissioner Imamura. We're also joined by the Office of Zoning staff, Ms. Sharon Schellin, and also Mr. Paul Young, who will be handling all of our virtual operations, also the Office of Zoning legal division, Ms. Hillary Lovick, Mr. Ritting, and Mr. Liu. I will ask all others to introduce themselves at the appropriate time if required.

Copies of today's meeting agenda are available on the Office of Zoning's website. Please be advised that this proceeding is being recorded by a court reporter and is also webcast live, Webex and YouTube Live. The video will be available on the Office of Zoning's website after the meeting.

Accordingly, all those listening on Webex or by phone will be muted during the meeting unless the Commission suggests otherwise. For hearing action items, the only documents before us this evening are the application, the ANC set-down report, and the Office of Planning report. All other documents in the record will be reviewed at the time of the hearing. Again, we do not take any public testimony at our meetings unless the Commission requests someone to speak.

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2 your phone call-in, then please call our OZ Hotline Number, 202-
3 727-0789 for Webex, log-in, or call-in instructions.

4 At this time, does the staff have any preliminary
5 matters?

6 MS. SCHELLIN: Sorry about that. Yes, sir, there is
7 one preliminary matter on the agenda, and that is we need the
8 commissioners to vote for officers for the next year. We always
9 do that at the first meeting in February. So we need to have
10 you guys vote for the chairman and vice chair for the next year.

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

12 Commissioners, I'm going to vacate all of these -- our
13 -- I'm going to vacate all of the offices, and I'm going to let
14 somebody else do the process. Maybe I'll ask the vice chair or
15 one of us -- or somebody to do it. I didn't even know that was
16 on the ag- -- I didn't pay no attention. All right.

17 VICE CHAIR MILLER: Okay. Well, I have very few duties,
18 so I'll take up this one, even though I was unprepared for it.
19 But I am always prepared to nominate Anthony Hood as our Chair
20 of the Zoning Commission. We're -- the city has been blessed to
21 have your leadership of this Commission, with your interaction
22 with the community, with leadership and -- amongst ANC members
23 and elected office- -- other elected officials. This city really
24 has been blessed to have your wisdom and experience in this --
25 in position as Chairman, and I would re-nominate you for another

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1 term as Chairman of the Zoning Commission, if that's the
2 appropriate motion that you wanted me to make, Mr. Chairman.

3 COMMISSIONER MAY: I'll second that notion.

4 CHAIRPERSON HOOD: That sounded conflicting. If that's
5 the most you wanted me to make Mr. Chairman, I don't want to --
6 anyway. Okay. It's been moved and properly second. I'm going
7 to ask Commissioner Imamura to carry it since I was the one
8 nominated, I don't want to carry the motion. Does that make
9 sense?

10 MS. SCHELLIN: Commissioner May second it.

11 COMMISSIONER IMAMURA: Sure, I hope you got --

12 CHAIRPERSON HOOD: Commissioner May second, okay.

13 MS. SCHELLIN: Yeah.

14 CHAIRPERSON HOOD: And Commissioner Imamura, if you
15 could carry it?

16 COMMISSIONER IMAMURA: Sure, it's been moved and
17 properly seconded. So Ms. Schellin, will you do a roll call vote
18 please?

19 MS. SCHELLIN: Sure.

20 Commissioner Miller?

21 VICE CHAIR MILLER: Yes.

22 MS. SCHELLIN: Commissioner May?

23 COMMISSIONER MAY: Yes.

24 MS. SCHELLIN: Commissioner Hood?

25 CHAIRPERSON HOOD: Yes.

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1 MS. SCHELLIN: Commissioner Imamura?

2 COMMISSIONER IMAMURA: Yes.

3 MS. SCHELLIN: The vote is four to zero to one to keep
4 Chairman Hood -- or to keep Commissioner Hood as Chairman for the
5 '23-'24 year, the minus one being the third mayoral appointee
6 position.

7 CHAIRPERSON HOOD: So I'm going to get on the other
8 mayoral appointee for not voting for me, nah, I'm just -- so I
9 too now since I'm the -- been re-elected Chair, I thank you. But
10 I also would like to nominate Commissioner Miller again to serve
11 as Vice Chair. And he gave me a lot of accolades, but I think
12 his accolades go even further than mine. All the nuances and
13 all the things that he's done -- impacts he's made in the city,
14 the things that he has done, I think all of us will be recipients
15 of it for years to come. He's worked in many capacities where I
16 know personally my family has benefited. He's helped a lot of
17 residents in the city, and as he continues to do here on the
18 Zoning Commissioner. So I would move that we also re-elect Vice
19 Chair Miller as the Vice Chair of the Zoning Commission and ask
20 for a second.

21 COMMISISONER IMAMURA: Second.

22 CHAIRPERSON HOOD: I was about to say -- it's been
23 moved and properly second. Any further discussion?

24 COMMISSIONER MAY: I would just say I would have happily
25 second, but I just wanted to give Commissioner Imamura the

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1 opportunity.

2 CHAIRPERSON HOOD: Oh, okay.

3 COMMISSIONER IMAMURA: All right.

4 CHAIRPERSON HOOD: Pretty sure we know that. I know,
5 I already know, so. It's been moved and properly second -- any
6 further discussion, we did that -- Ms. Schellin, would you do a
7 roll call vote?

8 MS. SCHELLIN: Yes, sir.

9 Commissioner Hood?

10 CHAIRPERSON HOOD: Yes.

11 MS. SCHELLIN: Commissioner Imamura?

12 COMMISSIONER IMAMURA: Yes.

13 MS. SCHELLIN: Commissioner May?

14 COMMISSIONER MAY: Yes.

15 MS. SCHELLIN: Commissioner Miller?

16 VICE CHAIR MILLER: Yes.

17 MS. SCHELLIN: The vote's four to zero to one to have
18 Commissioner Miller as Vice Chairman for the '23-'24 year, the
19 minus one being the third mayoral appointee which is vacant.
20 Thank you.

21 CHAIRPERSON HOOD: So on behalf of Vice Chair Miller
22 and myself, I want to thank you both, and we continue to look
23 forward to working together. And let's get to work now for the
24 best interests of the city. So thank you.

25 COMMISSIONER MAY: Yeah, I just want to say I expect

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1 you guys to work harder this year than you did last year. You
2 kind of slacked off last year.

3 CHAIRPERSON HOOD: All right. We will give you that
4 guarantee we'll work harder.

5 COMMISSIONER MAY: Okay.

6 CHAIRPERSON HOOD: I don't know how we can do that, but
7 yeah.

8 All right. Is there anything else, Michelle?

9 VICE CHAIR MILLER: I will say this, Commissioner May
10 and Commissioner Imamura make our work easier by the analysis and
11 the arguments that you bring to every case. So I -- we do
12 appreciate your service, as does the city. Thank you.

13 COMMISSIONER MAY: We appreciate you running the
14 meetings because that's the hardest part.

15 CHAIRPERSON HOOD: Yeah. Yeah, that is true. But
16 anyway, thank all of you all. I think we do good. And we're
17 missing one person and I'm sure that'll be filled in the next
18 few months or weeks or months. But let's continue to do what
19 we've done. I think there's been four of us now for about six
20 months, I believe, maybe six months. Okay.

21 All right. Let's move on to the agenda and thank you
22 all again. Let's go first to modification of consequence
23 deliberation on Zoning Commission Case No. 20-33A, University of
24 District of Columbia modification of consequence at Square 1964,
25 there go that number again.

