

GOVERNMENT OF
THE DISTRICT OF COLUMBIA

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ZONING COMMISSION

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REGULAR PUBLIC HEARING

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THURSDAY

MAY 25, 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 Chairperson
PETER MAY, Commissioner

OFFICE OF ZONING STAFF PRESENT:

SHARON SCHELLIN, Secretary
PAUL YOUNG, Data Specialist

OFFICE OF ZONING LEGAL DIVISION STAFF PRESENT:

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

The transcript constitutes the minutes from the Public Hearing held on May 25, 2023.

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

Case No. 22-36
TM Associates, LLC & Washington Metropolitan
Area Transit Authority 4

Case No. 03-12Y-03-13Y
DCHA 12

Case No. - 23-08
Wesley Theological Seminary of the
United Methodist Church 16

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 are Vice Chair Miller and Commissioner May. We are also joined by the Office of Zoning's 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. We have Ms. Lovick, Mr. Ritting, and Mr. Liu.

Let me see something, please. Give me one moment. 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 on Webex and YouTube Live. The video will be available on the Office of Zoning's website after the hearing. 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 will be -- 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 come forward to speak. If you experience difficulty accessing Webex or with

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1 your phone-call, if we ask you to come forward, then please call
2 our OZ hotline number at 202-727-5471, I think I have the correct.
3 No, it's 202-727-0789. Again, 202-727-0789. At this time, again
4 today's date is May the 25th, f023 and this is our regular
5 meeting. At this time I will go to see if the Staff has any
6 preliminary matters.

7 MS. SCHELLIN: No preliminary matters.

8 CHAIRPERSON HOOD: All right. First, we will take
9 advanced party status on the Commission Case No. 22-36 TM
10 Associates, LLC and Washington Metropolitan Area Transit
11 Authority consolidated PUD and related map amendment at Square
12 3351, 3352 and 3353.

13 Ms. Schellin.

14 MS. SCHELLIN: Yes, sir. So before the Commission this
15 evening there are four requests for party status in opposition
16 and they are all represented by David Brown and the Applicant's
17 attorney is Paul Tummonds. First, you have historic Takoma,
18 Inc., and that requested that Exhibit 21 and it has been
19 supplemented at Exhibit 21B, Sabrina Eaton, Ellen Kurlansky, and
20 Sharon Broderick.

21 So the Applicant has provided a response. They are
22 opposed to Historic Takoma, Inc., and they are in support of --
23 they have no opposition rather to the three individuals as long
24 as they join together and have one presentation since Mr. Brown
25 is representing the three of them. They're not opposed as long

1 as there is one presentation.

2 So, I don't -- would the Commission like for the two
3 attorneys to be brought up or do you want to discuss it first?

4 CHAIRPERSON HOOD: I think it would be helpful, Ms.
5 Schellin, thank you for bringing both attorneys up and I
6 appreciate the direction in which people would like to see as how
7 we move on the status. I appreciate the guidance that helped me
8 get them that way. I'm not sure where my other colleagues are,
9 but let's bring them up first.

10 MS. SCHELLIN: Okay. That's David Brown and Paul
11 Tummonds. Mr. Young, if you could bring those two up. I saw
12 them both on.

13 CHAIRPERSON HOOD: And before I hear from them as
14 they're coming up, before we hear from Mr. Tummonds and Mr. Brown,
15 let me hear from my colleagues. Let me start it off, and then
16 we'll go to Mr. Brown and Mr. Tummonds if we have additional
17 questions.

18 But the way I see this, colleagues, is I have no
19 problems with giving anyone party status. I think Historic
20 Takoma, as I wrote in my notes -- I remember Sara Green and Faith
21 Wheeler. I'm not sure who the people are. I know things have
22 changed and that's been for years -- have been very involved with
23 Takoma, especially Historic Takoma. I know no one objects to
24 Exhibit 22, Exhibit 24 and Exhibit 25. I just would ask that
25 they be consolidated and I don't necessarily know. I would like

1 to hear from others what they think about Historic Takoma. I'm
2 in favor of making them -- when I look at all three of the
3 applications, one of them didn't do justice when they said the
4 other houses. The test is how you're uniquely affected, and I
5 don't have an issue with that since these three have asked for
6 party status and they will cover issues that everyone has and as
7 long as they come together, and then Historic Takoma I'm not
8 necessarily trying to throw them in. But let me hear from others.

9 Commissioner May.

10 COMMISSIONER MAY: Yes. I think generally I'm
11 favorably inclined to grant party status to those who have
12 requested it, I mean, just as a matter of principle I think.
13 There are some complications. I mean, it would be very good if
14 the three individual neighbors who are seeking party statuses
15 actually consolidated their efforts. Particularly since they're
16 represented by the same attorney it seems it would be odd for
17 one attorney to be asking questions on behalf of all three at
18 the same time or, you know, each time. So it would be ideal if
19 they could combine forces in those (phonetic) circumstances.

20 As for Takoma, I'm also interested in their having
21 party status. I do note the Applicant's concerns or objections
22 to the party status. I think on the, you know, the substantive
23 issue I would just generally disagree. I think that an
24 organization like Historic Takoma, while I'm not as familiar as
25 the Chairman is with them, I think they will generally have or

1 will have concerns that are particular to their interests in the
2 community and that they are not limited to historic preservation
3 specifically and the issues that would be addressed at the HPRB.

4 So I'm inclined to agree with that in principle. I
5 think there are some deficiencies in the application in that the
6 lack of witness list and any experts and things like that but
7 (indiscernible) to put down in the hearing to correct that, and
8 then the authorization letter. I heard at some point that it
9 had been submitted but I haven't seen it in the record but
10 certainly that can be provided at the time of the hearing.

11 So I think that those deficiencies can be corrected and
12 yes, I think that's it. I mean, I, yes, I'll leave it at that.
13 Thank you.

14 CHAIRPERSON HOOD: All right. Vice Chair Miller.

15 VICE CHAIR MILLER: Thank you, Mr. Chairman. I agree
16 with just about everything that you, Mr. Chairman, and
17 Commissioner May have said. I'm inclined to give party status
18 to all the individuals and I certainly want the three individuals
19 to be, who are represented by David Brown, to be combined into
20 one party.

