

GOVERNMENT OF  
THE DISTRICT OF COLUMBIA

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ZONING COMMISSION

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PUBLIC MEETING

+ + + + +

THURSDAY

JANUARY 26, 2023

+ + + + +

The Public Meeting of the District of Columbia Zoning Commission convened via videoconference, pursuant to notice, at 4:06 p.m. EDT, Anthony J. 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 Public Meeting held on January 26, 2023.

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

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2229 M Street, LLC ..... 7

Case No. 20-33A  
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P-R-O-C-E-E-D-I-N-G-S

(4:00 p.m.)

CHAIRPERSON HOOD: Good afternoon, ladies and gentlemen. We are convening and broadcasting this public meeting by videoconferencing. 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 Mr. Paul Young, who will be handling all of our virtual operations. I will ask all others to introduce themselves at the appropriate time. Also our Office of Zoning legal division, we have Mr. Ritting, Ms. Lovick, and Mr. Liu.

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 commissioners suggest 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.

If you experience difficulty, which we know that's

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1 happened, and we're trying to work through that, what I would  
2 just -- I'm going to revise this statement and ask that you watch  
3 it through YouTube until we're able to realize -- figure out  
4 what's going on. That if we need somebody, we will ask you to  
5 call in. Again though, our OZ hotline number is 202-727-0789 for  
6 Webex log-in or call-in instructions.

7 At this time, does the staff have any preliminary  
8 matters?

9 MS. SCHELLIN: No preliminary matters, other than to  
10 say that we do -- we are asking people to call in, and I would  
11 ask that we skip over the advance party status until we can  
12 contact them to call in. If we could do that, that would be  
13 great. So we can have Mr. Humala call them and let them know  
14 that they need to call in instead of logging in.

15 CHAIRPERSON HOOD: Okay. Let me ask, do we need to  
16 wait a few minutes, Ms. Schellin, will that help?

17 MS. SCHELLIN: He -- Mr. Humala is telling me they're  
18 testing that now to see if they can get in by phone, but --

19 CHAIRPERSON HOOD: Well, I was talking about for  
20 everybody.

21 MS. SCHELLIN: For everybody. If we could wait a few  
22 minutes, that would probably help because we're waiting for OP  
23 to get in also.

24 CHAIRPERSON HOOD: Okay.

25 MS. SCHELLIN: So that would be helpful.

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1 CHAIRPERSON HOOD: Okay. And I will -- I won't talk  
2 as much, so we'll make the time up. So what we'll do is we'll  
3 just stand by, Ms. Schellin, and wait for you to tell us we can  
4 get started. So we'll just be --

5 MS. SCHELLIN: Okay. Thank you.

6 CHAIRPERSON HOOD: -- we'll -- standing by. Okay.  
7 Thanks everyone for your patience.

8 (Pause.)

9 MS. SCHELLIN: Jennifer, I'm just confirming you are  
10 in, is that correct, as User 2?

11 MS. STEINGASSER: Yes, I'm in.

12 MS. SCHELLIN: Okay, great. Thank you.

13 MS. STEINGASSER: Okay.

14 (Pause.)

15 MS. SCHELLIN: All right. I've sent the log-in --  
16 call-in information to Mr. Jesick, to Ms. Myers, and I am not  
17 seeing them in, although I see we have just gotten another call-  
18 in person with a 302 area code. Do you know who that might be?

19 MS. ROLLINS: I think that might be --

20 MS. SCHELLIN: Oh, it could be -- I'm sorry, 202-44 --

21 MS. ROLLINS: 302 might be --

22 MS. SCHELLIN: I just unmuted them.

23 MS. MYERS: Hello?

24 MS. SCHELLIN: Yes? Can you state your name?

25 MS. MYERS: This is Crystal Myers, Office of Planning.

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1 MS. SCHELLIN: Crystal Myers. Okay. So Crystal Myers  
2 is call-in User 3, Mr. Young.

3 (Pause.)

4 MS. SCHELLIN: Okay. I'm sorry, call-in User 4, 202-  
5 24 is the beginning of the phone number, can you state your name?

6 They have hung up. Okay. Whoever that was got off.

7 (Pause.)

8 MS. SCHELLIN: Could the caller with the number 732-74  
9 please --

10 MS. ROLLINS: Yes.

11 MS. SCHELLIN: -- who -- could you give your name?

12 MS. ROLLINS: This is Kara Rollins. I'm on the  
13 individual, says that party status application is pending.

14 MS. SCHELLIN: Okay. Is Ms. Ryun -- I can't think --  
15 or the other party with you also or just you?

16 MS. ROLLINS: It's just me. She was having the same  
17 access points, but I think Mr. Humala finally sorted out what we  
18 -- the number that we need to be using, so I believe she'll be  
19 dialing shortly.

20 MS. SCHELLIN: Okay. Thank you.

21 (Pause.)

22 MS. SCHELLIN: Okay. Could the caller with 301-43, the  
23 beginning of the phone number, please identify yourself?

24 Mr. Young, could you unmute Caller 6?

25 Caller 6, could you please identify yourself, phone

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1 number 301 --

2 MS. LEE: Yes, my name is Ryun Lee.

3 MS. SCHELLIN: Ryun Lee. Okay. Great.

4 We have everybody, and we are ready to start, Chairman  
5 Hood.

6 Thank you, Ms. Lee.

7 CHAIRPERSON HOOD: Okay. Thank you.

8 Let's see if we can get everybody back up, including  
9 myself.

10 MS. SCHELLIN: Apologize for the technical issues, and  
11 with the Webex webinar, it's different from the meeting, and so  
12 we are trying to figure it out, so.

13 CHAIRPERSON HOOD: Okay. That's all right. We will  
14 get through that. So thank you. And I'm hoping others who  
15 couldn't come on and -- join us on YouTube.

16 All right. So with that --

17 MS. SCHELLIN: Yes, we do have people watching via  
18 YouTube, I've spoken to some.

19 CHAIRPERSON HOOD: Okay. Great.

20 I again apologize for the time. We will go ahead and  
21 get started. Just waiting on Commissioner May.

22 Okay. Thought you may have went out to dinner.

23 Okay. All right. Let's go ahead and get started.  
24 Let's go to advance party status, Zoning Commission Case  
25 No. 22-21, 2229 M Street, LLC, consolidated PUD and related map

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1 amendment at Square 4465.

2 Ms. Schellin?

3 MS. SCHELLIN: Yes, sir. The first one is the Rollins,  
4 Kara and Justin Rollins. Ms. Ryun -- I'm sorry, Ms. Rollins is  
5 on at Caller No. 5, if needed. They are filing for party status  
6 in opposition at Exhibit 23 and 23A and 23B. And if need be,  
7 they are available for questions. As required, they are present.  
8 There -- the Applicant and the ANC did not file any opposition  
9 to their request for party status. Do you want me to go ahead  
10 and give you any -- give you the second request at the same time?

11 CHAIRPERSON HOOD: Yes --

12 MS. SCHELLIN: Yes.

13 CHAIRPERSON HOOD: -- let's do the second one. Yeah,  
14 we can punch them up if we need to.

15 MS. SCHELLIN: Yes. So the second one, Ryun Lee,  
16 Ms. Lee is on as Caller No. 6, if needed. She too is a member  
17 of the Arboretum Condominium, and her request for party status  
18 is in opposition at Exhibit 26. And once again, the Applicant  
19 and the ANC did not file any opposition to her request for party  
20 status either. So both of these are before you for your  
21 consideration. This hearing is scheduled for February 16th, and  
22 so they are asking for this to be considered in advance of the  
23 hearing. Thank you.

24 CHAIRPERSON HOOD: Okay. Thank you, Ms. Schellin, for  
25 teeing it up.

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1           Colleagues, let me just tell you that Kara and  
2 Justin Rollins, as well as Ryun Lee, when I look at the  
3 submissions, especially sharing a party wall, and I know that  
4 there's a -- Arboretum Condominium is a whole association, but  
5 these two have asked for requests. I first thought in looking  
6 maybe they should join forces. One of them, I think -- one, if  
7 not both, have a party wall, which is right -- they are very --  
8 they're adjacent to the project. And I think they both made  
9 compelling arguments. I just -- it would be good if they could  
10 join together, but maybe they want to relate their -- and I  
11 believe they can do it together. But let me hear from others.  
12 I have no problem giving them party status. They're the two that  
13 requested it. But let me hear from others.