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1 Ms. Schellin? Ms. Schellin, you're on mute.

2 MS. SCHELLIN: Oh, I must have hit it twice, I'm sorry.
3 Since the Commission determined this application is a
4 modification of consequence, the Applicant submitted at Exhibit
5 7 responses to what the Commission requested. And so this case
6 is ready for the Commission to decide this case. Thank you.

7 CHAIRPERSON HOOD: Okay. I'm going to open this up for
8 comment. I know what I think -- I know what I believe, but I
9 want to hear from my colleagues. And I was -- when we did this
10 -- brought this up at the last meeting, I wanted to yield to Vice
11 Chair Miller, I know he's a tennis expert, well known about tennis
12 in the city. So you know, I don't know what his thoughts are on
13 this, but I would be interested in -- as being an avid tennis
14 player. I know what my thoughts on being a non-tennis player.

15 VICE CHAIR MILLER: Well, I'll take the cue, thank you,
16 Mr. Chairman. I support the modification of consequence. I
17 appreciate that the university has responded to community
18 neighborhood feedback, opening up, as all institutions in our
19 city, public or private, should do, open up as much as possible
20 their outstanding facilities to the public at large, especially
21 the surrounding neighborhood that lives with the facilities and
22 their various impacts. So I appreciate the effort to open up to
23 the community an underutilized public, publicly paid for, public
24 asset of these tennis courts, which I, because of my own
25 residential location, happen to see a lot when I go by there and

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1 see them locked, empty, usually unused, which is frustrating,
2 given the need for recreational space generally.

3 So I'm supportive of this going forward. I see that
4 the original proper -- modification was to 8 p.m. or sunset, and
5 there was one neighbor, I believe, who was upset about maybe the
6 lights being on during that 7:00 hour when I guess sunset hasn't
7 occurred. I don't know. I don't -- I don't care. The more use
8 that can be made of the public courts without adversely impacting
9 neighbors who live with them, the better. And so I'm fine with
10 the proposal as modified by the OP's recommendation to go to 7
11 p.m. because of the neighbor's concern and the ANC agrees with
12 the OP recommendation. So I'm prepared to support this today.
13 Thank you, Mr. Chairman.

14 CHAIRPERSON HOOD: Thank you.

15 Commissioner May?

16 COMMISSIONER MAY: Yeah, I agree that we should support
17 making a change here. In terms of what we got in the latest
18 submissions, the -- I didn't -- you know, I think the concern
19 was is there really a significant concern from the neighborhood
20 about staying -- keeping the lights on until 8:00 as opposed to
21 7:00 and, you know, making sure that we had -- there had been
22 due outreach to the parties from the previous case or from the
23 original case. And you know, based on my reading of what's here
24 and our previous discussion of it, I would say that in spite of
25 what the ANC has endorsed and what OP has endorsed, I think we

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1 actually could or should allow the courts to -- or the lights to
2 stay on until 8:00 to maximize the opportunities for the neighbors
3 to make use of this taxpayer-funded facility, as the Vice Chair
4 referred to it. So I'd be in favor of going to 8:00, I would
5 prefer that, but of course I will -- I'll go along with what the
6 consensus is among my fellow commissioners.

7 VICE CHAIR MILLER: I would just add that, you know, I
8 live next to a recreation facility, D.C. public recreation
9 facility, which I think is -- there's a sign that prominently
10 says closed at sunset. I hear the basketball games going on well
11 after midnight, which is fine. I can modulate my sleep patterns
12 to the bouncing of the ball and the hitting of the backboard. We
13 all live in a community together and I think we -- 7:00 to 8:00,
14 really? Even my grandchild doesn't go to sleep before 8:00, I
15 don't think 'til 9:00.

16 COMMISSIONER MAY: Yeah. Yeah, I mean, I think it's a
17 matter of, you know, is there glare coming in people's windows
18 and things like that. And I think that, you know, if there are
19 some modifications to the lighting to make sure there's not direct
20 bleed into somebody's window, those things can be done. And --
21 but I'm with you, it's like 7:00, 8:00, it's like, you know,
22 unless you're working the, you know, the night shift, it's -- you
23 know, 8:00 shouldn't be an issue.

24 CHAIRPERSON HOOD: Commissioner Imamura, you got
25 anything to add?

1 COMMISSIONER IMAMURA: I do not, Mr. Chairman. I think
2 Vice Chair Miller and Commissioner May have made a very solid
3 arguments and I'm going to --

4 CHAIRPERSON HOOD: So let me -- so -- thank you.

5 So let me figure out what we're doing here. So we're
6 going to adopt -- you all are recommending we adopt the
7 recommendation of Office of Planning and ANC, correct?

8 COMMISSIONER MAY: That's not my recommendation.

9 CHAIRPERSON HOOD: Okay. Okay. Okay.

10 COMMISSIONER MAY: 8:00, the original application.

11 CHAIRPERSON HOOD: Yeah. Okay. 8:00. Was it 8:00 and
12 sunset?

13 COMMISSIONER MAY: 8:00 or sunset.

14 CHAIRPERSON HOOD: Okay. I would agree with that. And
15 that's why I wanted to hear because I think it's 7:00 in the
16 summer, that's prime time, you got 7:00 to 8:00, I mean, you can
17 see very well.

18 COMMISSIONER MAY: Well, no, I mean, it would be in the
19 shoulder season where 8:00 -- lights on 'til 8:00 is an issue
20 because, you know, in July, it's going to be daylight until, you
21 know, 8:30 or 9:00.

22 CHAIRPERSON HOOD: Well, in December and January, I
23 don't think people -- a lot of people out there -- well, in cold
24 weather, let me just leave it at that.

25 COMMISSIONER MAY: Today. Today you could be out there.

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1 It's February.

2 CHAIRPERSON HOOD: Yeah. Well, that's true. But most
3 of -- the majority of times in the winter. So anyway, I think
4 8:00 is what we all agreed to. All right. I have no problem
5 with that. I'm glad that that's -- I would agree with that as
6 well. So would somebody like to make a motion or?

7 COMMISSIONER MAY: I mean, I'm I'll make the motions.
8 I would move that the Zoning Commission approve modification of
9 consequence in Zoning Commission Case 20-33A University of
10 District of Columbia modification of consequence at Square 1964
11 as originally proposed, which is 8 p.m. or sunset for the closure
12 of the courts.

13 CHAIRPERSON HOOD: I'll second that.

14 VICE CHAIR MILLER: And I'll be a doubles partner for
15 you, Commissioner May.

16 COMMISSIONER MAY: I'll have to take up tennis. I
17 might have to give up volleyball.

18 VICE CHAIR MILLER: And then I'll have to give up --
19 I'll take up basketball.

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

22 Ms. Schellin, would you do a roll call vote please?

23 MS. SCHELLIN: Commissioner May?

24 COMMISSIONER MAY: Yes.

25 MS. SCHELLIN: Commissioner Hood?

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1 CHAIRPERSON HOOD: Yes.

2 MS. SCHELLIN: Commissioner Miller?

3 VICE CHAIR MILLER: Yes.

4 MS. SCHELLIN: Commissioner Imamura?

5 COMMISSIONER IMAMURA: Yes.

6 MS. SCHELLIN: The vote's four to zero to one to approve
7 final action Zoning Commission Case No. 20-33A, and that is until
8 8 p.m. as originally requested, the minus one being the third
9 mayoral appointee position which is vacant.