21 I guess I would ask, and I'm inclined to give party
22 status to Historic Takoma for the reasons that you, Mr. Chairman,
23 and Commissioner May have stated. Since Mr. Brown is also
24 representing Historic Takoma, I guess I would ask Mr. Brown if
25 he would have any problem combining Historic Takoma with the

1 three individuals in one party just in terms of efficiency. They
2 seem to be related to the same issues about scale and
3 compatibility, storm water run-off, the whole -- it seems very
4 similar in terms of the issues. I realize that Historic Takoma
5 is a different entity than the three property owners or, I think,
6 three homeowners, right there in the neighborhood.

7 But, so that would be my question to Mr. Brown if we're
8 going to have him and Mr. Tummonds speak on this issue if he
9 would be -- I would offer that is he willing to combine it with,
10 well, is he willing to combine the three because that's what we
11 kind of both, we all want, and then would be willing to combine
12 it with Historic Takoma as well just for efficiency's sake?

13 CHAIRPERSON HOOD: Thank you, Vice Chair. I think that
14 leads right into where I'm going. I want to hear from Mr. Brown
15 first. I do want to acknowledge Mr. Tummonds. I do recognize
16 your objections. I think you bring up some good points especially
17 about who is, serves Takoma now. I just know of Ms. Green and
18 Ms. Wheeler who I've always recalled Historic Takoma but anyway,
19 I'll leave it at that.

20 Let me hear from Mr. Brown and then we'll go to Mr.
21 Tummonds for any additional comments and, Mr. Tummonds, just to
22 let you know we have, as Commissioner May mentioned, we have
23 reviewed and seen your opposition to party status.

24 Mr. Brown, are you available to turn on your video or
25 are you just --

1 MR. BROWN: I'm trying to. Can you hear me, Mr.
2 Chairman?

3 CHAIRPERSON HOOD: If you're having problems just stay
4 where you are. We don't want any additional problems, so just
5 as long as we can hear you we're good.

6 MR. BROWN: I'm trying to start the video but I'll
7 speak without it.

8 CHAIRPERSON HOOD: Okay.

9 MR. BROWN: I want to state right at the beginning I
10 regret having perhaps not made this clear before. It is my
11 intention in representing all of these clients, they all have
12 common interests and I have absolutely no objection to your
13 putting us all together as a group including Historic Takoma and
14 the individual parties, and I would be working assiduously to
15 make sure that their presentations don't overlap and become
16 repetitious so that you'll hear not only the particular stories
17 of the individuals but the larger picture from Historic Takoma.

18 I believe the president of Historic Takoma is online
19 today to answer any questions you have about the organization,
20 but I can tell you right now that there are 12 members of the
21 board of directors, at least four or five of them live in fairly
22 close proximity to this project and are quite concerned about it
23 as are many of the other members.

24 Historic Takoma has been an active participant in cases
25 before the Historic Preservation Review Board. They were very

1 active in the earlier EYA application to propose townhouses on
2 the WMATA property some years back and they're very interested
3 in presenting their point of view with the community and historic
4 focus to the Board, to the Commission.

5 CHAIRPERSON HOOD: Okay. Thank you, Mr. Brown. I
6 think you heard our discussion where we are with that and we're
7 glad that you're going to combine the group together and help
8 them with their presentation. Unless my colleagues have any
9 additional questions I think we are where we are, but I'm going
10 to go to Mr. Tummonds. I guess Mr. Tummonds has heard this
11 conversation but let's see if he has anything else to add because
12 I think you know the direction of the Commission but Mr. Tummonds,
13 I'll turn it over to you.

14 MR. TUMMONDS: I've nothing to add.

15 CHAIRPERSON HOOD: Good man. So, Commissioners, any
16 questions for you to Mr. Tummonds or Mr. Brown, and Mr. Brown,
17 as stated in the Applicant's and Mr. Tummonds' submission to us,
18 we would like to know who the members of the Historic Takoma are.
19 You don't have to give it to us today but before the hearing I
20 think it would be great. Okay. I'll just leave it at that.

21 Anything else?

22 MR. BROWN: Mr. Chairman?

23 CHAIRPERSON HOOD: Yes.

24 MR. BROWN: Mr. Chairman, I will also be providing the
25 -- my client's perspective on the 48 page project justification

1 prepared by Mr. Tummonds. Naturally, we should expect a somewhat
2 different take on it than what you've gotten from him. I think
3 it will help the Commission in deciding this case.

4 CHAIRPERSON HOOD: Okay. We'll let you -- we'll leave
5 that up to you and look forward to getting your submissions,
6 everybody's submissions, so we can make an informed decision. So
7 thank you.

8 All right. So with that, unless I hear any objections,
9 and thank you Mr. Tummonds and Mr. Brown. I'm going to move that
10 we grant party status in Zoning Commission Case, as noted as one
11 party, Historic and the residents and they can name it however
12 they want. It will be one party in Zoning Commission Case No.
13 22-36 which will include Historic Takoma, Inc., Sabrina Eaton,
14 Ellen Kurlansky and Sharon Broderick and if I messed up any names
15 I apologize, and ask for a second.

16 COMMISSIONER MAY: I'll second that.

17 CHAIRPERSON HOOD: It's been moved and properly second.
18 Any further discussion? Not hearing any, Ms. Schellin, would
19 you do the roll call vote, please?

20 MS. SCHELLIN: Commissioner Hood?

21 CHAIRPERSON HOOD: Yes.

22 MS. SCHELLIN: Commissioner May?

23 COMMISSIONER MAY: Yes.

24 MS. SCHELLIN: Commissioner Miller?

25 VICE CHAIR MILLER: Yes.

1 MS. SCHELLIN: The vote is three to zero to two to
2 grant party status in opposition to Historic Takoma and the three
3 residents, the minus two being Commissioner Imamura, who is not
4 present and not voting, and the third Mayoral appointee seat
5 being vacant.