14           Commissioner May?

15           COMMISSIONER MAY: Yeah. For proximity reasons, right,  
16 sharing a party wall, I think that it is -- it's pretty obviously  
17 that they are more especially affected than other neighbors. And  
18 -- however, I will say that the concerns that they raised, a lot  
19 of it is not about zoning. I mean, certainly, you know, issues  
20 of any sort of parking concerns or things like that, that's a  
21 legitimate zoning concern. But, you know, a number of the things,  
22 stormwater runoff and construction concerns and things like that,  
23 are not typically zoning concerns. So that I hope that, like -- I  
24 hope that they -- that when it comes to the hearing, that both  
25 parties, or if they are joined together as a single party, will

1 actually look carefully at the zoning regulations and what we are  
2 supposed to be considering when we evaluate a PUD and map  
3 amendment, as you know, in cases like this because it's -- you  
4 know, we can talk for a long time about building code issues and  
5 so on, but they're not relevant to our decision making. So we  
6 don't really want to spend the -- our time or their time  
7 discussing things that aren't going to really affect our decision  
8 making. So I support the party status, but I would like to  
9 encourage the parties to focus on zoning issues.

10 CHAIRPERSON HOOD: Okay. Thank you.

11 Commissioner Imamura, any questions or comments on this  
12 -- the request for party status?

13 COMMISSIONER IMAMURA: Thank you, Mr. Chairman. No  
14 questions or comments. The party wall is the issue for me. I'm  
15 prepared to support their party status request.

16 CHAIRPERSON HOOD: Okay.

17 And Vice Chair Miller?

18 VICE CHAIR MILLER: Thank you, Mr. Chairman. I would  
19 associate myself with your remarks, Mr. Chairman, and  
20 Commissioner May's remarks regarding -- I support party status  
21 request. I would hope that they could consolidate and join forces  
22 as one party or that the condominium association could represent  
23 the -- all the owners, if that's appropriate, if they're -- if  
24 they've taken a position, but -- and also that they concentrate  
25 -- focus on the zoning-related issues that we're required to

1 focus on and can do conditions to mitigate any adverse zoning  
2 impacts. The construction-related stormwater runoff are issues  
3 beyond our jurisdiction, although we always encourage  
4 construction management agreements between neighbors and  
5 applicants. And we would note that in our -- note the existence  
6 of one in our -- in our order, if we ever get to that point in  
7 this case, but we don't make it a condition of the order since  
8 it's not enforceable through zoning. So I am supportive of the  
9 party status request and hope that they can consolidate in some  
10 way or fashion, Mr. Chairman. Thank you.

11 CHAIRPERSON HOOD: Okay. Thank you, all my colleagues.  
12 I agree with everything that was said. Now I've got to figure  
13 out how do we -- we would like for them to join together because  
14 some of the issues are very identical. Keeping in mind what one  
15 of my colleagues mentioned, Commissioner May, about the zoning  
16 issues.

17 So Ms. Schellin, is there any way you could -- we could  
18 reach out to them or bring them up and just tell them if they  
19 could -- it would be -- we would recommend highly that they join  
20 together as one party.

21 MS. SCHELLIN: Yes.

22 If Mr. Young could bring in callers -- unmute rather,  
23 Callers 5 and 6, Ms. Rollins and Ms. Lee, so that question could  
24 be asked since they live in the same condominium association?

25 CHAIRPERSON HOOD: Okay.

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1           Let me say good -- still afternoon -- good afternoon,  
2 Ms. Rollins and Ms. Lee. Can you hear me?

3           If you hit star six. Okay. Can you hear me?

4           MS. ROLLINS: Good afternoon, and thank you, Chairman.  
5 This is Ms. Rollins.

6           CHAIRPERSON HOOD: Okay, Ms. Rollins. And we have --  
7 joined also by Ms. Lee as well, I believe, correct?

8           MS. LEE: Yes, I am here.

9           CHAIRPERSON HOOD: Okay. So you've heard the  
10 conversation. Is it possible, we would like for you all to join  
11 together, because some of your issues are identical, and we can  
12 work through it that way. If you all can do your presentation  
13 together, that will be very helpful.

14           MS. ROLLINS: Mr. Hood, I think, just as a matter of  
15 practicality, because we might have occasionally divergent  
16 interests or may not 100 percent support the other's opinion on  
17 this, we would -- I think we can present together at the meeting  
18 to conserve time, but I think in terms of preserving individual  
19 interests as we're individual owners, that would be my  
20 preference. But I do understand there's significant overlap, and  
21 I think we can certainly coordinate our presentation at the  
22 hearing on this matter.

23           CHAIRPERSON HOOD: Okay. And we can dissect the two  
24 differences out. I mean, a lot of it's identical, and where the  
25 differences are, we can figure it out as we go along. So if you

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1 all could do that, I think that will be very helpful.

2 MS. ROLLINS: That would be no problem. We can  
3 definitely coordinate to conserve time and resources.

4 CHAIRPERSON HOOD: Okay. And I think that was -- was  
5 that Ms. Lee that said that or was that Ms. Rollins?

6 MS. ROLLINS: It was Ms. Rollins.

7 CHAIRPERSON HOOD: Okay.

8 Ms. Lee, what -- do you have anything else you want to  
9 add or -- are you --

10 MS. LEE: Yes. Yes. No, that will be fine.  
11 Ms. Rollins and I can work together and try to come up with a  
12 single presentation and also mention things that are, you know,  
13 that she has issues with that, you know, that I didn't mention  
14 and vice versa. Yeah.

15 CHAIRPERSON HOOD: Okay. I thank you both.

16 So with that, unless there's anything else my  
17 colleagues have to add, I would move that we grant the Lee-  
18 Rollins party as a party in this case, in Zoning Commission Case  
19 No. 22-21, and ask for a second.

20 VICE CHAIR MILLER: Second.

21 COMMISSIONER MAY: Second.

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

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

1 MS. SCHELLIN: Yes.

2 Commissioner Hood?

3 CHAIRPERSON HOOD: Yes.

4 MS. SCHELLIN: Commissioner Miller?

5 VICE CHAIR MILLER: Yes

6 MS. SCHELLIN: Commissioner May?

7 COMMISSIONER MAY: Yes.

8 MS. SCHELLIN: Commissioner Imamura?

9 COMMISSIONER IMAMURA: Yes.

10 MS. SCHELLIN: The vote is four to zero to one to grant  
11 party status in opposition to -- I'm sorry --

12 CHAIRPERSON HOOD: The Lee-Rollins.

13 MS. SCHELLIN: -- to Kara and Justin Rollins and Ryun  
14 Lee as the Lee-Rollins party in opposition. The minus one being  
15 the third mayoral appointee, which that position is vacant. Thank  
16 you.

17 CHAIRPERSON HOOD: Thank you.

18 And again, I want to thank both Ms. Lee and Ms. Rollins  
19 for agreeing to come together. Thank you both.

20 All right. Let's go -- continue with our agenda,  
21 modification of consequence, determination and scheduling, Zoning  
22 Commission Case No. 20-33A, University of District of Columbia,  
23 modification of consequences at Square 1964. Oh, '64, 1964.  
24 Anyway.

25 Ms. Schellin?

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1 MS. SCHELLIN: Yes, sir. This is the request to modify  
2 condition 19 of order No. 20-33. They -- the Applicant is wishing  
3 to extend the tennis court hours past sunset, particularly with  
4 the winter hours. And at Exhibit 4, you have a recommendation  
5 from OP to approve it. However, instead of 8 p.m., as recommended  
6 by the Applicant or requested by the Applicant, OP is recommending  
7 to 7 p.m., and the ANC 3F submitted a letter this afternoon. It  
8 is not an actual resolution. It just simply says they will not  
9 be taking it up. However, they do agree with OP's recommendation.