10 CHAIRPERSON HOOD: Okay. Next, let's go to final action
11 Zoning Commissioner Case No. 20-31A, American University campus
12 plan and further processing at Square 1600.

13 Ms. Schellin?

14 MS. SCHELLIN: Yes. For this one at Exhibit 25, there's
15 an ANC 3D report approving Commissioner Elkins' testimony given
16 at the hearing, Exhibits 27, 29 and 29A are the Applicant's post-
17 hearing submissions. Exhibit 28 is OP's -- I'm sorry, the
18 parties' post-hearing submission. And so this is ready for the
19 Commission to consider final action. Thank you.

20 CHAIRPERSON HOOD: Thank you. It looks like we have
21 -- the way I interpret it, we have a lot of agreement here, even
22 though some of it probably could be interpreted its meaning very
23 loosely. But it's still agreement from where I stand. And you
24 know, I'm not sure -- this has been going on for a while, and
25 we've gotten to this point and it's believed -- the way I believe

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1 from looking at in the merits of the record that everyone believes
2 that the wall is going to make a difference. If not, it should
3 make some type of difference because I think that's where everyone
4 is in agreeance. So anyway, let me open up for questions or
5 comments.

6 Commissioner May?

7 COMMISSIONER MAY: I just want to thank the Applicant
8 for submitting the detailed information about the sound studies
9 and in a way that was actually easily understood. So I thought
10 it was -- that was very helpful having that and having that
11 specifically in the record with the color diagrams and the circles
12 and -- no, no, that's -- I'm sorry, I'm going off in a different
13 direction. The -- but yeah, that -- having that specific
14 information was helpful. I do think some of the submissions were
15 a little bit confusing, particularly the submission that we got
16 from Herzstein and Gerson, but it seems that the general sense
17 is that they've come to agreement with the university. So I am
18 prepared to move forward with this case. Thank you.

19 CHAIRPERSON HOOD: Okay.

20 Commissioner Imamura, any comments?

21 COMMISSIONER IMAMURA: Really nothing more to add to
22 Commissioner May and what he's already shared. I agree that the
23 heat maps that Commissioner May was describing were certainly
24 helpful, I think optimistic too. I certainly hope that the wall
25 does in fact reflect what the analysis shows. But nothing further

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1 to add, prepared to support.

2 CHAIRPERSON HOOD: And Vice Chair Miller?

3 VICE CHAIR MILLER: I concur with my fellow
4 commissioners' comments and ready to move forward and thank the
5 Applicant and the party and the ANC for all of your work on this
6 case. Thank you.

7 CHAIRPERSON HOOD: Okay. So with that, I would move
8 approval of Zoning Commission Case No. 20-31A as recorded, and
9 ask for a second.

10 VICE CHAIR MILLER: Second.

11 CHAIRPERSON HOOD: It's been moved and properly second.
12 Any further discussion?

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

15 MS. SCHELLIN: Commissioner Hood?

16 CHAIRPERSON HOOD: Yes.

17 MS. SCHELLIN: Commissioner Miller?

18 VICE CHAIR MILLER: Yes.

19 MS. SCHELLIN: Commissioner May?

20 COMMISSIONER MAY: Yes.

21 MS. SCHELLIN: Commissioner Imamura?

22 COMMISSIONER IMAMURA: Yes.

23 MS. SCHELLIN: The vote is four to zero to one to
24 approve final action in Zoning Commission Case No. 20-31A as
25 discussed, the minus one being the third mayoral appointee

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1 position which is vacant. Thank you.

2 CHAIRPERSON HOOD: All right. Next, Zoning Commission
3 Case No. 22-06, 801 Maine Avenue, S.W., PJV, LLC, consolidated
4 PUD and related map amendment at Square 390.

5 Ms. Schellin?

6 MS. SCHELLIN: Yes, sir. On this one on Exhibits 125
7 through 125A you have the Applicant's additional filings since
8 proposed action. Exhibits 128 and 128A are comments from
9 Commissioner -- I'm sorry, Councilmember Allen. Exhibit 129 is
10 a letter from ANC 6D restating its opposition. Exhibit 130 is
11 the opposition parties' response to the Applicant's additional
12 filings. Exhibit 131 is NCPC's report advising of no
13 inconsistency or adverse impacts relating to the project. So
14 this is ready also for the Commission to consider final action.

15 CHAIRPERSON HOOD: Thank you, Ms. Schellin.

16 I see that we have made some progress while both of our
17 parties are still in opposition. I think we hashed a lot of this
18 out during proposed and I think the issues for the most part,
19 reception of the Exhibit 128, which I think has been updated,
20 with the exception of that, I think we're pretty much in the same
21 place for the most part.

22 But let me open it up to my other colleagues if they
23 have any questions or additional comments.

24 Commissioner May?

25 COMMISSIONER MAY: Yeah, I think we did hash things out

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1 pretty thoroughly at proposed action. It is helpful that the
2 Applicant reached out and was able to convince Councilmember
3 Allen that this project is worthwhile and so his opposition is
4 withdrawn, although there was a slight modifier mentioned
5 subsequently that he -- I think he expressed -- in essence was
6 expressing some concern for the HOA's position about the
7 mitigations that might be necessary to address traffic cutting
8 through that complex. And on that point specifically I think
9 that the Applicant has made a reasonable offer and there's a
10 reasonable commitment of spending \$100,000 to install gates and
11 provided documentation that something like that is affordable
12 within -- something like the gates is affordable given that
13 contribution. I know that HOA wants more. You know, if the
14 gates are doing their job, I'm not sure what the point of the
15 speed tables are. Maybe there are residents who can get into
16 the gates and then therefore need speed tables. I'm not sure
17 where they would be, but I don't think that that's really
18 necessary in order for us to take action to approve this project.
19 So I am -- and you know, it's unfortunate the ANC remains opposed
20 to it and it's unfortunate that the HOA remains opposed, but I
21 think that this project is worth approving tonight.

22 CHAIRPERSON HOOD: Okay.

23 Commissioner Imamura?

24 COMMISSIONER IMAMURA: All right. Thank you, Mr.
25 Chairman. That growl was from my dog, who seems to agree with

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1 Commissioner May regarding the \$100,000 proffer. I certainly
2 agree that that is sufficient and that the Applicant should not
3 shoulder the full cost of what a gate installation may cost or
4 the speed tables. I think it's a laudable project. I do
5 appreciate the Applicant reaching out to council member and
6 trying to reach an agreement with the HOA. But aside from all
7 the effort and time that's been put into this, I am prepared to
8 vote in support of this project.