6 CHAIRPERSON HOOD: All right. Let's go to next on our
7 agenda. Okay. On the modifications of -- this is a modification
8 of consequence but we're doing deliberations. Zoning Commission
9 Case No. 03-12Y-03-13Y DCHA PUD modification of consequence to
10 Square -- Ms. Schellin, read the squares because I think this is
11 a typo that I'm reading from.

12 MS. SCHELLIN: Squares 76, oh, I think you're right.
13 It's 767, 768 and 882 South Takoma is missing, and so, yes, as
14 you stated it is a modification of consequence and at the last
15 meeting the Commission did determine it was indeed a modification
16 of consequence and left the record open to allow for some
17 responses from the ANCs by May 15th, and today we received a
18 response, this afternoon rather, from ANC 8F and they voted
19 unanimously to support with or provide conditional support. So
20 this is ready for the Commission to proceed with deliberations
21 if it chooses to do so. Thank you.

22 CHAIRPERSON HOOD: Okay. Thank you, Ms. Schellin. I
23 think you teed that up very well and I'll just add to it. This
24 is for the ball park which will be from April 1st, 2025 which
25 was added as a new condition, it was approved Zoning Commission

1 Case No. 03-12-03-13E to extend the temporary use of PUD
2 properties in Square 767, 768 and 882S for ball park parking to
3 April 1st, 2025.

4 This particular -- my concern is with the ANC. This
5 is just an extension, a continuation of something that's already
6 in place. I do think that it would be good that we hear from
7 the Applicant, colleagues, to find out whether or not the
8 submission from the ANC whether the Applicant accepted. I don't
9 know if we can necessarily turn the tide as to what we already
10 have in front of us. That may be as we know, especially talking
11 about counsel, that may be something that comes in the second
12 stage or something at that point where those kinds of negotiations
13 happen. I think right now it's already there and we need to work
14 within the realm of where we are.

15 But let me hear from my other colleagues and we'll
16 decide whether we need to just bring them up, bring the person
17 up to see if they accept the ANC's, I mean, working with the ANC
18 accept what they have submitted to us today.

19 Commissioner May.

20 COMMISSIONER MAY: Well, if we have the ability to
21 bring up the Applicant in this case, yes, sure I'd be happy to
22 hear from them. Beyond that, I don't -- what I've opined
23 (indiscernible).

24 CHAIRPERSON HOOD: Okay. And Vice Chair Miller?

25 VICE CHAIR MILLER: I agree with Commissioner May.

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1 Let's hear from the Applicant's response to the ANC.

2 CHAIRPERSON HOOD: Okay. Can we bring the Applicant
3 up?

4 MR. YOUNG: Who was it again?

5 CHAIRPERSON HOOD: Ms. Schellin, who's the Applicant
6 in this case?

7 VICE CHAIR MILLER: Cynthia Giordano is the
8 representative I believe.

9 CHAIRPERSON HOOD: Okay . Ms. Giordano. Is she
10 available?

11 MR. YOUNG: I don't see her on.

12 CHAIRPERSON HOOD: Okay.

13 MS. SCHELLIN: All right. No, Cynthia is not on.

14 CHAIRPERSON HOOD: So, you know, I don't want to assume.
15 When's our next meeting? July? I mean --

16 MS. SCHELLIN: June.

17 CHAIRPERSON HOOD: June?

18 MS. SCHELLIN: I'm sorry. June 8th.

19 CHAIRPERSON HOOD: So colleagues, we have in front of
20 us an outstanding question that we have which I don't necessarily
21 think is germane to this proceeding which I know I just wanted
22 to find out where they stood with what the ANC is asking for but
23 I don't think this is tied down actually tonight. But let me
24 hear what you - you all want to hold this off to June or let me
25 hear what others have to say.

1 Commissioner May.

2 COMMISSIONER MAY: I don't see any problem with holding
3 off until June. Yes, I mean, I don't know there's any pressing
4 matter. We're really just talking about two weeks, so yes. Let's
5 wait and just, you know, we don't necessarily have to have Ms.
6 Giordano or any other representative here to ask questions but
7 getting a written response to the ANC's concerns for the sake of
8 having a complete record I think is fine.

9 CHAIRPERSON HOOD: Yes. That's a good idea. She
10 doesn't have to be here but you're right, Commissioner May. Let's
11 get something written for our next so we can make the decision
12 in June.

13 Vice Chair Miller, do you have anything to add?

14 VICE CHAIR MILLER: No. I'm fine with where we're
15 going.

16 CHAIRPERSON HOOD: Okay. Sounds good. Ms. Schellin,
17 if you all could let her know she doesn't have to be here at our
18 next meeting, just if she can respond to the ANC and let us know
19 (indiscernible) not support in this position, the ANC's position.

20 All right. I think we're moving right along. This is
21 our last thing I believe on the agenda is hearing action Zoning
22 Commission Case No. 23-08 Wesley Theological Seminary of the
23 United Methodist Church consolidated PUD for 2022 through 2032
24 campus plan at Square 1600. This is very exhaustive. I don't
25 think we need a long, long presentation but I would just ask that

1 we hit the highlights, oh, Mr. Cochran.

2 All right. I'll turn it over to you, Mr. Cochran.

3 MR. COCHRAN: Good afternoon, Mr. Chair. I'm Steve
4 Cochran representing the Office of Planning in Application 23-08
5 and although my testimony may be somewhat long, it's certainly
6 short compared to the length of the OP report. So thank you for
7 that.

8 OP recommends the Commission set-down Application 23-
9 08 by the Wesley Theological Seminary for a consolidated and a
10 preliminary PUD. The 8.7 acre site is in the RA-1 zone adjacent
11 to the American University in upper Northwest Washington. There
12 is considerable information and additional details that the
13 Applicant would need to provide by a hearing. However, the
14 application appears in balance to be not inconsistent with the
15 comprehensive plan and do have sufficiently met the Subtitle X
16 PUD requirements to warrant a set-down. If it is set-down the
17 case would be deliberated in conjunction with campus plan Case
18 22-13 that you had reviewed previously.

