

GOVERNMENT OF
THE DISTRICT OF COLUMBIA

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REGULAR ZONING COMMISSION

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PUBLIC HEARING

+ + + + +

MONDAY

MAY 15, 2023

+ + + + +

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

ZONING COMMISSION MEMBERS PRESENT:

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

OFFICE OF ZONING STAFF PRESENT:

SHARON SCHELLIN, Secretary
PAUL YOUNG, Data Specialist

OFFICE OF ZONING LEGAL DIVISION STAFF PRESENT:

DENNIS LIU, ESQUIRE

The transcript constitutes the minutes from the Public Hearing held on May 15, 2023.

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

Case No. 05-28AC - postponement -	
Parkside Residential, LLC	4

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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. Today's date is May the 15th, 2023. We are convening and broadcasting this public hearing by videoconferencing. My name is Anthony Hood and I am joined by Vice Chair Miller, Commissioner May and Commissioner Imamura. We are also joined by the Office of Zoning Staff Ms. Sharon Schellin and Mr. Paul Young who will be handling all of our virtual operations as well as our Office of Zoning Legal Division, Mr. Dennis Liu.

The virtual public hearing notice is available on the Office of Zoning's website. This proceeding is being recorded by a court reporter and the platforms used are Webex and YouTube Live. The video will be available on the Office of Zoning's website after the hearing. All persons planning to testify should be signed up in advance. They will be called by name at the appropriate time. At the time of sign-up all participants will complete the Oath of Affirmation required by Subtitle Z 408.7. Accordingly, all those listening on Webex or by phone call will be muted during the hearing. Only those who have signed up to participate or testify will be unmuted at the appropriate time. When called, please state your name before providing your testimony. When you are finished speaking, please mute your audio. If you experience difficulty accessing Webex or with your telephone call-in or have not signed up, please call the OZ

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1 hotline number at 202-727-0789. If you wish to file written
2 testimony or additional supporting documents during the hearing,
3 please be prepared to describe and discuss it at the time of your
4 testimony.

5 The hearing will be conducted in accordance with the
6 provisions of 11 Z DCMR Chapter 4 as follows: preliminary matters,
7 Applicant's case, the Applicant will have up to 60 minutes, report
8 of other government agencies, report of the Department of
9 Transportation and Office of Planning, report of the ANC,
10 testimony and organizations five minutes of testimony of
11 organizations five minutes, individual three minutes and we will
12 hear in the following order for those who are in support,
13 opposition and undeclared. Then we have rebuttal and closing by
14 the Applicant. Again, the OZ hotline number is 202-727-0789 for
15 any concerns during these proceedings.

16 The subject of this evening's hearing is Zoning
17 Commission No. 05-28AC Parkside Residential, LLC modification of
18 significance of second stage PUD parcel 9A and Square 5056, Lots
19 865, 866 and 867. Again, today's date is May the 15th, 2023 and
20 the ANC in this case tonight, just a second -- anybody know right
21 off I think it's 7 -- is it 7C or D?

22 MS. SCHELLIN: 7D, 7D.

23 CHAIRPERSON HOOD: D?

24 MS. SCHELLIN: Yes.

25 CHAIRPERSON HOOD: Okay. All right. So 7D. See it

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1 right off. All right. So, Ms. Schellin, at this time we'll take
2 any preliminary matters.

3 Does the Staff have any preliminary matters?

4 MS. SCHELLIN: Yes, sir. Rather than going into the
5 (indiscernible) rather than going into any other preliminary
6 matters, the main one is that this afternoon we received a request
7 from the Applicant asking for postponement to July 10th which is
8 the date that the Staff gave the Applicant because it's the first
9 available hearing date that's open. They'd like to postpone to
10 allow more time for the Applicant to work with ANC 7D and the
11 community at large.

12 So with that request being made I'd leave that to the
13 Commission to decide whether they will approve that request and
14 we'll know whether we're going forward with the hearing or not.

15 CHAIRPERSON HOOD: Certainly, any time we have a
16 request to continue to work with 7D, to continue to work with
17 the community, I applaud all groups who are trying to work
18 together to work out their differences, certainly I would not try
19 to fly through anything where it would be more difficult on the
20 Commission.

21 So let me hear from others. I would just let you all
22 know from my standpoint I think that July the 10th we'll be
23 working and I'm hoping that July 10th will show that we will have
24 a meeting that won't take as much time and won't have as much
25 opposition. I'm hopeful. I mean, I've said that before and it

1 doesn't work out that way but I'm hoping it works out that way
2 in this case. I'm always optimistic. Let me hear from others.