9 CHAIRPERSON HOOD: Thank you.

10 And Vice Chair Miller?

11 VICE CHAIR MILLER: Thank you, Mr. Chairman. I concur
12 with my colleagues' comments. I thank the Applicant and the ANC
13 and the party in opposition, Capitol Square Homeowners'
14 Association, for working -- trying to work out whatever they
15 could work out. Since the beginning of this case, which I think
16 has substantially improved since the initial filing of the case.
17 I don't need to review all that. They've been reviewed in
18 previous hearings and deliberations, but just to highlight a few,
19 I mean, the height was shifted from the northern side adjacent
20 to Capitol Square Homeowners to Maine Avenue and the -- although
21 -- well, that was a change. So there's that height shift and
22 the spreading out of the density, which is below the density of
23 the permitted density of the zoning that's being proposed here.
24 There are a significant number of, if I recall, family-sized
25 three-bedroom units at the 50 percent MFI level that are part of

1 the inclusionary zoning proffer or offer or requirement. Some
2 of it is required. But the affordable housing being provided in
3 this case, which to my knowledge currently does not have any
4 public subsidy, public financing, public land disposition, any
5 kind of public assistance associated with it, is doing the most
6 amount of affordable housing of any non-subsidized project I
7 think that we may have seen recently. And then there was the
8 additional workforce housing that was added as a result of the
9 meetings, several meetings between the homeowners' association,
10 or was it the ANC, now I forget, the community I'll say, and the
11 council member. And so that's to be applauded as well, the
12 workforce housing units that were added between last time we
13 considered this case and now. So I'm prepared to move forward,
14 Mr. Chairman. And no case is perfect and everybody gets
15 everything that they would have liked to have seen, but I think
16 that this has a number of laudable public benefits that we can
17 support. Thank you.

18 CHAIRPERSON HOOD: Okay. I would agree. As you stated,
19 I know, just like the proffer and the -- what the opposition,
20 the ANC, what they thought for transportation and all that, and
21 what the council member and everything -- here's the thing, I
22 just -- I would agree with everything that my colleagues are
23 saying, but I still would like to see applicants who develop in
24 that area try to come -- try to continue to work with the ANCs,
25 but that's not just in that area, but all over the city. So with

1 that, I'll just leave it at that.

2 Any further comments or questions?

3 Somebody like to make a motion?

4 COMMISSIONER MAY: I can make a motion.

5 CHAIRPERSON HOOD: Okay.

6 COMMISSIONER IMAMURA: I will make a motion for the
7 Zoning Commission to take final action to approve Case 22-06, 801
8 Maine Avenue, S.W., PJV, LLC, consolidated PUD and related map
9 amendment at Square 390.

10 COMMISSIONER IMAMURA: Second.

11 CHAIRPERSON HOOD: It's been moved and properly second.
12 Any further discussion?

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

15 MS. SCHELLIN: Commissioner May?

16 COMMISSIONER MAY: Yes.

17 MS. SCHELLIN: Commissioner Imamura?

18 COMMISSIONER IMAMURA: Yes.

19 MS. SCHELLIN: Commissioner Hood?

20 CHAIRPERSON HOOD: Yes.

21 MS. SCHELLIN: Commissioner Miller?

22 VICE CHAIR MILLER: Yes.

23 MS. SCHELLIN: The vote is four to zero to one to
24 approve final action in Zoning Commission Case No. 22-06. The
25 minus one being the third mayoral appointee which is vacant.

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1 Thank you.

2 CHAIRPERSON HOOD: All right. Next, let's move on.
3 Next on the agenda is -- give me one second -- Zoning Commission
4 Case No. 22-09, NCF Heritage 1700, LLC, consolidated PUD and
5 related map amendment at Square 419.

6 Ms. Schellin?

7 MS. SCHELLIN: So at Exhibits 52 and 53 you have the
8 Applicant's proffers and conditions. Exhibit 54 is the
9 Applicant's response regarding the continued dialog with ONEDC
10 that the Commission asked them to do at proposed action. Exhibit
11 55 is an NCPC report advising once again that they see no
12 inconsistency or adverse impacts with this project. So this case
13 is ready for the Commission to consider final action. Thank you.

14 CHAIRPERSON HOOD: Thank you, Ms. Schellin.

15 As noted, for the continuance of ONEDC and the
16 Applicant, as noted, I appreciate the Applicant taking that up
17 on and working with the ONEDC and issuing the -- to include the
18 former tenants to move into a new building once constructed, and
19 that opportunity, and also put in that condition prior to the
20 issuance of the first certificate of occupancy for the permit.
21 And that's so noted in the Applicant's response of their meeting.
22 As already noted, it seems like a very positive development. So
23 I appreciate that and I'm hoping it works out both for ONEDC and
24 the Applicant as well. I know we discussed a lot of that
25 previously in proposed actions, so let me open up any questions

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1 or comment -- additional questions or comments.

2 Commissioner May?

3 COMMISSIONER MAY: I don't think I have anything else
4 to add. Summed things up and ready to vote in favor.

5 CHAIRPERSON HOOD: All right.

6 Commissioner Imamura?

7 COMMISSIONER IMAMURA: Nothing further to add, Mr.
8 Chairman. I'm in agreement with your summary.

9 CHAIRPERSON HOOD: And Vice Chair Miller?

10 VICE CHAIR MILLER: Thank you. Thank you, Mr. Chairman.
11 I appreciate the Applicant's willingness to add a condition of
12 approval that requires the Applicant to make good faith efforts
13 to offer former residents at the site a pre-leasing opportunity
14 to rent market rate units in the newly delivered building before
15 the units are made available to the public. So I appreciate that
16 dialog and movement. Thank you.

17 CHAIRPERSON HOOD: Okay. With that, so noted. Unless
18 I hear anything else, I would move that we approve as noted Zoning
19 Commission Case No. 22-09, NCF Heritage 1700, LLC, consolidated
20 PUD and related map amendment at Square 419 and ask for a second.

21 VICE CHAIR MILLER: Second.

22 CHAIRPERSON HOOD: Moved and properly second. Any
23 further discussion?

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

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1 MS. SCHELLIN: Commissioner Hood?

2 CHAIRPERSON HOOD: Yes.

3 MS. SCHELLIN: Commissioner Miller?

4 VICE CHAIR MILLER: Yes.

5 MS. SCHELLIN: Commissioner May?

6 COMMISSIONER MAY: Yes.

7 MS. SCHELLIN: Commissioner Imamura?

8 COMMISSIONER IMAMURA: Yes.

9 MS. SCHELLIN: The vote is four to zero to one to
10 approve final action Zoning Commissioner Case No. 22-09, the
11 minus one being the third mayoral appointee position which is
12 vacant.

13 CHAIRPERSON HOOD: So I wondered do I need to read --
14 and I'm just thinking out loud here, which is dangerous -- I read
15 the caption and then if I make a motion of we make a motion, do
16 I need to read the caption again? Just let's think about that.
17 Anyway, Zoning Commission Case No. 21-27, Chun Lam, design review
18 at Square 653.

19 Ms. Schellin?

20 MS. SCHELLIN: Yes. On this one at Exhibit 51, there's
21 a DDOT supplemental report. Exhibit 53 is ANC 6D's letter
22 following up regarding the public space committee that the
23 Commission asked them to follow up on. And I think that was it.
24 So this is ready for -- I missed something here -- I think that
25 was it. So this is ready for the Commission to consider final

1 action.

2 CHAIRPERSON HOOD: Thank you, Ms. Schellin.

3 I know that I'd asked for additional information about
4 the notice requirement in the public space. That is definitely
5 not in our jurisdiction, but I asked for it because I want our
6 record to be complete. Also I noted it was noted in the record
7 there was nothing else to speak to that. So even though it's
8 not in our jurisdiction or something that is not our purview for
9 us to deal with in our setting, I wanted to ask for that and I
10 appreciate everyone who supplied information on that. But we're
11 going to -- I'm going to stick to the zoning issues. But I did
12 want to satisfy the merits and the record in that case. Other
13 than that, I'm ready to move forward in this case. I think it's
14 ripe for our decision and I think everything has been mitigated
15 and I will be voting in favor of this. So let me open it up.