19 The Applicant has applied for this as a PUD because of
20 Commission concerns about whether the terms of the ground lease,
21 the management, occupancy, partial use and financial arrangements
22 for a new dormitory would comply with Subtitle X § 104's
23 requirement that, and I quote,

24 "The campus plan shall not serve as a process to create
25 general partial activities or developments unrelated to the

1 educational mission of the Applicant."

2 The Commission was also concerned that while the
3 proposed building had been determined to be a dormitory by the
4 Zoning Administrator, the Applicant had not provided arrangements
5 for inclusionary zoning to apply to areas of the dorm that would
6 be occupied by those who are not enrolled as students on the
7 campus where the dorm would be located.

8 The Commission suggested that the Applicant explore
9 whether the PUD process might be the more appropriate mechanism
10 for considering a proposal to achieve the financial stability
11 that income from the dorm would provide to help realize Wesley's
12 educational mission. The present application results from that
13 Zoning Commission suggestion.

14 Paul, could you (indiscernible) to slide 2. Thanks.
15 The overall PUD is in the area within the blue line that follows
16 the Wesley campus boundary. The consolidated PUD would comprise
17 the area within the two outlined red areas and, like I said, the
18 stage one would comprise the rest of the campus. The stage one
19 portion of the PUD is modest. It consists of the construction
20 of a new three story roughly 5,000 to 6,000 square foot
21 administrative, faculty and maintenance building that would be
22 located within the gray shaded area that's located between the
23 two red arrows that show where the consolidated PUD boundaries
24 are.

25 In the consolidated PUD within the larger red outlined

1 area, two existing dorms and a surface parking lot would be
2 demolished and a new 659 bed dorm with 353 underground parking
3 spaces would be constructed. As a dorm that's part of a PUD
4 rather than just part of a campus plan, the Applicant posits that
5 this would meet the requirements of Subtitle X § 101.4. The old
6 president's house which is inside that smaller red square in the
7 consolidated PUD would also be demolished and a community
8 accessible playground would be constructed all as part of the
9 consolidated PUD.

10 New to this application, the dormitory would provide
11 for inclusionary zoning. The 90 beds for Wesley students would
12 be exempt from IZ. The 569 beds that would be rented by American
13 University students and their immediate families, in other words
14 those that are not enrolled in Wesley, would be subject to
15 inclusionary zoning. These would be reserved at the 60 percent
16 medium family income level, except for the IZ that would be
17 generated by occupied penthouse space and that would be reserved
18 at 50 percent of the MFI.

19 As with other co-living residential arrangements, which
20 this dorm in some respects is, in most respects is, the IZ
21 requirements would be calculated primarily on beds provided
22 rather than on square footage. The Applicant has provided some
23 information about how income qualifications would be determined
24 and would need to work out details with DHCD prior to a hearing.

25 This consolidated dorm, the first stage faculty

1 building, the overall site and its context and all of the proposed
2 changes to the campus were discussed extensively by the
3 Commission in campus plan Case 22-13. In response to community
4 concerns in this PUD application, the Applicant has shown
5 additional setbacks for the upper stories of the consolidated
6 dorm, consolidated PUD dorm that is. It's made changes in the
7 orientation in some of its windows and eliminated about 6,000
8 square feet of convenience retail space that was going to be on
9 the ground floor. Otherwise, the program for the overall PUD and
10 the benefits the Applicant identifies as deriving from it are
11 essentially the same as in the earlier campus plan case.

12 Now this current application appears to meet the
13 requirements for a PUD. The dimensional and numerical basics
14 meet PUD and zoning requirements, subject to relatively minor
15 flexibility requests. The 8.7 acre site meets the minimum for a
16 PUD in the RA-1 zone. The overall 1.07 FAR is well below the
17 maximum that could be permitted for a PUD in that zone and is
18 also within the limits of a by-right IZ development in the zone.
19 All of the stage one PUD would comply with zoning requirements
20 without needing any relief. For the consolidated PUD, the dorm
21 and underground parking lot would be the only new construction
22 and they would require some locational setback related to height
23 and possibly relief from one of the two required loading berths.

24 The vehicular parking, which would be in the
25 consolidated PUD, more than complies with requirements. RPP

1 would be prohibited and bicycle parking complies. All of the new
2 buildings, well that is to say both of the new buildings, would
3 be designed for LEED gold certification. The TDM plan, site
4 circulation plan and parking restrictions are the same as were
5 considered acceptable by DDOT in case 22-13 and have been proposed
6 again for this case. With respect to the comprehensive plan, in
7 balance the application does not appear to be inconsistent with
8 it.

9 Paul, could you go to slide 3? Thanks. With the
10 consolidated PUD building having been classified as a dormitory
11 by the Zoning Administrator and the previously proposed retail
12 space having been eliminated, the entire PUD site would be used
13 for institutional purposes making it not inconsistent with the
14 FLUM's and the policy map's designation of the site as appropriate
15 for institutional use.

16 Pages 18 through 25 of OP's report highlights the
17 written policies with which the proposal would be not
18 inconsistent. Briefly, at least among the city-wide elements,
19 the land use and transportation elements would include the
20 promotion of institutional uses that serve the District's economy
21 and its residents. A policy is favored in the provision of
22 adequate parking and parking restrictions to protect nearby
23 residential areas and policies to ensure the proposed building's
24 design, use and transportation impacts will enhance the
25 surrounding area or at least mitigate potentially negative

1 impacts.

2 For the Rock Creek West area element, the first stage
3 PUD would be consistent with Wesley's existing development in
4 relationship to its nearby neighbors. The consolidated PUD is
5 taller and denser than what is now on the site anywhere but it's
6 essentially the same as what was proposed in the campus plans
7 with a few upper level design changes to address community
8 concerns.