10 The Commission cannot make a decision today because  
11 there are still two other parties, the Van Ness Residents  
12 Association and the Van Ness South Tenants Association, who have  
13 not provided a -- or weighed in on this request. So if the  
14 Commission does indeed believe this is a modification of  
15 consequence, staff asks that a schedule be set to allow the  
16 remaining parties to respond. Thank you.

17 CHAIRPERSON HOOD: Thank you, Ms. Schellin, for teeing  
18 that up.

19 Does anybody believe that this needs to come off as of  
20 being presented to us as a modification of consequence?

21 Okay. We will -- by general consensus, we will make -  
22 - this will continue to be a modification of consequence.

23 Okay. Ms. Schellin, could you do scheduling?

24 MS. SCHELLIN: Yes, sir.

25 If the Applicant could work with those other parties

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1 and ask them to provide a response, if they choose to do so, by  
2 3 p.m. on February 2nd, and if the ANC and the Applicant would  
3 like to respond to those submissions by February 8th at 3 p.m.,  
4 then we could put this on as soon as February 9th for the  
5 Commission to consider at 4 p.m.

6 CHAIRPERSON HOOD: Okay.

7 Any questions on this one?

8 Commissioner May.

9 COMMISSIONER MAY: Yeah. Given that we have the request  
10 for 8 p.m. from the Applicant, and a recommendation from the  
11 Office of Planning for 7 p.m., based on concerns that may have  
12 been voiced at the original hearing about lighting or something  
13 like that, it would be helpful to hear more from the university  
14 about why -- well, either if they're, you know, if they're okay  
15 with 7 p.m., just to say that they're okay with 7 p.m., but if  
16 they really want it 8:00, explain why it's very important to be  
17 8:00. And if there are known concerns from nearby neighbors  
18 about the lighting of the tennis court that, you know, that is  
19 arguing in favor of OP's position, I think it would be to the  
20 university's advantage to do some outreach to any of those  
21 individuals and report on that outreach, you know, if it's in  
22 fact supportive of their case, or regardless of whether it's  
23 supportive or not. But hearing back from that, I think some sort  
24 of outreach there would be helpful to understand whether it makes  
25 sense to make a change to 7:00 or 8:00 or not at all. So a little



1 bit more information would be helpful.

2 CHAIRPERSON HOOD: And let me just add to what  
3 Commissioner May is asking for. Also I thought I saw -- somewhere  
4 I was reading where they was talking about to dusk. And also I  
5 don't know if we need -- I would like to know how far it is. I  
6 think we went through this before. And also if it's a lighting  
7 issue, what can we do to prevent -- if it's that close to  
8 residents, what can we do to prevent the lighting? I don't  
9 necessarily play tennis, but I do know that 7:00 or 8:00, because  
10 I'm going to leave that up for discussion, I'll opine on that  
11 later, but I want to make sure all of it's in there, all of the  
12 evidence, so we can make the best informed decision because 7:00  
13 to stop playing tennis when this city is looking for places for  
14 people to do things. And it's all over the news now, you know,  
15 there's nothing for the kids to do, which it is, the rec centers  
16 close too early. So I just want to make sure that, you know --  
17 and I appreciate the university submitted, but again we're going  
18 to deal with this later and hear from other two parties. But I  
19 want to make sure that what Commissioner May -- I wanted to add  
20 to what also I'm looking for as well. Any other questions or  
21 comments?

22 Okay.

23 All right. Ms. Schellin, did we do the dates and stuff,  
24 everything?

25 MS. SCHELLIN: I think the same dates apply --

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1 CHAIRPERSON HOOD: Okay.

2 MS. SCHELLIN: -- that the Applicant would respond by  
3 the 2nd with that, and that way any of the other parties could  
4 respond to their need for it to be 8:00 or if they're okay with  
5 7:00. So they would file that by the 2nd.

6 CHAIRPERSON HOOD: And also -- someone also mentioned  
7 dusk. I don't want to leave dusk out.

8 MS. SCHELLIN: Well --

9 CHAIRPERSON HOOD: I want to make sure. Who said it?

10 MS. SCHELLIN: Right. I think what it is, is that the  
11 current language is until sunset, and so what they're asking is  
12 that the hours be 8 p.m. or sunset, whichever is later. So that's  
13 what's being added.

14 CHAIRPERSON HOOD: Okay. Sunset, okay.

15 MS. SCHELLIN: Yeah.

16 CHAIRPERSON HOOD: We'll figure it out. Okay.

17 MS. SCHELLIN: And so -- and OP is recommending 7 p.m.  
18 or sunset, whichever is later.

19 CHAIRPERSON HOOD: Okay.

20 MS. SCHELLIN: Does that clarify it for you?

21 CHAIRPERSON HOOD: And we'll discuss -- we -- yeah,  
22 that -- yeah, I recall, but --

23 MS. SCHELLIN: Okay.

24 CHAIRPERSON HOOD: -- we'll discuss that as we get  
25 closer -- when we get ready to deliberate.

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1 All right. Anything else on that?

2 All right, let's go to final action Zoning Commission  
3 Case No. 22-11, MCRT Investments, LLC, consolidated PUD and  
4 related map amendment at Square 43 -- I'm sorry, 439S.

5 Ms. Schellin?

6 MS. SCHELLIN: Yes, sir. At Exhibits 91 through 93,  
7 you have the Applicant's proffers and conditions and a draft  
8 order that they provided. Exhibit 94 is an NCPC report which  
9 provides that the requests would not be inconsistent with the  
10 comp plan nor adversely affect any federal interest. Then at  
11 Exhibits 95, 96, 97, and 98 you have responses from the ANC with  
12 regard to the ANC's understanding of the Applicant's acceptance  
13 or in whole or in part of the ANC's conditions of approval, and  
14 the Applicant's response. So they're -- the -- each of them  
15 provided a first and a second response. The ANC did that, and  
16 then the Applicant did so. So this is before the Commission for  
17 consideration of final action. Thank you.

18 CHAIRPERSON HOOD: Thank you.

19 I want to thank both the Applicant as well as the ANC,  
20 ANC in particular. They don't get paid for this, and they did  
21 line item for line item with the six conditions as discussed.  
22 Unless my colleagues have something else other than that, I would  
23 like to go through all six of the conditions proposed by the ANC  
24 and the responses by the Applicant and go through all of them  
25 and see if we're moved, if we want to make any changes, or if we

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1 want to throw it out or we want to send it back or whatever we  
2 want to do with it as a Commission. So unless somebody has  
3 anything else as to -- the way I would like to move forward.

4 Okay. Let's look at ANC condition number one. And I'm  
5 going to read most of it until I maybe get the Vice Chair to help  
6 me with some of it. But I'll read. ANC condition one says the  
7 Applicant should provide at least 21 percent of the residential  
8 units, no less than 42 units as affordable housing at 60 percent  
9 to 80 percent of the MFI, consistent with the recommendations of  
10 the Office of Attorney General. The problem again, and I think  
11 Commissioner May has opined on this a number of times, and I'm  
12 not going to get into a whole lot of it, but I think there's a  
13 misinterpretation and IZ and Plus calculations are all incorrect.  
14 And I would beg the Office of Attorney General to stop  
15 misrepresenting our regulations because it causes a problem and  
16 it causes confusion in the community. Anyway, I'll just leave  
17 it at that.

18 The way they arrived to the calculations and arrived  
19 to the proposed 21 percent IZ requirement erroneous treated  
20 building projections and penthouse habitable spaces, PUD bonus  
21 density, we've said -- I don't know how many more times we can  
22 say it, maybe all of us need to start saying more often, and I  
23 think that causes a problem. But let me open it up. Anybody  
24 else have any issues with the ANC condition and the response from  
25 the Applicant.

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1 And no -- so we can just leave it alone?

2 Commissioner Imamura?

3 COMMISSIONER IMAMURA: I don't have any particular  
4 issues. I just want to make a comment that if anybody is unclear  
5 Commissioner May has given a master class on this, so go back  
6 through the record and watch it again.