16 Commissioner May?

17 COMMISSIONER MAY: I don't have anything else to add.
18 I think this is -- you know, appreciate getting further
19 information about the DDOT public space committee, but -- I
20 understand the response it got, and I understand the ANC's
21 continuing concern, but there's not really much that we can do
22 about it. So I'm ready to move forward.

23 CHAIRPERSON HOOD: All right.

24 Commissioner Imamura?

25 COMMISSIONER IMAMURA: Thank you, Mr. Chairman. I

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1 don't think I have anything further to add.

2 CHAIRPERSON HOOD: Vice Chair Miller?

3 VICE CHAIR MILLER: I have nothing further to add
4 either, Mr. Chairman. I'm prepared to move forward tonight.

5 CHAIRPERSON HOOD: Okay. So with that, everything
6 seems that -- and we fleshed a lot of this out during proposed
7 anyway. So I'm going to do it like this this time. Let me see.
8 I move that we approve Zoning Commissioner Case 21-27.

9 COMMISSIONER MAY: Second.

10 CHAIRPERSON HOOD: It's been moved and properly second.
11 Any further discussion?

12 Not seeing any -- or not hearing any, Ms. Schellin,
13 would you do a roll call vote please?

14 MS. SCHELLIN: Sure.

15 Commissioner Hood?

16 CHAIRPERSON HOOD: Yes.

17 MS. SCHELLIN: Commissioner May?

18 COMMISSIONER MAY: Yes.

19 MS. SCHELLIN: Commissioner Miller?

20 VICE CHAIR MILLER: Yes.

21 MS. SCHELLIN: Commissioner Imamura?

22 COMMISSIONER IMAMURA: Yes.

23 MS. SCHELLIN: The vote is four to zero to one to
24 approve final action Zoning Commission Case No. 21-27, and the
25 minus one being the third mayoral appointee position which is

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1 vacant.

2 CHAIRPERSON HOOD: All right. Thank you. Let's go to
3 hearing action -- is it hearing action? I got one more case.
4 Okay. Hearing, okay. Moving pretty fast. Okay. Let's go go
5 to hearing action Zoning Commission Case No. 22-38, this is the
6 Office of Planning on behalf of DMPED, map amendment at Square
7 5246 and 5273.

8 MS. Brown-Roberts?

9 MS. BROWN-ROBERTS: Good evening, Mr. Chairman. And
10 I'd ask Mr. to bring up the slide for me please?

11 Thank you. Good evening, Mr. Chairman, and members of
12 the Zoning Commission. Maxine Brown-Roberts from the Office of
13 Planning on Zoning Commission Case 22-38. The Office of Planning
14 requests a map amendment to rezone the former Capitol Gateway
15 property in the 57 to 5900 block of East Capitol Street, S.E.
16 from the R-2 and RA-1 zones to the MU-7B zone. The map amendment
17 is intended to implement changes recommended by the comprehensive
18 plan for a neighborhood center long planned for the site. Next
19 slide?

20 The subject property was part of the new East Capitol
21 development, envisioned as a mixed use development by the D.C.
22 Housing Authority under the Hope 6 program to replace a large
23 area of public housing with a mix of single-family detached
24 duplexes, row dwellings, garden apartments with various unit
25 types, sizes, and affordability, and commercial use of subject

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1 property to serve the needs of the new and existing residential
2 community with a grocery store and other retail uses. A majority
3 of the residential uses have been developed. Next slide?

4 In 2013, Zoning Commission Case 12-13 approved a map
5 amendment and PUD for the property as a commercial center
6 consisting of a full service Wal-Mart store, sit-down restaurant,
7 ground-floor retail uses, residences, and office uses. This
8 project did not materialize as Wal-Mart pulled out and the order
9 has expired. At this time, there are no overall development
10 plans for the site except for the priority is to secure a
11 supermarket finder to serve the area as it is lacking a
12 supermarket to serve a large residential community. Next slide?

13 The FLUM designates the property for mixed use medium
14 density residential, medium density commercial. And the plan
15 states that the RA-3 and MU-8 and MU-10 zones are consistent with
16 a medium density residential and medium density commercial
17 categories, and that other zones may apply. As outlined in the
18 OP report, a comparison of the development capacity of these
19 zones demonstrates that a requested MU-7B zone -- I'm sorry --
20 that the requested MU-7B zone for the site would accommodate a
21 level of development that is appropriate for the site, as it
22 would allow for enough density on the site to create a
23 neighborhood center with up to 1.3 million square feet of
24 nonresidential uses. The proposed MU-7B zone is not inconsistent
25 with the FLUM designation. The generalized policy map -- I'm

1 sorry, next slide?

2 The generalized policy map recommends a site as a
3 neighborhood conservation area, neighborhood enhancement area
4 with an enhanced new neighborhood center, and resilience focus
5 area. The MU-7 zone would allow a commercial development that
6 would be at a scale and intensity to serve the neighborhood
7 residents. Overall, the neighborhood character would be
8 protected and enhanced by any future development. As this is a
9 district property, the developer of the property would be
10 required to work with neighborhood property owners to have
11 buildings that are compatible in scale, height, and design and
12 to mitigate and protect environmental sensitive areas. Next
13 slide?

14 Overall when evaluated through a racial equity lens,
15 the proposed amendment is not inconsistent with the comprehensive
16 plan. Although a development project has not been designed for
17 the property, it is DMPED's intention to develop the site as
18 originally envisioned and as recommended by the comprehensive
19 plan for a new neighborhood commercial center. The priority at
20 this time is to secure an agreement with a supermarket vendor to
21 assist in reducing food insecurity in a predominantly black
22 underserved community. A study done in 2020 showed that of 76
23 full-service supermarkets in the city, there are only two in Ward
24 7, and this correlates to areas of the highest black poverty. As
25 outlined in our report, other disparities exist in the area such

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1 as a high percentage of renters. The median household income is
2 lowest for blacks in the ward and has an unemployment rate of 13
3 percent, where the District-wide average is 8 percent. The
4 subject property is in the far northeast-southeast area element,
5 which specifically recommends East Capitol Street Gateway as an
6 area where employment growth should be, and that the development
7 can help drive economic growth and improve residents' access to
8 basic amenities. The proposed map amendment would not be
9 inconsistent with the citywide elements, including policies and
10 recommended actions with which the proposal is compatible. Next
11 slide?

12 As outlined in our report, DMPED has had several
13 meetings with the ANC and community organizations regarding the
14 redevelopment of the site, and the priority is to secure a
15 supermarket. They've also been notified of the proposed map
16 amendment and other community meetings are scheduled for this
17 month and we will continue to work through the time to the public
18 hearing. The Office of Planning therefore recommends that a
19 proposed map amendment be set down for public hearing and that
20 it be appropriate for IZ Plus. If the application is set down,
21 OP requests that this report serves as the pre-hearing report.
22 Thank you, Mr. Chairman, and I'm available for questions.