9 While there was some community opposition to the
10 earlier campus plan ANC 3D, which was the ANC at the time that
11 the campus plan was considered, voted to support that nearly
12 identical earlier application. The ANC vote was subject to
13 conditions essentially the same as those proposed in this
14 application's Exhibit 12A2. That exhibit will of course be
15 subject to further review by District agencies, the new ANC 3E,
16 community groups, and the public prior to a hearing. As with
17 almost any PUD there may be some comprehensive plan policy
18 elements with which the PUD might be inconsistent unless balanced
19 against the proposal's relationship to other comprehensive plan
20 elements.

21 With respect to sustainability, for instance while the
22 new buildings would be LEED gold certified, they wouldn't need
23 policies encouraging retention rather than demolition of
24 buildings and the development of net zero new buildings. On the
25 other hand, the proposal to keep 55 percent of a wooded and

1 landscaped site as open space is supportive of other
2 environmental policies. The proposal may also be inconsistent
3 with the transportation policy that encourages new development
4 to minimize off-street parking. But this off-street parking is
5 in response to requests to minimize parking impacts on the nearby
6 neighborhood, those requests that were made by the neighborhood
7 and which would be not inconsistent with other comprehensive plan
8 policies.

9 Paul, slide 4, please. The overall proposed PUD
10 remains not inconsistent with the comprehensive plan when viewed
11 through a racial equity lens. In absolute and percentage terms,
12 residents of the Rock Creek West Planning Area in which the
13 seminary is located, overwhelmingly identify as White only. The
14 percentage of seminary students, faculty, administration and
15 staff who identify as something other than White is significantly
16 higher than the planning areas. The provision of more student-
17 related housing on the Wesley campus should only free up some
18 market rate rental units in the area, somewhat reducing the upward
19 pressure on rents in nearby market rate housing.

20 Given racially and ethnically disaggregated figures in
21 Tables 3 to 5 of the OP report, Black identifying residents are
22 most harmed by increases in rents and housing purchase prices in
23 Rock Creek West. This isn't to say that the proposal would have
24 an obviously significant impact on housing supply or racial
25 equity, but with Rock Creek West so under-achieving the

1 affordable housing goals articulated in Table 7 of our report,
2 which is on the screen now, every contribution to housing is
3 important.

4 The proposal would not directly or indirectly displace
5 any residents which would be a positive change from the history
6 of past racial discrimination in the planning area. The
7 construction jobs and the increase in ongoing jobs on the site
8 may also help provide employment for groups most in need. Page
9 19 and pages 26 through 35 of our report provide further analysis
10 of the proposal's relationship to the comprehensive plan as
11 viewed through a racial equity lens.

12 Paul, could you go on to slide 5? The PUD would require
13 relatively minimal flexibility. The Applicants asked for a
14 little over 14 feet of flexibility from the one-to-one building
15 location setback requirements of Subtitle F § 203.3 relative to
16 the consolidated PUD building's height. It's asked for relief
17 from one of the required -- actually no, it hasn't asked for it
18 but relief from one of the required loading berths for the
19 consolidated PUD may be needed. The Applicant has also requested
20 relief from the preliminary PUD's, excuse me, the stage one PUD's
21 requirements for the timing of the filing for a second stage PUD.

22 The Applicant suggests that there's an adequate
23 relationship between that flexibility I just noted and the
24 following public benefits; the retention of 55 percent of the
25 site is open space and its enhancement with additional

1 landscaping, the replacement of the old president's house with
2 the playground to which the community would have access,
3 architecture that appears to be consistent with the high quality
4 of Wesley's existing buildings, particularly the original 1950s
5 buildings, public space improvements throughout the site some of
6 which may also be considered as mitigation, provision of a
7 community meeting room and the establishment of a development
8 plan that would provide sufficient financial returns to Wesley
9 to enable this well regarded institution of higher learning, one
10 that has ministered to a broad range of District residents, to
11 remain as a viable institution in the District.

12 The Application is set-down. Additional information
13 and further consideration of some elements would be needed. At
14 Exhibit 12 the Applicant has already provided answers to several
15 of the questions that OP raised in its set-down report, but given
16 when that information was submitted, OP will need additional time
17 after set-down to fully evaluate the information.

18 Input from other agencies would also be sought. For
19 example, lot occupancy totals need clarification. The Department
20 of Housing and Community Development needs to determine the
21 appropriate method for certifying IZ distribution income
22 requirements but the Applicant may also wish to consider
23 providing more bicycle parking and working with DOE on
24 sustainability requirements.

25 The Applicant's PUD hearing report may also benefit

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1 from being structured more traditionally. Overall though, the
2 Application appears to be not inconsistent with the comprehensive
3 plan including when that is viewed through a racial equity lens.
4 The PUD process and the new IZ proposal appear to address the
5 Commission's previous concerns about the proposed dormitory
6 arrangements although additional IZ details would be needed and
7 the requested relief does not seem to be disproportionate to the
8 project's likely benefits.

9 For these reasons, OP recommends the Commission set-
10 down the application for a public hearing and of course I'm open
11 to any questions you may have.

12 CHAIRPERSON HOOD: Thank you, Mr. Cochran. As always,
13 a very, very succinct and very straight to the point and very
14 thorough report, so thank you. Let's see if we have any questions
15 or comments?

16 Commissioner May, any questions or comments?

17 COMMISSIONER MAY: Yes. The thing that sticks out in
18 my mind, and maybe this is just lingering from the previous
19 consideration of the campus plan case, but that's the -- what
20 does American University think of this project, right, and has
21 there actually been any feedback from AU about this and any
22 consideration of how it affects their campus plans and their
23 numbers in terms of where students are housed and so on, and I
24 mean, it's sort of a rambling question but if you don't have
25 anything to say about it now having some objective sense of that

1 by the time we get to the hearing I think would be very helpful?

2 MR. COCHRAN: The, as with the previous case, the
3 American University has not responded to this proposal at all.

4 COMMISSIONER MAY: Right. Well --

5 MR. COCHRAN: Not to us nor, I'm told, to the Applicant.

6 COMMISSIONER MAY: Yes. So this is I guess a message
7 for you and the Applicant. It would be good to get some direct
8 feedback from American University about this. They may choose
9 to remain silent on this but I'm curious as to how it might --
10 how they can see this affecting. I even think, you know, how
11 from the Office of Planning's perspective if they were to house
12 this number of AU students here, what is the likely impact, I
13 mean, how many fewer apartments might be rented, you know, off
14 campus or things like that because there are theoretically some
15 beneficial effects to the neighborhood at large that could come
16 from having this apartment building so proximate to the
17 University? Anyway, just some thought on that I think would be
18 helpful.