7 CHAIRPERSON HOOD: Right. Well, maybe we'll send  
8 Commissioner May to OAG and they can help -- he can -- because  
9 we wrote it, so we know it. And I -- it just gets so confusing.  
10 We're confused enough with enough stuff. We don't need to confuse  
11 the public too. So I don't know. Maybe Commissioner May maybe  
12 we'll offer -- if you don't mind, maybe you'd offer that, and  
13 you can do a -- when they're presenting to the community, you  
14 can go with them and explain that part to them. And I'm not  
15 trying to put them down. I'd just like for them to trade the  
16 right information.

17 COMMISSIONER MAY: Yeah, well, thank you for that, both  
18 the compliment and the new assignment. I think I will not take  
19 you up on the new assignment, but I really -- like you, I hope  
20 we are, you know, some of this information starts to break through  
21 and OAG and other groups who've voiced this desire to apply the  
22 IZ Plus standards to a PUD, that they, you know, come to  
23 understand that PUD is very different from a map amendment with  
24 IZ Plus, and we get other benefits. The city gets other benefits.  
25 The neighborhood gets other benefits out of it. And yeah, that

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1 is I guess to some extent at the expense of inclusionary zoning,  
2 but, you know, there's more to a project than just the  
3 affordability component. So yeah, I'm -- I hope it will sink  
4 in.

5 CHAIRPERSON HOOD: Okay.

6 Anybody else, Commissioner Imamura or Vice Chair  
7 Miller, anything to add?

8 VICE CHAIR MILLER: No, I don't know how many times we  
9 can state and restate what our regulations require and don't  
10 require. The IZ Plus is -- map amendments without PUDs are  
11 treated differently than map amendments with PUDs. That was a  
12 conscious decision by the Zoning Commission. It was debated, it  
13 was discussed, it was revisited at some point. But clearly the  
14 IZ Plus is not required when there's a PUD, which is evaluating  
15 all of the public benefits, which, of course, affordable housing  
16 is the most important under the comp plan, but it's not the only  
17 one -- only public benefit. And when you compare the amount of  
18 affordable housing with what would be permitted as a matter of  
19 right, and you do correct calculations of what's included in the  
20 development versus what OAG did, they're providing more  
21 affordable housing than even IZ would require.

22 So it is a public benefit, contrary to what OAG is  
23 saying and what the affected ANC is, of course, relying on when  
24 they hear OAG -- OAG says it's this way, so it must be that way.  
25 But it's a misinterpretation/misstatement of our regulations. It

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1 may be something that we revisit when we have pending cases on  
2 inclusionary zoning, but currently that is not the regulation and  
3 a lot affordable housing and public benefits are being provided  
4 with this project. So I'm prepared to vote for final, as I did  
5 on proposed action. But there are other conditions that they had  
6 asked for that you're going to go through, Mr. Chairman, so I'm  
7 -- let's go through them all.

8 CHAIRPERSON HOOD: Okay. Thank you.

9 And again, I want to thank the ANC and the Applicant.  
10 I really appreciate them putting it down so I can read through  
11 it, and we could read through it. So, okay, so condition two,  
12 the Applicant should continue to pare back the FAR so the project  
13 falls within the required limits. And that's what the ANC put  
14 as one of their conditions. They wanted to scale it down, the  
15 FAR. So the response was the Applicant reduced the proposed  
16 density from 8.64 FAR when the application was initially filed  
17 to 8.21 FAR as currently proposed, which is less than the maximum  
18 permitted density of 8.64 FAR for a PUD in the MU-10 zone.

19 So that's the response. The -- basically what the  
20 assertion is is that the Applicant has already come in under FAR  
21 -- even under -- to a lower FAR than which they actually could  
22 achieve. So they came in from an 8.64 down to a 8.21 FAR as  
23 currently proposed. And the way I get it is that the -- at least  
24 from the -- what the ANC -- and I've actually said this before  
25 too, they want them to scale back even more. But let me see if

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1 anybody has been moved by that condition.

2 Commissioner May? Or the request.

3 COMMISSIONER MAY: So, yeah, I mean, it's -- I have a  
4 hard time wrapping my head around this concern because, I mean,  
5 yeah, they want it to be smaller. And I understand the desire  
6 to make it smaller. And I think that's what they're trying to  
7 say is that it should be a smaller building. But to suggest that  
8 it is somehow noncompliant with the zoning regulations or the  
9 zone that is proposed for the site is simply incorrect. I mean,  
10 this is, you know, the Applicant states it very clearly that the  
11 proposed FAR is within the limits of the proposed zone with a  
12 PUD. And we have that flexibility, and that zone is appropriate  
13 for this location for a map amendment. So it's -- I mean, I get  
14 it. They want it to be smaller. But it's not a matter of not  
15 complying with current -- or sorry, with the limits embedded  
16 in the zoning regulations. That's a misdirection.

17 CHAIRPERSON HOOD: Okay.

18 Anybody else?

19 Commissioner Imamura, any comments on that condition?

20 COMMISSIONER IMAMURA: I do not. Thank you,  
21 Mr. Chairman.

22 CHAIRPERSON HOOD: Okay. Great. And thank you,  
23 Commissioner Imamura. It doesn't mean we have to comment on all  
24 of them. And I agree with you. I just wanted to make sure we  
25 have -- afford everybody the opportunity.

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1 Vice Chair Miller, any comments?

2 VICE CHAIR MILLER: No, I agree with what you've stated,  
3 Mr. Chairman and Commissioner May. And I would just also add  
4 that in addition to the FAR being scaled back from the initial  
5 proposal, the lot occupancy was scaled back as well. So initially  
6 88.7 percent, and when they -- when it was initially filed, and  
7 when it got down to proposed action, it had been reduced to  
8 82 percent, which is just 2 percent beyond the 80 percent maximum  
9 lot occupancy. So it's kind of nominal. So there has been a  
10 paring back of both the density and the lot occupancy. So thank  
11 you, Mr. Chairman.

12 CHAIRPERSON HOOD: Okay.

13 Give me one second. I had the ANC report open, and it  
14 went away. Because this next one, I wanted to take it verbatim  
15 from the ANC's report. Give me one moment please. As soon as I  
16 got ready to talk about it, I clicked on something and it went  
17 away.

18 VICE CHAIR MILLER: If you want me to read it, I have  
19 it in front of me, Mr. Chairman.

20 CHAIRPERSON HOOD: Yeah, could you read what the ANC  
21 said about -- I know it's about the ANC's conditional support  
22 does not alter its commitment to the Southwest plan. It was  
23 something like that, but I -- yeah, if you can read what the ANC  
24 said, yeah.

25 VICE CHAIR MILLER: Yeah, I'm reading from their

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1 Exhibit No. 95, point number three, which is -- it's number three,  
2 that this -- their "conditional support shall in no way be  
3 considered altering the commitment of ANC 6D to the Southwest  
4 Small Area Plan as the foundation document for all future  
5 development in Southwest or its support for the primacy of all  
6 small area plans as adopted elsewhere throughout the District to  
7 guide development in local communities in each of our eight  
8 wards." That was the -- their clarification: their conditional  
9 support does not alter their commitment to the Southwest Small  
10 Area Plan.

11 CHAIRPERSON HOOD: So I'm -- you know, I don't proclaim  
12 to know everything, but I've actually -- this -- while it may be  
13 simple, I read -- maybe I read it too many times. I am trying  
14 to figure the -- even though the Applicant acknowledged it to  
15 this commitment, but I was trying to figure out what were we --  
16 I mean, what were we trying to -- what we're achieving here,  
17 what's actually being done, are we following the Small Area Plan,  
18 which I think we do anyway? So I just wasn't getting that. And  
19 -- because I think this goes to future developments in that area.  
20 So I don't know. Maybe my -- maybe that's a question I'll ask  
21 the ANC the next time we see them, because I did not -- and  
22 I -- and it -- while as simple as it may look, I did not understand  
23 it. Maybe I read it too many times. But that's possible.