23 CHAIRPERSON HOOD: Thank you very much, Mr. Brown-
24 Roberts. And this is, as been noted by legal counsel and others,
25 this is our first case -- one of our first cases, I believe our

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1 first case, since our new racial equity tool was dispensed, I
2 think, last Friday on the 3rd. And I -- first of all, I know
3 that our legal counsel, Ms. Lovick and others, have worked very
4 hard on that, and I want to make sure that everyone send a strong
5 message that we want to make sure whoever it is, DMPED, OP,
6 applicants, make sure they do the community engagement. So I
7 realize in my notes that there's going to be some engagement with
8 ANC 7C and I realize there's a time lag. You know, that we have
9 to put this in the place. But I expect that that racial equity
10 tool to be followed, especially by our own government, DMPED and
11 OP. And I'm sure that that's going to happen. And I appreciate
12 the analysis already, but the engagement piece is key and
13 critical. And I'm sure that this area because there was supposed
14 to have been Giant food store in the same -- in the area, it
15 was then that we went to Wal-Mart, so I'm hoping that whatever
16 they got planned, then I'm sure that that's going to be an easy
17 thing for the residents who, especially in Ward 7A, who want
18 additional grocery stores. So -- or whatever's planned there.
19 I know this is a map amendment, but whatever's planned there, I
20 believe it's -- yeah, in front of us. So anyway, I just want to
21 put that out there. And Ms. Brown-Roberts if you can convey that
22 to DMPED and the Applicant and whomever that that's what we'll
23 be looking for, so. All right.

24 MS. BROWN-ROBERTS: We will do that.

25 CHAIRPERSON HOOD: Thank you. Thank you very much.

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1 Let's open it up for any questions or comments.

2 Commissioner May?

3 COMMISSIONER MAY: The only thing I have to say is
4 that, you know, I think I was here for the original PUD and I
5 think I was here for the second version of it, and I'm glad that
6 some of the housing was developed on that site from what was
7 originally planned more than 20 years ago. I'm just glad that,
8 you know, something is happening here. And I'm going to stay
9 optimistic that the city can land a grocery store as a tenant
10 sometime soon. Thanks.

11 CHAIRPERSON HOOD: All right.

12 Commissioner Imamura?

13 COMMISSIONER IMAMURA: Thank you, Mr. Chairman. I just
14 want to underscore what you've already stated, that, you know,
15 the expectation of the Commission is, you know, for OP and DMPED
16 to do the outreach that's mandated by the tool. And I'm glad to
17 see that the last slide that you showed, Ms. Brown-Roberts, laid
18 out what that plan looks like. So if the Commission decides to
19 set this down, I look forward to hearing the outcome of that.
20 Thank you, Mr. Chairman.

21 CHAIRPERSON HOOD: Thank you.

22 And Vice Chair Miller?

23 VICE CHAIR MILLER: Thank you, Mr. Chairman. I support
24 setting down this case -- this map amendment for a public hearing.
25 As you've noted, the -- we have published on our website the

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1 racial equity tool which we are currently using and expect
2 applicants and petitioners and ourselves to comply with as we go
3 forward. In this case, which has been alluded to, the community
4 has been very engaged for two decades in trying to get
5 neighborhood revitalization, particularly a grocery store at this
6 site. And so there has been a level of engagement and a pining
7 for development and redevelopment that is that this neighborhood
8 deserves. And this map amendment will facilitate not only the
9 food opportunity, food equity choices that Wards 7 and 8 deserve
10 to have, Ward 7 in this case, but it also will facilitate more
11 affordable housing. The -- because it's a map amendment without
12 a PUD, the IZ Plus would serve as the base affordable requirement
13 for any dispos- -- for any IZ Plus, which is a higher set aside,
14 would apply, and because it's a district-owned site, it's worth
15 mentioning or re-emphasizing that there will be even higher or
16 deeper affordability, greater amount and deeper affordability
17 requirements than even our zoning regulations require in this
18 particular -- at this particular site. So I'm supportive of
19 setting down this map amendment for a public hearing to try to
20 jumpstart 20 years of planned development in this area.

21 CHAIRPERSON HOOD: Thank you, Vice Chair, for giving
22 us a little bit more history on that one. All right. See if
23 hopefully we can get something over there and get it done this
24 time.

25 All right. Any other questions or follow-up questions

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1 or comments?

2 Somebody like to to make a motion to set it down?

3 VICE CHAIR MILLER: Sure, Mr. Chairman. I would move
4 that the zoning commission set down Case No. -- no, I don't have
5 the case number, is it 22-38?

6 CHAIRPERSON HOOD: 22-38, right, correct.

7 VICE CHAIR MILLER: Okay. To propose a map amendment
8 to rezone Square 5246 in the vicinity of East Capitol Street,
9 S.E. from R-2 and RA-1 zone to MU-7B zone, and ask for a second,
10 Mr. Chairman.

11 CHAIRPERSON HOOD: Second.

12 Okay. It's been moved and properly second.

13 Any further discussion?

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

16 Thank you, Ms. Brown-Roberts.

17 MS. SCHELLIN: Commissioner Miller?

18 VICE CHAIR MILLER: Yes.

19 MS. SCHELLIN: Commissioner May?

20 COMMISSIONER MILLER: Yes.

21 MS. SCHELLIN: Commissioner Hood?

22 CHAIRPERSON HOOD: Yes.

23 MS. SCHELLIN: Commissioner Imamura?

24 COMMISSIONER IMAMURA: Yes.

25 MS. SCHELLIN: The vote is four to zero to one to set

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1 down Zoning Commission Case No. 22-38 as a rule-making case. The
2 minus one being the third mayoral appointee position which is
3 vacant. Thank you.

4 CHAIRPERSON HOOD: Okay. Let's move on to the next
5 case. Zoning Commission Case No. 22-36, TM Associates, LLC, and
6 Washington Metropolitan Area Transit Authority, consolidated PUD
7 and related map amendment at Square 3351 through 3353.

8 Ms. Myers?

9 MS. MYERS: Good afternoon, Commissioners. The office
10 of Planning is very pleased to recommend set down of Case 22-36,
11 which is a consolidated PUD and related map amendment at Squares
12 3351, 3352, and 3353. This project has been a long time coming,
13 so we are excited to be able to present it to you today. Next
14 slide please?

15 The site is the surface parking lot for Takoma Metro
16 Station. The proposal would rezone it from MU-4 NC-2 and RA-1
17 to MU-5A. Next slide please?

18 The proposal would replace the existing parking lot
19 with a mixed use development and create a new bus and Kiss and
20 Ride transit area for the metro station. The new building would
21 be 76 feet tall and have a 1.69 FAR. It would be mixed use with
22 430 to 440 residential units and 15,000 to 18,000 square feet of
23 retail service space. The site would have 1.8 acres of open
24 space, including a retail cafe plaza. The proposal includes
25 approximately 70 IZ units, which is from a 15 percent set aside;

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1 3 percent of this set aside would be reserved for households
2 making up to 30 percent MFI. The rest of the IZ units would be
3 for households making up to 60 percent and MFI. Next slide
4 please?

5 On balance, this PUD is not inconsistent with the
6 comprehensive plan maps. The site is designated for a mix of
7 medium density residential, low density commercial, and local
8 public facilities and is a part of the neighborhood enhancement
9 policy area on the general policy map. When evaluated through a
10 racial equity lens, the proposal would not be inconsistent with
11 the comprehensive plan. Currently, the site is being used as a
12 parking lot, so no existing residents would be displaced by this
13 PUD. The site is in the Rock Creek East planning area, which
14 has a majority white population. The project would provide
15 approximately 70 affordable units and a transit-oriented
16 building. These units could allow more minority households to
17 live in the Rock Creek East planning area. The building would
18 also provide ground floor spaces for retail service uses, which
19 would provide employment opportunities close to the metro rail
20 station. And being close to metro would allow more people to
21 access these job opportunities. Our set-down report for this
22 case was filed prior to the release of the Commission's new racial
23 equity tool. Therefore, in our hearing report, we will provide
24 a more thorough racial equity analysis using the new tool. So
25 before I conclude, I want to state that we echo the ANC's strong

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1 support of the project, but we will need additional information
2 from the Applicant to get it closer to the finish line. We need
3 to know the results of the TANTA application process, more details
4 on the courtyard pedestrian circulation, and more details on the
5 building's potential Carol Street entrance. And with that, I
6 will conclude the OP testimony and I am happy to take on any
7 questions. Thank you.