19 MR. COCHRAN: Okay.

20 COMMISSIONER MAY: Thank you.

21 CHAIRPERSON HOOD: Okay. And Vice Chair Miller, do you
22 have any questions or comments?

23 VICE CHAIR MILLER: Thank you, Mr. Chairman, and I
24 thank Mr. Cochran and the Office of Planning for their very
25 comprehensive -- is it 36 page report -- which took me a lot

1 longer to read and digest, I'm not sure I've digested it all.
2 But it was very comprehensive, particularly all of the racial
3 equity analysis, the comprehensive plan analysis, the whole
4 context and history and how other, sort of precedent of another
5 -- at least one other university combined campus plan with a PUD,
6 I think it was George Washington University but there may be
7 others.

8 So I think all that was very helpful and good
9 information, and I appreciate the Applicant, everybody really
10 finding a way to move this forward in a way that meets the
11 requirements of our zoning regulations because there were
12 concerns about expressed, mostly by my fellow Commissioners, not
13 by myself although I understood the concerns, about the process
14 of fitting this into a campus plan modification for Wesley and I
15 mean I do agree with, I appreciate Commissioner May's questions
16 about AU. I think one of the things I had suggested as an
17 alternative way was to have it be an AU campus plan modification
18 because it seemed to be a lot about American University, so I
19 think it would be helpful to see, to have their input into this
20 public hearing if we set this down on this case, which I hope we
21 do.

22 I agree with all the recommendations and requests that
23 have been made by the Office of Planning in the report and I saw
24 the responses that, the initial responses I think that the
25 Applicant made at Exhibit 12D1 or no, no, it wasn't 12D1. Anyway,

1 I saw the initial responses. I particularly think that there
2 needs to be responsiveness to working with DHCD on a covenant
3 language, something that requires even though it isn't
4 necessarily required, the inclusionary zoning in this case but
5 they had said that they would comply with the -- voluntarily
6 comply with the standards for IZ for these 659 apartment units.

7 So I think that does need to be worked out with DHCD.
8 There does need to be an enforceable requirement whether it's in
9 conjunction with a covenant with DHCD or just a condition of our
10 order that outlines all the requirements. I think that needs to
11 be part of the hearing going forward.

12 But I certainly want to set this down. I want to keep
13 this process, keep a process going forward to allow Wesley, most
14 importantly to allow Wesley to do what it intended to do with
15 the original campus plan modification which was to be able to
16 thrive in D.C. as it has existed for over, I think I said 100
17 years at the hearing. I think I was wrong, somebody pointed that
18 out later, I think it's only 65 years or I think it's around my
19 age or less, but it needs to be able to thrive.

20 Religious institutions are struggling in the District
21 of Columbia because our high land costs, because of the
22 demographics, because of everything, lots of challenges. But
23 they are providing a service. They've had a synergy with
24 American University for many decades. I want to keep that going
25 and I certainly support setting this down for a public hearing

1 in this case, a hearing in conjunction with the campus plan case,
2 either the existing campus plan case or the new campus plan case,
3 but the Applicant needs to put into the record. All of that
4 record is important. It's relevant. There have been tweaks that
5 have been made as a result of the hearings, extensive hearing
6 that we held.

7 But all of that needs to carry forward in whatever way
8 that is efficient in a combined public hearing on both the campus
9 plan and the, whether it's a new case number or the old case
10 number, but with all the previous record and new record and with
11 the tweaks that have been made as a result of the public hearing,
12 and the information that's in the PUD application that's before
13 us. So I'm supportive of this being scheduled as expeditiously
14 as possible so that we can move forward with Wesley's intent to
15 be able to survive and thrive in D.C.

16 Thank you, Mr. Chairman.

17 CHAIRPERSON HOOD: Okay. Thank you, Vice Chair. I
18 will also be setting this down. For me I know there are a number
19 of moving parts and different ways and I want to thank our Staff
20 and also counsel for helping me lay out -- helping us to lay out
21 a direction, and I'm going to read this direction and actually
22 I'm going to read the direction unless I hear anything different
23 from my colleagues or if you object to this. I'm going to read
24 this direction moving forward to try to bring some context in
25 this. I don't have any questions, Mr. Cochran. I think your 40

1 pager or whatever it was very thorough, as I've stated in my
2 previous comments and I appreciate it always and I was just joking
3 about the time. I know you have to do what you have to do, but
4 you do a very thorough job in your writing, trust me.

5 So what I wanted to do was to try to put this into
6 context for the Applicant and for those who are listening who are
7 going to be participating in this case. Okay. I like when I
8 get advice. So let's do this. I don't have any problems setting
9 this down. I'm hoping to find some organization in this, through
10 this process, and I think some of this was created by us.

11 So let me get someone to make a motion and see how
12 we're going to proceed. I believe I would support setting this
13 down, I think I'm hearing from my other colleagues, but let me
14 get someone to make a motion to set this down.

15 VICE CHAIR MILLER: I'm not sure I was prepared to do
16 that but I'll make an attempt and my colleagues can correct me,
17 or legal counsel can correct me or anybody here can correct me.

18 I would move that the Zoning Commission set down for a
19 public hearing Case No. 23-08 preliminary and consolidated
20 planned unit development and campus plan for Wesley Theological
21 Seminary at 4500 Massachusetts Avenue, N.W., and ask for a second.
22 I don't know if I need to elaborate what that means. Somebody
23 probably does though.