24 Anyway, let me open it up. Any questions or comments?  
25 Commissioner May?

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1           COMMISSIONER MAY: I agree with you. I'm sort of  
2 confused by this, but I think it comes down to a fundamental  
3 difference in the interpretation of what the small area plan for  
4 Southwest says. And I feel pretty confident that this project,  
5 as proposed, is consistent with the Southwest Small Area Plan.  
6 And I think the Office of Planning's testimony and exhibits, you  
7 know, demonstrate that as well. And they're the ones who wrote  
8 the plan with community input, of course. So I don't really  
9 understand why this qualifier is necessary, but I think it just  
10 comes down to a difference in interpretation of what the Southwest  
11 Small Area Plan says. But I think it's consistent, and we should  
12 be confident in moving forward.

13           CHAIRPERSON HOOD: Commissioner Imamura, anything to  
14 add?

15           COMMISSIONER IMAMURA: Thank you, Mr. Chairman. I  
16 align myself with you and Commissioner May. This was a bit  
17 confusing the way it was written. So I'd just remind everyone  
18 that simple writing is good writing. I'm not sure that this is  
19 an actual condition, so it's just taking up real estate.

20           CHAIRPERSON HOOD: I like that. Simple writing is good  
21 writing. And I wish I had known that when I was in ninth grade,  
22 and my English teacher always told me I had -- my writing was  
23 terrible.

24           But anyway, anyway, Vice Chair Miller?

25           VICE CHAIR MILLER: I concur with everyone's comments.

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1 Thank you.

2 CHAIRPERSON HOOD: Okay. Great. So we'll keep it  
3 moving. Now, the next condition, I may paraphrase some orders,  
4 the ANC's condition was, which I felt was excellent, "rather than  
5 providing 100,000 to Habitat for Humanity as a public benefit,  
6 the Applicant should reallocate this contribution to the parent-  
7 teacher organizations of Amidon-Bowen Elementary School, and the  
8 Richard Wright Public Charter School. And the Applicant should  
9 make the contributions immediately upon recommendation of the  
10 PUD." And I think the Applicant's response, the Applicant "is  
11 committed to making 100,000 contribution to Habitat which will  
12 advance the District's goals of providing more for sale  
13 family-sized affordable housing in Ward 6." I thought there was  
14 more to that. Okay. But -- so looking back at this again, it  
15 looks like the ANC wanted them not to provide to Habitat for  
16 Humanity, but the Applicant's response was making a 100,000  
17 contribution to Habitat which will help them to continue to engage  
18 the District's goals for providing more for sale family-sized,  
19 affordable housing in Ward 6, which I think is what we're trying  
20 to achieve. I don't know, let me hear from -- I don't know if  
21 we could -- we can't change what's proffered. Let me hear from  
22 others. Yeah, we can't change what's proffered. Let me hear  
23 from others.

24 Commissioner May?

25 COMMISSIONER MAY: Yeah. You know, I appreciate the

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1 fact that the ANC thinks the money should be spent differently.  
2 And you know, certainly they're -- you know, I'm happy for them  
3 to make that case to the Applicant, but when it comes to something  
4 like this, what's before us is what's before us, and we can decide  
5 it's, you know, adequate or it is not, but we cannot unilaterally  
6 direct that the dollars be spent in a different way. And I don't  
7 feel like the argument here is strong enough that we should even,  
8 you know, sort of send it back for further negotiation between  
9 the Applicant and the ANC because I think that there's, you know,  
10 all of the things that are discussed as potential recipients of  
11 these dollars, they're all beneficial.

12 And I think, you know, any assortment of them would be  
13 good. And what's before us is what's before us. It's not like,  
14 you know, their -- the proposed donation is a bad thing; it's  
15 just not exactly what the ANC wants. So I'm prepared to accept  
16 it for what it is and do not see a need to send it back for  
17 further negotiation.

18 CHAIRPERSON HOOD: Okay.

19 Commissioner Imamura, any comments?

20 COMMISSIONER IMAMURA: Thank you, Mr. Chairman. I'm  
21 certain the PTO would welcome \$100,000, and I'm certain they  
22 could probably put it to good use. But for me, I think this is  
23 really about impact. So I think there's greater impact in what  
24 the Applicant has proffered to make this donation to Habitat and  
25 with a much broader larger goal for the city. So that's all I

1 have to add.

2 CHAIRPERSON HOOD: And Vice Chair Miller, anything?

3 VICE CHAIR MILLER: Thank you, Mr. Chairman. I agree  
4 with what each of you -- each of my colleagues has said and what  
5 -- I also agree with the Applicant's response in Exhibit 96  
6 discussing this request. If I can just read it briefly. "The  
7 Applicant is committed to making \$100,000 contribution to  
8 Habitat, which will advance the District's goals of providing  
9 more for sale family-sized affordable housing in Ward 6. The  
10 contribution will help subsidize downpayment assistance for  
11 future homeowners and/or lower the cost of construction, will  
12 directly benefit District households at 50 and 60 percent of the  
13 MFI who would not otherwise qualify to purchase a new home in  
14 Ward 6, which has a high median home value. Habitat submitted a  
15 letter in support of this proposal and is anticipating receipt  
16 of the funds."

17 The two schools which the ANC asked that the money be  
18 given to instead, I'm sure are very worthy recipients, but as the  
19 Applicant pointed out, Amidon and Richard Wright schools did not  
20 even participate in the subject case, had not indicated  
21 specifically a specific need that this PUD should address. The  
22 only school that was impacted by the PUD directly was Jefferson  
23 Middle School, which the Applicant has significantly engaged with  
24 and is making a substantial contribution to. So with that, I  
25 support the Applicant's response to the ANC's condition in this

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1 particular case.

2 CHAIRPERSON HOOD: Okay.

3 Let's go on to the ANC condition number five. "If the  
4 Applicant's contribution to My Ly for the public art is directed  
5 through a management entity and such involvement should be a pro  
6 bono contribution by the Applicant with no additional fees  
7 extracted." And the response was "The Applicant will make the  
8 proffered contributions directly to the My Ly, the artists for  
9 the design, fabrication, and installation of the public art. The  
10 contribution will not be directed through any entity for  
11 management purposes." So the way I read that, unless my  
12 colleagues disagree, I think they -- we're fine -- everybody's  
13 fine with that, they agree, there's no fees coming out, they're  
14 not going through a third party who's going to cut some of it  
15 out. So I think we all -- I think ANC and the Applicant agree  
16 on that.

17 And the last and final condition from the ANC is "The  
18 final order should include a construction management plan with  
19 Jefferson Town Square Towers, the wharf, the banks, and the  
20 Applicant, in addition to a dog waste management plan." "The  
21 Applicant will abide by the CMP submitted to the case record on  
22 August 26, 2022. The CMP will establish a community advisory  
23 committee," which I think is important, "to oversee and  
24 coordinate community concerns during construction of the project.  
25 The Applicant will work with the ANC 6D to establish this

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1 committee and coordinate quarterly meetings." And it goes on and  
2 on. "The Applicant is also in the process of finalizing separate  
3 CMP with Jefferson Middle School," I think as requested by the  
4 ANC.

5 And finally "All project residents will be expected to  
6 abide by all District regulations that require dog walkers to  
7 pick up dog waste." See -- yeah, I need to print that around  
8 here. Okay. So -- all right. I don't have anything to add with  
9 that. I think while -- when I look at all -- I'm just going to  
10 talk about all the conditions right quick, and I'll go back to  
11 -- let me -- let me see did anybody have any other comments on  
12 condition six?

13 COMMISSIONER MAY: No, I think the Applicant's response  
14 is sufficient.

15 CHAIRPERSON HOOD: Yeah, I do too. And I still know  
16 where the ANC -- I'm still -- we're still trying to figure  
17 out -- and I noticed that it was captured. I'm still trying to  
18 figure out how to get the ANC where I think that they are trying  
19 to get to. But we also have regulations we have to go by. But  
20 I want to still -- don't -- I want the ANC not to get discouraged,  
21 to keep on doing what they're doing. But make sure we have the  
22 correct information in our regulations, especially with condition  
23 one. But other than that, I -- the negotiation, the give-and-  
24 take, I think I appreciate the time.