8 CHAIRPERSON HOOD: Thank you, Ms. Myers. I think the
9 report was very well done. And I know it's a lot of moving parts
10 here and it looks like it's coming to form. I really like the
11 design, but I'm sure we're getting -- at least what I see so far.
12 Let me open it up to see if we have any other questions.

13 Commissioner May?

14 COMMISSIONER MAY: Yeah. So I appreciate everything
15 that's in the report. I do know this has been going on for a
16 very long time. And I appreciate all of the folks who've worked
17 on bringing it to this point. There are a few things that struck
18 me about the project, and there are a lot of positives about a
19 lot of things to recommend it. And I could -- well, I just want
20 to say it seems like it's really, really heavily parked. I
21 mean, it's on top of a metro station and it's got, I don't know,
22 like three times as much as the minimum parking would be that
23 would be required. There is an awful lot of pavement. And I
24 know a lot of that pavement is driven by the park and ride, or
25 the Kiss and Ride, and the bus turnaround and so on, so I

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1 understand why some of that is happening, but it does feel like,
2 you know, even though there is some significant green space, that
3 it's very much an auto-centric kind of development. I don't know
4 what can be done about that, but I just -- I can't just let that
5 pass. I agree some further study about the courtyard is really
6 necessary. That just seems very strange the way it has been set
7 up and the opportunities for significant conflict between
8 pedestrians and vehicles is pretty significant, so. Yeah, I
9 would just -- I would recommend that, you know, as you continue
10 to work with the Applicant that you not just address the three
11 issues that you had flagged, but also talk further about the
12 parking. I imagine DDOT's going to have something to say about
13 that. And the other thing I would notice is that a lot of those
14 drawings, the renderings, don't even show what's happening on the
15 roof. So there's some inconsistency in the drawings. And
16 certainly we're going to need to see what's happening on the roof
17 with rooftop equipment. And I assume that they're not, you know,
18 there's not housing and penthouses up there because we would see
19 that. But there's a condenser farm that shows up in the plans
20 but doesn't show up in any of the bird's eye views and things
21 like that. So some drawing inconsistencies with the -- some --
22 those are my comments. Thank you.

23 CHAIRPERSON HOOD: Thank you.

24 Commissioner Imamura?

25 COMMISSIONER IMAMURA: Thank you, Mr. Chairman.

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1 Ms. Myers, thank you for your report. Commissioner May
2 has highlighted a couple things that I think the Applicant could
3 probably work on to make some additional (audio interference).
4 So and I was delighted to hear that. Hope you will refine the
5 racial equity analysis utilizing that new piece of our racial
6 equity tool. So thank you for that and acknowledging that. I'm
7 interested to see where this goes if the Commission decides to
8 set this down. I'm prepared to support set down, Mr. Chairman.

9 CHAIRPERSON HOOD: Thank you, Commissioner Imamura. I
10 don't know, for me you went out for a second. I'm not sure if
11 others, maybe it was just my unit. Oh, everybody, okay. You
12 went out for a second, so I don't know --

13 COMMISSIONER IMAMURA: That was -- that was the band
14 playing to say that I've spoken enough tonight, but it was the
15 comment that Commissioner May had highlighted, some areas where
16 I think design improvements can be made. I think that that just
17 means that there's opportunity to make this project even better,
18 so. Thank you, Mr. Chairman.

19 CHAIRPERSON HOOD: Okay. All right. Thank you.

20 Vice Chair Miller?

21 VICE CHAIR MILLER: Thank you, Mr. Chairman. And thank
22 you, Mrs. Myers, for your report. And thank you to the Applicant,
23 WMATA and TM Associates, which is EYA for bringing this
24 application forward. Yeah, this is another one of those sites
25 that has long been envisioned as appropriate for redevelopment

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1 and revitalization. I remember meeting in my office at the
2 council chairman's office over 20 years ago, I think with the ANC
3 4B chair, Sarah Green, and Faith Wheeler of Takoma Historic about
4 a proposed development for this side. That's 21 years ago when
5 the council was considering the -- I think the first small area
6 plan under the comprehensive plan that was considered by the
7 council and adopted by the council in 2002. And that plan
8 envisioned this type of development. So there's been a lot of
9 community engagement over the years, a lot of community
10 disagreement over the years as to what exactly should happen.
11 But I think people want it to be re- -- generally the neighborhood
12 wants it to be redeveloped. So I support set down of this PUD
13 and map amendment to facilitate this development going forward.
14 Ms. Roberts -- I mean, Ms. Myers, sorry, I apologize, the
15 Applicant's statement on page one of their exhibit, I don't have
16 the exhibit number in front of me, but stated that they have
17 applied for funding from DHCD for their tax abatement for
18 affordable housing and high needs area program. Tax abatement
19 for affordable housing and high needs area program, TANTA
20 program. And it says in that footnote on that page one of their
21 application that the project, if their project is awarded TANTA
22 funding, the Applicant might increase the amount of affordable
23 housing provided in the project I guess beyond the IZ requirement
24 to 33 percent of the residential units. Do we know the status
25 of that application for tax abatement affordable housing funding

1 so that they can get to that 33 percent, or is that still in
2 process, Ms. Myers?

3 MS. MYERS: That's what we're asking for is to get an
4 update on that. My last conversation with them was that it was
5 still in progress, but they would know that by the time of the
6 hearing. So that's why that was one of the things that we're
7 asking to get more information about.

8 COMMISSIONER IMAMURA: Vice Chair Miller, you're on
9 mute.

10 VICE CHAIR MILLER: Oh, I'm sorry, thank you. So as I
11 recall from 21 years ago, the small area plan had goals, as the
12 comprehensive plan has goals, they're not binding requirements,
13 but as I recall, the goal for affordable housing was -- correct
14 me if I'm wrong, Ms. Myers or anybody or the Applicant, if we
15 ever have a public hearing on it -- I thought the goal was 5 per-
16 -- not less than 5 percent of the affordable housing at less than
17 30 percent MFI, and I see that they're offering 3 percent and
18 they may get up to 33 percent under this funding formula that
19 they've applied for through the D.C. government. But I would
20 just note that I think the small area plan called for 5 percent
21 as opposed to the 3 percent that's being proffered here at 30
22 percent median family income. So that's just something to keep
23 in mind as we go forward. But I'm strongly supportive of setting
24 this down for a public hearing long awaited redevelopment project
25 at the Takoma metro site. We have all these -- we're fortunate

1 to have these vacant sites where nobody's being displaced in the
2 District of Columbia, at least on the site, maybe by increased
3 property values that occur throughout the city everywhere as a
4 result of market forces. But on the site itself all that might
5 be displaced is cars, although Commissioner May points out there
6 are a lot of cars that are being replaced in the parking that's
7 being offered here. So I'm not worried about the cars. They'll
8 find their way, but I'm supportive of a housing development that
9 is being facilitated by this project and support set down, Mr.
10 Chairman. Thank you.