3 Commissioner May.

4 COMMISSIONER MAY: I agree with you, Mr. Chairman.
5 It's better to delay in order to get the coordination with the
6 community.

7 CHAIRPERSON HOOD: Okay. Commissioner Imamura.

8 COMMISSIONER IMAMURA: Also in agreement and I think
9 this is supportive of your good neighbor policy.

10 CHAIRPERSON HOOD: And Vice Chair Miller.

11 VICE CHAIR MILLER: Thank you, Mr. Chairman. Yes, I
12 agree with your comments, Mr. Chairman, and those of my colleagues
13 that more time for community outreach both to the ANC 7D where I
14 don't think we have a written report yet, and to the larger --
15 the neighborhood as well would be helpful in this case.

16 There's one other, as long as we're postponing it,
17 there was one question I was going to ask of the Applicant and
18 the Office of Planning if we had gone forward with the public
19 hearing this evening. So if they can, in preparation for the
20 July 10th hearing, respond to a question I have regarding whether
21 or why a modification of significance such as this does not
22 trigger current inclusionary zoning requirements as opposed to
23 the housing requirements that were part of the originally
24 approved PUD which when -- at a time when inclusionary zoning may
25 not have even been adopted by the Zoning Commission at all, let

1 alone the changes that have been made over the years. So if
2 there is a change in use it is a reversion back to an originally
3 approved use of this site as residential.

4 So that may be part of the reason but I think in other
5 cases where there's been a modification of significance with a
6 change of use of the building which is what we have here even
7 though it's reverting back or where there's a change in gross
8 floor area, although I don't think that's happening here, it's a
9 change in use, why the current inclusionary zoning does not apply.

10 So if we could just get something from the Applicant
11 and from Office of Planning on that issue because in my mind in
12 general that I think in the past we have triggered the current
13 zoning requirements and in this case, even this case before this
14 evening I think they're complying with the parking and loading
15 requirements that are post-2016 whereas the original one -- we're
16 not adept (phonetic) in 1958 zoning regulations So we've already
17 acknowledged that their parking adjustments and loading
18 adjustments that they are making are okay because they meet the
19 2000 ZR 16 changes.

20 So it was just that question, Mr. Chairman, as long as
21 we're putting it off for community outreach if we could just have
22 that addressed by both the Applicant and the Office of Planning
23 as we go forward. Thank you.

24 CHAIRPERSON HOOD: Sure. Thank you, Vice Chair, and
25 I'm sure that the council is listening and I'm sure the Office

1 of Planning is listening. If not, our Staff will make sure that
2 that is relayed back to both of them so they can come prepared
3 to be able to respond on July the 10th to your comments.

4 All right. Anything else, Ms. Schellin?

5 MS. SCHELLING: I just want to state typically once the
6 postponement is announced on the dais, the record, we do not have
7 to do any further noticing. However, because this date is at
8 least two months out, Staff will send out another public hearing
9 notice to owners within 200 feet and a spec (phonetic) to the
10 Applicant's attorney. They are definitely going to be putting
11 that hearing notice, rescheduled notice date out to the community
12 also, just so you know. So we'll do that.

13 CHAIRPERSON HOOD: Okay. Thank you. Nothing else from
14 this tonight?

15 MS. SCHELLILN: No, sir. Nothing else.

16 CHAIRPERSON HOOD: Okay. Thank you. The Zoning
17 Commission will meet again May the 25th is our regular public
18 meeting and right now it looks like it's going to be a quick
19 meeting, but I shouldn't say that.

20 MS. SCHELLIN: Don't say that.

21 CHAIRPERSON HOOD: I always think it depends on - well,
22 yes, I see three things right now so I'm thinking it'll be a
23 quick meeting.

24 MS. SCHELLIN: (Indiscernible).

25 CHAIRPERSON HOOD: Oh, okay. All right. So anyway,

1 we'll be meeting May the 25th on the same platform at 4 p.m.,
2 and thank everyone for their participation thus far, and this
3 hearing is going to be continued to July the 10th at 4 p.m., on
4 the same platform.

5 Good night and I'll see everybody on the 25th. Have a
6 nice weekend. Thanks.

7 (Whereupon the above-entitled hearing was adjourned.)
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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: 05-15-2023

Place: Teleconference

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

JULIE SOUZA

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