25 I really appreciate the ANC, while you might not have

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1 got all six, a lot of it you -- I believe that you did get,  
2 especially which was applicable. But I still think that we still  
3 need to continue to work hard to try to continue to get the things  
4 that communities want. And I think this is a prime example. And  
5 I really appreciate all the work that Commissioner Kramer and the  
6 ANC did, especially for laying it out for me to be able to see  
7 where the issues are. And I did notice that they did speak about  
8 some other issues, and we've got to figure out how to get them  
9 there. That's kind of where I am, as long as we stay within the  
10 regulations. So anyway, I've talked enough on that, this soapbox.  
11 Any other closing comments or questions or anything else?

12 All right. So would somebody like to make a motion,  
13 or does anybody have anything else to add? Somebody like to make  
14 a motion to approve this?

15 COMMISSIONER MAY: Mr. Chairman, I'd like to make a  
16 motion. I move that the Zoning Commission approve Case No. 22-  
17 11, MCRT Investments, LLC, consolidated PUD and related map  
18 amendment at Square 439S. This will be final action. Thank you.

19 CHAIRPERSON HOOD: It's been moved, any second?

20 COMMISSIONER IMAMURA: Second.

21 CHAIRPERSON HOOD: Been moved and properly second. Any  
22 further discussion?

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

25 MS. SCHELLIN: Commissioner May?

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1 COMMISSIONER MAY: Yes.

2 MS. SCHELLIN: Commissioner Imamura?

3 COMMISSIONER IMAMURA: Yes.

4 MS. SCHELLIN: Commissioner Hood?

5 CHAIRPERSON HOOD: Yes.

6 MS. SCHELLIN: Commissioner Miller?

7 VICE CHAIR MILLER: Yes.

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

12 CHAIRPERSON HOOD: Thank you.

13 And again, I want to encourage the Applicant to  
14 continue to work with the ANC, as they already -- as they have  
15 stated in their submission, so.

16 All right. Let's move right on. Thank you, colleagues  
17 for just going through that. See if we can get to the next case.  
18 Maybe I need a new mouse because it takes me a minute to get  
19 there. Give me one second.

20 COMMISSIONER MAY: Yeah, go ahead, blame the mouse.

21 CHAIRPERSON HOOD: Maybe I need Archie or somebody to  
22 come over here to show me how to work it.

23 Okay. Let's go to Zoning Commission Case No. 22-19,  
24 McDonald's Corporation, map amendment at Square 3786.

25 Ms. Schellin?

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1 MS. SCHELLIN: Yes, sir. At Exhibit 41, you have the  
2 NCPC report, which NCPC determined the application was exempt  
3 from NCPC's review. Exhibit 42 is the Applicant's draft order.  
4 This case too is ready for the Commission to consider final  
5 action. Thank you.

6 CHAIRPERSON HOOD: Okay. We have -- for me, I've hashed  
7 so much about McDonald's Corporation in this case and this is  
8 what the community want and a map amendment and going to the MU-  
9 7B and the MU-5, and I don't even want to talk about. I don't  
10 even want a cheeseburger no more. No, I'm just playing. But  
11 anyway, let me open it up for any questions or comments.

12 Let me -- Vice Chair Miller, you have any questions or  
13 comments?

14 COMMISSIONER MAY: Vice Chair is muted and not on  
15 camera.

16 CHAIRPERSON HOOD: All right.

17 Well, let me -- Commissioner Imamura, you have any  
18 questions or comments?

19 COMMISSIONER IMAMURA: Thank you, Mr. Chairman. I just  
20 want to point out I think that Commissioner May was the holdout  
21 in dissent for this particular case on the good grounds of best  
22 planning practices. And while I'm in agreement with Commissioner  
23 May on those principles, however, I abandon better judgment and  
24 I'm prepared to support this. I think there is probably a -- I  
25 think there's a way to -- even though this is a map amendment,

1 but really the thrust of this is the fact that the neighborhood,  
2 for good reasons that were presented at the hearing, had advocated  
3 for this drive-thru. I think there is a safe way to do that in  
4 spite of DOT's objections to this. So with that, I'm prepared  
5 to vote in favor of this case.

6 CHAIRPERSON HOOD: Okay.

7 Let me go back to Vice Chair Miller, because I believe  
8 Commissioner May is somewhere else on this. Vice Chair Miller?

9 COMMISSIONER IMAMURA: Yes, he's somewhere else.

10 VICE CHAIR MILLER: Thank you, Mr. Chairman. I support  
11 proceeding with final action this evening, as I did at proposed  
12 action. I think this is a zoning consistency case, and the  
13 answers to my questions about the medium versus moderate density  
14 were answered sufficiently previously in the record. And so I  
15 think it is consistent with the comp plan designation, and I'm  
16 prepared to move -- and the neighborhood is supportive of it  
17 largely, so I'm supportive of it going forward.

18 CHAIRPERSON HOOD: Okay. And I would just echo both  
19 of my colleagues' comments. I'm in support of, but I don't -- I  
20 think I've exhausted myself on this one, especially during  
21 proposed action, so I will leave it alone and let my actions or  
22 my comments at that particular proceeding also carry over into  
23 my comments for this one.

24 So let me go to Commissioner May.

25 COMMISSIONER MAY: I don't think I have anything more

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1 to say than I said last time around, and I will not be voting in  
2 favor, but I can count the votes, as you say.

3 CHAIRPERSON HOOD: All right.

4 So with that, would somebody like to make a motion, or  
5 did I make it?

6 All right. I move that we approve Zoning Commission  
7 Case No. 20-19, McDonald's Corporation, map amendment at Square  
8 3786, and ask for a second.

9 VICE CHAIR MILLER: Second.

10 CHAIRPERSON HOOD: It was a slow second, but thank you.  
11 It's been moved and properly second. Any further  
12 discussion?

13 VICE CHAIR MILLER: I had not unmuted myself. It was  
14 a very quick -- it was so quick I hadn't unmuted myself.

15 CHAIRPERSON HOOD: So the first second, the only person  
16 that heard it was you and anybody in the house. Okay. I got  
17 you. All right.

18 It's been moved and properly second. Any further  
19 discussion?

20 Not hearing, Ms. Schellin, would you do a roll call  
21 vote please?

22 MS. SCHELLIN: Commissioner Hood?

23 CHAIRPERSON HOOD: Yes.

24 MS. SCHELLIN: Commissioner Miller?

25 COMMISSIONER MILLER: Yes.

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1 MS. SCHELLIN: Commissioner Imamura?

2 COMMISSIONER IMAMURA: Yes.

3 MS. SCHELLIN: Commissioner May?

4 COMMISSIONER MAY: No.

5 MS. SCHELLIN: So the vote is three to one to one.  
6 Commissioner May opposed, and the third mayoral appointee  
7 position being vacant and not voting. So the final action passes  
8 to approve Case No. 22-19.

9 CHAIRPERSON HOOD: I'm only going to say this for a  
10 lighter moment, because I've been working with Commissioner May,  
11 and I'm really just joking, but I'm going to say this, I don't  
12 want to see him in the drive-thru getting a cheeseburger. No.

13 COMMISSIONER IMAMURA: On his bike.

14 CHAIRPERSON HOOD: Oh, no. And the bike too? Okay.

15 COMMISSIONER IMAMURA: On his bike.

16 COMMISSIONER IMAMURA: Yeah, I have done drive-thrus  
17 on a bike, but I don't think I will be visiting this drive-thru.  
18 But you never know, anything's possible.

19 VICE CHAIR MILLER: Aren't you advocating for a bike-  
20 thru lane at fast food establishments?

21 CHAIRPERSON HOOD: Oh, my goodness. Let's go on.  
22 Actually, riding a bike really keeps you in good shape. It does.

23 COMMISSIONER MAY: It does.

24 CHAIRPERSON HOOD: Yeah. I was watching people riding  
25 the other day when I was driving past them. It does.

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1 All right. Let's go.

2 COMMISSIONER MAY: And I watch people when I'm riding  
3 my bike and driving past them in traffic in their cars stuck  
4 behind all the other cars. It's a great feeling.

5 CHAIRPERSON HOOD: All right. Let's go to Zoning  
6 Commission Case No. 22-22, Preservation D.C. L&6, LLC, map  
7 amendment at Square 49.