11 CHAIRPERSON HOOD: Thank you. And I want to thank
12 Commissioner Imamura. While you were on mute, I'm trying to get
13 unmuted, so I cleaned my mouse, I don't know. So any time I'm
14 trying to get unmuted, I'm muted, so I'm still having those
15 issues. So maybe I'll get my grandkids this summer to show me a
16 better way to do it. Anyway, any other comments or questions?

17 All right. Would somebody like to make a motion?

18 And thank you, Ms. Myers, for your reports, appreciate
19 it.

20 VICE CHAIR MILLER: I would move, Mr. Chairman, that
21 the Zoning Commission set down Case No. 22-36 TM Associates, LLC,
22 and WMATA consolidated PUD and related map amendment at Squares
23 3351 through 3353, and ask for a second.

24 COMMISSIONER IMAMURA: Second.

25 CHAIRPERSON HOOD: It has been moved and properly

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1 second. Any further discussion?

2 Not hearing any, Ms. Schellin, would you please record
3 the vote?

4 MS. SCHELLIN: Yes, sir.

5 Commissioner Miller?

6 VICE CHAIR MILLER: Yes.

7 MS. SCHELLIN: Commissioner Imamura?

8 COMMISSIONER IMAMURA: Yes.

9 MS. SCHELLIN: Commissioner Hood?

10 CHAIRPERSON HOOD: Yes.

11 MS. SCHELLIN: Commissioner May?

12 COMMISSIONER MAY: Yes.

13 MS. SCHELLIN: The vote is four to zero to one to set
14 down Zoning Commission Case No. 22-36 as a contested case, the
15 minus one being the third mayoral appointee position which is
16 vacant. Thank you.

17 CHAIRPERSON HOOD: Okay. Thank you. Give me one
18 moment. Maybe I just need a new mouse, maybe that's what it is.

19 Okay. Our next hearing action case is Zoning
20 Commission Case No. 05-28AC, Parkside Residential, LLC,
21 modification of significance -- oh, no, wait a minute -- yeah,
22 modification of significance on the second stage PUD parcel 9A
23 at Square 5056.

24 And, okay, Ms. Schellin?

25 Wait a minute, no, I'm sorry. Mr. -- but let me ask,

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1 do I need to do the waiver request first, that's where I'm getting
2 confused?

3 MS. SCHELLIN: Yes.

4 CHAIRPERSON HOOD: Okay.

5 MS. SCHELLIN: Yes.

6 CHAIRPERSON HOOD: So we have OP -- I can do it. We
7 have n OP waiver request for time. I'm sure they work right up
8 to the last minute. So any objections?

9 Okay. So we will accept that -- OP's report.

10 Okay. Now, Mr. Mordfin, we're ready for you.

11 MR. MORDFIN: Good afternoon, Chair and members of the
12 Commission. I'm Stephen Mordfin with the Office of Planning for
13 Case No. 05-28AC, which is a request for a modification of
14 significance to the Parkside PUD. The first stage approval was
15 for a residential building with ground floor retail and a
16 pedestrian promenade running between the subject property and
17 Parcel 9A -- subject property Parcel 9A, and a similar building
18 on Parcel 9B. In 2017, the Zoning Commission under Case No. 05-
19 28Q, modified the use of the site to a seven-story office building
20 with ground floor retail space. No changes were made to Parcel
21 9B. The Applicant now requests to revert the use of the site
22 back to its previous use as an apartment building with ground
23 floor retail space. The Applicant also proposes to reduce the
24 amount of on-site below grade parking consistent with the
25 requirements of ZR '16 and to reduce slightly the amount of retail

1 space approved under ZR 05-28Q. No new zoning flexibility is
2 requested. OP recommends that the Commission set this
3 application down and is available for questions. Thank you.

4 CHAIRPERSON HOOD: Thank you, Mr. Mordfin. Let's see
5 if we have any questions or comments.

6 Commissioner May?

7 COMMISSIONER MAY: No, I will not make my usual speech
8 about this PUD and simply accept that we're going to consider
9 this change. Thank you.

10 CHAIRPERSON HOOD: I wanted to hear your usual speech
11 because I forgot it. Maybe -- but I'm sure I'll hear it again.

12 Commissioner Imamura?

13 COMMISSIONER IMAMURA: Thank you, Mr. Chairman. I'm
14 interested to hear what Vice Chair Miller has to share and make
15 the full circle back with Commissioner May. It's a teaser now.

16 CHAIRPERSON HOOD: All right.

17 Vice Chair Miller?

18 VICE CHAIR MILLER: I'm thankful to Commissioner May
19 for not repeating what I remember distinctly the 25 previous
20 times that he has said that this development has gone on a long
21 time with a lot of modifications. And it's a huge, huge parcel
22 that probably should have been broken up into pieces to be more
23 manageable to begin with. But we're way beyond, way beyond that
24 point. So I'm supportive of setting this down for a public
25 hearing.

1 CHAIRPERSON HOOD: Okay. I thank you, Vice Chair for
2 reminding me of what Commissioner May has said. So I do too
3 remember that and I think I agree with that. But we are where
4 we are. So anyway, I won't ask Commissioner May to make the
5 motion, I'll make it.

6 I move to approve -- set down Zoning Commission Case
7 No. 05-28AC, 28AC, and ask for a second.

8 VICE CHAIR MILLER: Second.

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

11 COMMISSIONER IMAMURA: I just wish you would have made
12 Commissioner May make the motion.

13 CHAIRPERSON HOOD: You know, I didn't do that, I took
14 him off of that one. So anyways, moved and properly second. Any
15 further discussion?

16 Okay. Not hearing any, Ms. Schellin, would you do a
17 roll call vote please?

18 MS. SCHELLIN: Commissioner Imamura's suggestion was a
19 good one. So let's see.

20 Commissioner Hood?

21 CHAIRPERSON HOOD: Yes.

22 MS. SCHELLIN: Commissioner Miller?

23 VICE CHAIR MILLER: Yes.

24 MS. SCHELLIN: Commissioner May. Come on, get it out
25 of there, Commissioner May.

1 COMMISSIONER MAY: If you wanted me to make the motion,
2 you'd be a lot -- there'd be a lot more silence.

3 Yes.

4 MS. SCHELLIN: Commissioner Imamura?

5 COMMISSIONER IMAMURA: Yes.

6 MS. SCHELLIN: So the vote is four to zero to one to
7 set down Zoning Commission Case No. 05-27AC (sic) as a contested
8 case, and the minus one being the third mayoral appointee position
9 which is vacant. Thank you.

10 CHAIRPERSON HOOD: Okay. Thank you. Okay. Thank you.

11 And thank you, Mr. Mordfin, your report.

12 Ms. Schellin, I don't -- from my notes, we don't have
13 anything on agenda left.

14 MS. SCHELLIN: That's correct.

15 CHAIRPERSON HOOD: Okay. Sometimes when you look at
16 stuff, it all start running together. The Zoning Commission will
17 meet again February 13th. And our cases -- on these same
18 platforms, our Case is 15-24C, JBG/6th Street Associates, LLC,
19 and Gallaudet University on these same platforms. I want to
20 thank everyone for their participation in this meeting tonight,
21 and this meeting's adjourned. Have a nice weekend.

22 (Whereupon, the above-entitled hearing was adjourned.)
23
24
25

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 Meeting

Before: DCZC

Date: 02-09-2023

Place: Teleconference

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