24 CHAIRPERSON HOOD: No, we're doing fine. Commissioner
25 May, second?

1 COMMISSIONER MAY: I'll second it, yes.

2 MR. LIU: Sorry to interrupt. I think the motion, in
3 your motion, Mr. Miller, you included the campus plan.

4 VICE CHAIR MILLER: Yes.

5 MR. LIU: The campus plan is not part of the set-down
6 vote. It is -- it's just the PUD.

7 COMMISSIONER MAY: (Indiscernible).

8 VICE CHAIR MILLER: We did combine it with the campus
9 plan -- with a campus plan case whether it's a new case number
10 or the existing one, a new one that we asked the Applicant to
11 incorporate everything in the record from the previous into this
12 case. How did we do that?

13 CHAIRPERSON HOOD: Let me make the motion. Let me make
14 the motion. I was doing that for, or I was advised
15 (indiscernible). Let me make the motion.

16 I move that we set-down Zoning Commission Case No. 23-
17 08 Wesley Theological Seminary of the United Methodist Church
18 consolidated PUD for related for 2022 to 2032 campus plan of them
19 at Square 1600. Is that sufficient? Mr. Liu?

20 MR. LIU: Yes.

21 CHAIRPERSON HOOD: Okay. And let me ask for a second.

22 VICE CHAIR MILLER: Second.

23 CHAIRPERSON HOOD: Okay. It's been moved and properly
24 second. Any further discussion? Okay. I don't want the
25 Applicant to go anywhere because I have something -- a statement

1 that I'm going to read after, I've been advised to read this
2 statement that I need to read after we do the motion. So that's
3 how, so I'm sorry for the confusion but I should -- that was a
4 last minute piece. All right.

5 So it's moved and properly second. Further discussion?

6 COMMISSIONER MAY: Now I'm very confused because I
7 didn't really hear much difference between what the two of you
8 said. But, you know, in any case we're really talking about the
9 PUD at this point and we still have to decide exactly how the
10 campus plan meshes with that is essentially what we're talking
11 about.

12 CHAIRPERSON HOOD: Okay. So I think, I heard a
13 difference but that's fine. I heard a difference between the
14 somewhat two different camps plans, but anyway let's -- I think
15 that might have been the issue. Correct, Mr. Liu? I probably
16 shouldn't even ask this question. Okay. That was the issue.

17 MR. LIU: (Indiscernible).

18 VICE CHAIR MILLER: As long as the campus plan is part
19 of the PUD, that's part of your motion. A campus plan is part
20 of the PUD.

21 CHAIRPERSON HOOD: Exactly. Not the other way. Okay.
22 So I think, I think, you know what?

23 MR. LIU: The campus plan will be part of the hearing
24 but not part of the set-down vote for this PUD.

25 VICE CHAIR MILLER: Okay.

1 CHAIRPERSON HOOD: All right. I just read the caption.
2 Either way we'll leave it for technical corrections with Staff
3 and OZ LD. All right. Moved and properly second. Any further
4 discussion? Not hearing any. Ms. Schellin, would you do a roll
5 call vote, quickly?

6 MS. SCHELLIN: Are you going to read your statement?

7 CHAIRPERSON HOOD: I'm going to read my statement after
8 the vote.

9 MS. SCHELLIN: Okay. And just to clarify, Rob. Campus
10 plans are not set-down. That was the issue, only the PUD. So
11 it's a campus plan and the PUD is used to get to the campus plan.
12 So that was the only problem with your motion.

13 Chairman Hood?

14 CHAIRPERSON HOOD: Yes.

15 MS. SCHELLIN: Commissioner Miller?

16 VICE CHAIR MILLER: Yes.

17 MS. SCHELLIN: Commissioner May?

18 COMMISSIONER MAY: Yes.

19 MS. SCHELLIN: The vote is three to zero to two to set-
20 down Zoning Commission Case No. 23-08 as a contested case, the
21 minus two being Commissioner Imamura who is not present not voting
22 and the third Mayoral appointee seat being vacant.

23 CHAIRPERSON HOOD: Okay. And again, I want to thank
24 you, Vice Chair Miller and Commissioner May for taking that
25 because I should have made the motion, but it was fine, because

1 I wanted to read this statement. I just didn't know when to read
2 this statement as we've been advised if we set it down, which we
3 did, and I want to thank our Staff trying to put some order and
4 context into all of this, and I'm hoping the applicant is
5 listening and those who are going to be participating in this
6 case are listening to this and I'll read it twice.

7 "The Commission is waiving Subtitle Z 600.3(d) which
8 states when an Applicant withdraws a case, it has to wait 90 days
9 to file a new case essentially the same. With the waiver, we
10 are directing the Applicant to withdraw Case No. 22-13 and file
11 a new campus plan case. Once that's done we are authorizing the
12 campus plan and the PUD case to be heard together."

13 Let me read it again and if there's any mistakes or
14 doesn't understand what I'm saying, I'm reading it for the record,
15 please contact Staff or our Office of Zoning Legal Division.

16 "The Commission is waiving Subtitle Z § 600.3(d) which
17 states when an Applicant withdraws a case it has to wait 90 days
18 to file a new case essentially the same. With that waiver, we
19 are directing the Applicant to withdraw case No. 22-13 and file
20 a new campus plan case. Once that's done, we are authorizing
21 the campus plan and PUD case to be heard together."

22 Any objections, to my colleagues? All right. So to
23 me, that gives us some type of a chronological order and some
24 type of order in what some people might call organized chaos, but
25 we're going to get through it and we're going to make it work,

1 as the Vice Chair has mentioned.

2 All right. Anything else on this? Ms. Schellin?

3 MS. SCHELLIN: Not on that case.

4 CHAIRPERSON HOOD: Do we have anything --

5 MS. SCHELLIN: But I do have something else, if you're
6 finished.

7 CHAIRPERSON HOOD: Anybody else have anything on that?
8 Okay. I'm finished.

9 MS. SCHELLIN: Okay. So at the last meeting, this just
10 came in at like ten minutes -- well actually maybe not even ten
11 minutes, it's 3:47 -- at the last meeting it appears, I was not
12 here, but it appears that on Case No. 22-33 the map amendment
13 case for 7050 Eastern Avenue, Elm Gardens Owner, LLC and the NHP
14 Foundation, that the Commission gave them until today to advise
15 the Commission whether they would -- that you guys deferred
16 deliberations to allow them to advise by today whether they would
17 file a PUD application with maybe a related map amendment.