8 Ms. Schellin?

9 MS. SCHELLIN: Yeah, so the first thing is at  
10 Exhibit 23, there was a request to reopen the record from  
11 Leroy Thorpe, that the Chairman did approve, and that submission  
12 is that Exhibit 23A. At Exhibit 24 and 24A is the submission  
13 from the Applicant with regard to the outreach to civic  
14 associations. Exhibit 25 is an NCPC report stating that the  
15 proposed map amendment is not inconsistent with the comp plan nor  
16 the National Capitol and would not adversely affect any other -  
17 - impact any other -- affect identified federal interests.  
18 Exhibit 26 is the Applicant's response to the submission from Mr.  
19 Thorpe. And then Exhibit 27 is the Applicant's draft order.  
20 This case too is ready for the Commission to consider final  
21 action. Thank you.

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

23 And I know, a number of us know the work of Commissioner  
24 -- former Commissioner Thorpe, who also had a lot to do with  
25 cleaning up the Shaw area, so I want to be respectful to him.

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1 But I also want to make sure on the record that Mr. Thorpe knows  
2 we did not ignore him. The many times that he told us that blacks  
3 were not being included, we've heard it. That's why I asked for  
4 this information. I do know that the ANCs go back and forth  
5 between 2E to 6E, 2G, and I get all that. But I wanted to make  
6 sure that as he stated to us more than once and not just in this  
7 case that certain people were not included in the process, the  
8 good part about it is going forward, and I want Mr. Thorpe and  
9 all those to know who feel like they're not being included, the  
10 racial equity tool, which is mandated in the comprehensive plan  
11 by the City Council of the District of Columbia to us, we have a  
12 tool that some of this will definitely go away if that's a  
13 potential problem in that area. So I want Mr. Thorpe to know  
14 that we are not disregarding his comments. In Exhibit 26, the  
15 Applicant responded to some of this.

16 And I'm not going to get into whether there's a civic  
17 association in this area or whether there's not one. I'm not  
18 going to get into that, because in this city, there's a charter,  
19 and under the charter, it speaks to this. And some have went -  
20 - not necessarily kept up with their membership, but they're  
21 still a civic group. So I don't want to get into that, just  
22 because I'm always encouraging people to continue to do the  
23 process. So anyway, let me open it up. I just wanted to make  
24 sure I put that out there first, because we are not ignoring  
25 anyone's comments of not being included in the process. But



1 again, the racial equity tool, I think will help, really help,  
2 dissolve a lot of that. So any questions or comments?

3 Commissioner May?

4 COMMISSIONER MAY: I have no further comments. I think  
5 you summed up things pretty well, Mr. Chairman.

6 CHAIRPERSON HOOD: Thank you.

7 Commissioner Imamura?

8 COMMISSIONER IMAMURA: No further comments.

9 CHAIRPERSON HOOD: And Vice Chair Miller?

10 VICE CHAIR MILLER: I have no further comments. I  
11 concur.

12 CHAIRPERSON HOOD: Okay.

13 All right. So with that, I don't think other than that  
14 we had a whole lot during that hearing, other than what I'd asked  
15 for. So would somebody like to make a motion?

16 VICE CHAIR MILLER: Mr. Chairman, I would move that the  
17 Zoning Commission take final action on Case No. 22-22,  
18 Preservation D.C. L&6, LLC, map amendment at Square 49 and ask  
19 for a second.

20 CHAIRPERSON HOOD: I'll second it.

21 It's been moved and properly second. Any further  
22 discussion?

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

25 MS. SCHELLIN: Commissioner Miller?

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1 VICE CHAIR MILLER: Yes.

2 MS. SCHELLIN: Commissioner Hood?

3 CHAIRPERSON HOOD: Yes.

4 MS. SCHELLIN: Commissioner May?

5 COMMISSIONER MAY: Yes.

6 MS. SCHELLIN: Commissioner Imamura?

7 COMMISSIONER IMAMURA: Yes.

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

11 VICE CHAIR MILLER: Mr. Chairman, did we say that IZ  
12 Plus would be associated with that map amendment? If I -- I  
13 meant to say that as part of my motion. I don't know if we have  
14 to redo it, but I meant to say the map amendment with IZ Plus.  
15 I think we said that at the original proposed action.

16 CHAIRPERSON HOOD: So noted. I think unless I hear any  
17 objections, IZ Plus will be included.

18 MN. SCHELLIN: It was at proposed action, yes.

19 CHAIRPERSON HOOD: Okay. So we say it again.

20 Thank you, Vice Chair Miller.

21 All right. I think we're down to -- no, not -- oh,  
22 time extensions. Okay. Let's go to Zoning Commission Case No.  
23 20-06C, Felice Development Group, two-Year PUD time extension at  
24 Square 1048-S.

25 Ms. Schellin?

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1 MS. SCHELLIN: Yes, the Applicant is requesting a  
2 two-year time extension to extend the -- to extend filing for a  
3 building permit to their approved PUD to April 23rd, 2026. At  
4 Exhibit 4, there's an OP report recommending approval of the time  
5 extension. ANC 6B has actually, as of this evening, they have  
6 not submitted a response. But the requisite time for their  
7 response has elapsed, 30 days, so the Commission can move forward  
8 on this case, if they choose to do so. Thank you.

9 CHAIRPERSON HOOD: Okay.

10 Commissioners, I know a lot of times we always are very  
11 cautious about this, but as noted that the 30 days has elapsed,  
12 and the request is before us, let me hear if anybody would like  
13 to continue to give ANC 6B, even though we've given them a chance,  
14 if they'd like to give them additional time and any comments on  
15 this two-year time extension, as requested.

16 Commissioner May?

17 COMMISSIONER MAY: Yeah, based on my recollection of  
18 the initial case, I'm not concerned about moving forward at this  
19 point without having heard from the ANC, you know, and especially  
20 given that they've had 30 days to weigh in on it. So I am  
21 comfortable moving ahead with the discussion of a two-year time  
22 extension, and I'm in favor of it. This is the first one since  
23 the project got reconfigured, I think, and so we don't need to  
24 waive anything. And certainly there are some extenuating  
25 circumstances. And this is going to be a difficult project to

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1 get built in the first place. So I'm happy to give them the  
2 flexibility that they need.

3 CHAIRPERSON HOOD: Okay.

4 Commissioner Imamura?

5 COMMISSIONER IMAMURA: Nothing further to add,  
6 Mr. Chairman. I think that Commissioner May provided a great  
7 summary.

8 CHAIRPERSON HOOD: And Vice Chair Miller?

9 VICE CHAIR MILLER: I concur with my colleagues'  
10 comments.

11 CHAIRPERSON HOOD: Okay. I too don't have anything to  
12 add. I think the record speaks for itself. The request, I think,  
13 is warranted as already been stated by my colleagues. So with  
14 that, I will move the two-year time extension as requested under  
15 Zoning Commission Case No. 20-06C and ask for a second.

16 VICE CHAIR MILLER: Second.

17 CHAIRPERSON HOOD: Been moved and properly second. Any  
18 further discussion?

19 Not hearing, Ms. Schellin, would you do a roll call  
20 vote please?

21 MS. SCHELLIN: Commissioner Hood?

22 CHAIRPERSON HOOD: Yes.

23 MS. SCHELLIN: Commissioner Miller?

24 COMMISSIONER MILLER: Yes.

25 MS. SCHELLIN: Commissioner May?

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1 COMMISSIONER MAY: Yes.

2 MS. SCHELLIN: Commissioner Imamura?

3 COMMISSIONER IMAMURA: Yes.

4 MS. SCHELLIN: The vote is four to zero to one to  
5 approve the time extension in Case No. 20-06C, Commissioner --  
6 the minus one being the third mayoral appointee position. Thank  
7 you.

8 CHAIRPERSON HOOD: Okay. Next, hearing action Zoning  
9 Commission Case No. 22-32, 1232 Shift Cubed Partners, LLC,  
10 consolidated PUD and related map amendment at Square 772. And  
11 I'm not sure who -- is that Ms. --

12 MS. SCHELLIN: Ms. Myers.

13 CHAIRPERSON HOOD: Ms. Myers. Okay.

14 Ms. Myers? I think you can hit star six if you're on  
15 the phone.

16 MS. MYERS: Hello?

17 CHAIRPERSON HOOD: There you go, Ms. Myers. You may  
18 begin. Good evening.

19 MS. MYERS: Yes. Good evening, Commissioners. The  
20 Office of Planning recommends set down of Case 22-32, which is a  
21 consolidated PUD and related map amendment at 1232 4th Street,  
22 N.E. The proposal would rezone the site from PDR-1 to MU-9B and  
23 build a 98-unit all affordable apartment building. All the units  
24 would be no more than 60 percent of the median family income and  
25 20 percent of the units would be at or below 30 percent of the

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1 median family income. The building would be 105 feet tall and  
2 have a 8.03 FAR. Okay. Sorry. Can you change the slide now?  
3 Thank you.

4 The site is a -- at lot 17 in Square 772 and is  
5 currently the location of a vacant industrial building. It sits  
6 between a four-story public charter school to the north and an  
7 11-story mixed use building to the south and west. The square,  
8 Square 772, has been the location of several other recently  
9 approved and constructed PUD projects, the most recent is Zoning  
10 Commission Case 21-26 on Florida Avenue, which is a similar mixed  
11 use affordable housing project that was approved last year. Next  
12 slide please?

13 On balance, this PUD is not inconsistent with the  
14 comprehensive plan maps. The site is designated for a mix of  
15 high density residential, high density commercial and PDR  
16 development on the future land use map and is a part of the  
17 central Washington policy area on the general policy map. Though  
18 it would provide less PDR space on the site than is recommended,  
19 it would provide much more needed affordable housing to the  
20 central Washington area which is strongly recommended in the  
21 comprehensive plan. When evaluated through a racial equity lens,  
22 the proposal would not be inconsistent with the comprehensive  
23 plan. The site is within the central Washington planning area.  
24 The area has a majority white population and a median income that  
25 is higher than the District-wide average.

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1           The Commission's racial equity tool serves as a guide  
2 to considering potential impacts. The tool starts by asking what  
3 is the expected goal of the zoning action. In this case, the  
4 goal is 98 affordable units for incomes between 30 percent and  
5 60 percent median family income in a transit-oriented building.  
6 These units would allow more households to live in the central  
7 Washington planning area. The building would also provide a  
8 community art space where people of all backgrounds and ages  
9 would be able to connect and participate. OP is generally  
10 supportive of the proposal, but will need more information about  
11 the PDR space, the court sizes, the Pepco vault location and the  
12 project's inclusionary zoning set aside for when the units are  
13 no longer affordable. And with that, I will conclude my  
14 testimony. I am happy to take any questions. Thank you.

15           CHAIRPERSON HOOD: Thank you, Ms. Myers.

16           Let's see if we have any questions or comments.

17           Commissioner May?

18           COMMISSIONER MAY: Yeah, I don't really have any  
19 questions or comments. I mean, this is an interesting project  
20 in a relatively small parcel surrounded by a whole lot of  
21 redevelopment. And so, yeah, it's an -- it will be an interesting  
22 project to discuss when it comes up for a hearing. Thank you.

23           CHAIRPERSON HOOD: Okay.

24           And Commissioner Imamura?

25           COMMISSIONER IMAMURA: Thank you, Mr. Chairman. If the

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1 Commission so decides to set this down, I'm interested to hear a  
2 little bit more about the project. That's all that I have.

3 Thank you, Ms. Myers.

4 CHAIRPERSON HOOD: Thank you.

5 Vice Chair Miller?

6 VICE CHAIR MILLER: Thank you, Mr. Chairman. I am  
7 supportive of setting this down -- this case down for a public  
8 hearing. I appreciate the racial equity analysis provided by  
9 both the Office of Planning and by the Applicant in their  
10 application. And I think there are a lot of commendable aspects  
11 to this all-affordable residential project with 20 percent under  
12 30 percent MFI, so I too want to hear more details about the  
13 project at the public hearing, and will -- we will undoubtedly  
14 hear more details and have questions at that point. Thank you.

15 CHAIRPERSON HOOD: Thank you. And I would agree. I  
16 also would like for the Applicant, if they have not already done  
17 so, to respond to the Office of Planning's comments in their  
18 report.

19 Thank you, Ms. Myers for the report.

20 Any other follow-up questions?

21 All right. Well, thank you, Ms. Myers. We appreciate  
22 your report.

23 So with that, somebody like to make a motion to set it  
24 down? I think we're going forward.

25 COMMISSIONER IMAMURA: Sure. I'll make a motion,

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1 Mr. Chairman. I move the Zoning Commission take proposed action  
2 or take -- I move that the Zoning Commission set down Zoning  
3 Case No. 22-32, 1232 Shift Cubed Partners, LLC, consolidated PUD  
4 and related map amendment at Square 772.

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

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

9 MS. SCHELLIN: Commissioner Imamura?

10 COMMISSIONER IMAMURA: Yes.

11 MS. SCHELLIN: Commissioner Hood?

12 CHAIRPERSON HOOD: Yes.

13 MS. SCHELLIN: Commissioner May?

14 COMMISSIONER MAY: Yes.

15 MS. SCHELLIN: Commissioner Miller?

16 COMMISSIONER MILLER: Yes.

17 MS. SCHELLIN: The vote is four to zero to one to set  
18 down Zoning Commission Case No. 22-32 as a contested case. The  
19 minus one being the third mayoral appointee position which is  
20 vacant.

21 CHAIRPERSON HOOD: All right. Ms. Schellin, do we have  
22 anything else on the agenda for tonight?

23 MS. SCHELLIN: I have nothing else.

24 CHAIRPERSON HOOD: Okay. The Zoning Commission will  
25 meet again -- give me one second -- January the 30th on these

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1 same platforms at the same time, and that case is Zoning  
2 Commission Case 22-12, MidAtlantic Neighborhood Development  
3 Corporation on these same platforms at 4 p.m. I want to thank  
4 everyone for their participation in the meeting this evening.

5 And Ms. Schellin, do we need to get a group of people  
6 together to practice to figure out -- try to figure out what's  
7 going on? If not --

8 MS. SCHELLIN: No, I'm actually going to meet with  
9 Mr. Young to see about my settings, because there's a difference  
10 between the meeting and the webinar, and we use both, unlike BZA.  
11 So we're going to check on that and see. It's only happened with  
12 two. So I don't know what it is. It's worked fine on all the  
13 others. It's just been two recent ones.

14 CHAIRPERSON HOOD: Well, if you need us to practice,  
15 just let us know, and we'll log on earlier to make sure we can  
16 get on, especially -- and then we -- I'm sure we'd get plenty of  
17 volunteers from the public. So whatever you need, let's do that.  
18 And we can try to get the --

19 MS. SCHELLIN: We can get someone from the staff --  
20 from staff because they had issues too. So it's not just the  
21 public.

22 CHAIRPERSON HOOD: Oh, okay. Okay. All right. So  
23 anyway, whatever we need to do, let's try to work together and  
24 get that -- it happens.

25 MS. SCHELLIN: We will.

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1 CHAIRPERSON HOOD: Because every time you turn this  
2 stuff on, sometimes my settings are low, they're high, down, up,  
3 I don't know. Well --

4 MS. SCHELLIN: Yeah.

5 COMMISSIONER MAY: Blame the mouse.

6 CHAIRPERSON HOOD: Maybe it's -- yeah, the mouse. Maybe  
7 it's the operator, so I need to get --

8 MS. SCHELLIN: The mouse.

9 CHAIRPERSON HOOD: All right. So with that, I'm going  
10 to thank everybody for the meeting tonight, and we'll see y'all  
11 Monday. Good night, and have a great weekend.

12 MS. SCHELLIN: Thank you. Have a good weekend.

13 COMMISSIONER MAY: Bye.

14 (Whereupon, the above-entitled matter was adjourned.)  
15  
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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 Meeting

Before: DCZC

Date: 01-26-23

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