18 The Applicant has filed this letter asking that they
19 have an additional two weeks to allow the full management team
20 of NHP Foundation to meet and vote on this matter. That would
21 give them until our next meeting June 8th. I don't know if the
22 Commission wants to set a deadline and I think the reason why
23 you set the deadline was so that you'd know whether to move
24 forward with deliberations on that case or not.

25 So they're just asking for an additional two weeks and

1 I guess at that time they will advise what they want to do and
2 if they choose not to move forward, then I guess the Commission
3 would proceed with deliberations on that case.

4 CHAIRPERSON HOOD: Okay. Thank you, Ms. Schellin. Let
5 me try to see if I recall this and I'm probably going to mess
6 all this up. But I think that where we were going, Commissioner
7 May and Vice Chair Miller, I think we had enough votes to deny
8 and we did not want to go there. We were in the process I believe
9 of denying, so we wanted to give them the opportunity to redefine
10 and come back with either a -- and I didn't want to give them a
11 direction. I know we threw out some different things
12 (indiscernible).

13 So the deliberations were had, I believe. I think the
14 issue was whether or not we move forward and just deny it, but
15 we didn't want to -- this Commission is not heavy handed. We
16 try to be very congenial and try to allow the applicants
17 opportunities to be able to work with the communities and do
18 certain things which we think is in the scope and especially with
19 the zone and that particular map amendment so, and this wasn't
20 on the agenda.

21 So I think what we wanted to know was whether or not
22 they were going to try to come back with something else and
23 working with Elm Gardens and all the parties that were involved
24 with that or whether or not we just go ahead and proceed with
25 our denial, because I think that's where we were -- did I capture

1 that right, colleagues, Commissioner May and Vice Chair Miller?

2 COMMISSIONER MAY: Yes.

3 CHAIRPERSON HOOD: Okay. So that's kind of where we
4 were with that. So they're asking now for two additional weeks
5 and they haven't decided on what they're going to do yet, so do
6 we want to allow that? Colleagues?

7 COMMISSIONER MAY: Yes. It makes sense.

8 CHAIRPERSON HOOD: Okay.

9 VICE CHAIR MILLER: Yes (indiscernible).

10 CHAIRPERSON HOOD: Okay. So we'll do that. Are they
11 going to notify us again, like in a meeting or are they going to
12 tell us -- or they want to just tell Staff, because that's what
13 I thought they were going to do, just tell Staff and then you
14 all can convey it to us?

15 MS. SCHELLIN: That's what they did. They, well, yes,
16 that's what they did and you set a date of May 5th and so that's
17 what I'm doing is letting you know.

18 CHAIRPERSON HOOD: Did we set the date May 25th or May
19 5th?

20 MS. SCHELLIN: I'm sorry. May 25th, yes.

21 CHAIRPERSON HOOD: That's -- they're 20 days late.
22 Okay. All right.

23 MS. SCHELLIN: May 25th. I'm sorry.

24 CHAIRPERSON HOOD: So two weeks, yes, and can they let
25 us know before our meeting so we can finish deliberating depending

1 upon what they're want to do? Oh, no, we can't do that though,
2 and you know what? I'm going to stop talking. All right. We
3 will deal with that at the appropriate time. We'll let Staff
4 work with that.

5 Anything else, Ms. Schellin?

6 MS. SCHELLIN: If you'd like to proceed that way and
7 move forward with deliberations if they decide not to move forward
8 with anything, we could have them notify you by June 20th and
9 that way if they say that they are not going to file for other
10 relief you could proceed with deliberations on the 29th and make
11 that -- put it on the June 29th agenda.

12 CHAIRPERSON HOOD: So we can deliberate -- if they're
13 not going to move forward we can deliberate no sooner?

14 MS. SCHELLIN: You could, but then you would be asking,
15 they're asking for two weeks. I think we would need to know, we
16 would have to know by next week.

17 CHAIRPERSON HOOD: Okay. So let me just say, and I'm
18 just throwing this out here. If they, I'm probably in too much
19 to this, but if they're going to let us know in two weeks we can
20 come prepared to -- if they've not going to move forward we can
21 deliberate --

22 MS. SCHELLIN: Oh, we can put it on for June 29th, yes.
23 If they're not going to move forward.

24 CHAIRPERSON HOOD: I'm actually trying to get it before
25 the 29th of June. I'm trying to get it sooner.

1 MS. SCHELLIN: If you guys feel like you're ready I
2 guess we could last minute put it on the agenda, absolutely.

3 CHAIRPERSON HOOD: Is anybody objecting to that?

4 Commissioner May or Vice Chair Miller? Any objections
5 to that?

6 COMMISSIONER MAY: I don't think I really want to find
7 out at 3:47 that we're going to be deliberating. But if we get
8 notice a couple of days before, I think that's fine.

9 MS. SCHELLIN: How about the 6th?

10 COMMISSIONER MAY: That's what I mean. Well, on that

11 --

12 MS. SCHELLIN: The 6th would be good?

13 COMMISSIONER MAY: Is it the 6th or is it the 8th?

14 MS. SCHELLIN: The meeting's on the 8th. So if they
15 notify --

16 COMMISSIONER MAY: Oh, yes.

17 MS. SCHELLIN: -- if we give them until the 6th and
18 then that way --

19 COMMISSIONER MAY: Yes.

20 CHAIRPERSON HOOD: Give them until the 6th.

21 MS. SCHELLIN: -- if they say 3 o'clock p.m. on the
22 6th, if they decide not to move forward then I can put it on the
23 agenda for deliberations.

24 CHAIRPERSON HOOD: Okay. Any objection?

25 COMMISSIONER MAY: That's fine if we're going to put

1 it on the agenda for deliberations. If they need until the 8th,
2 then we're just not -- then I just think we should not take it
3 up on the 8th. We would take it up on the 29th.

4 MS. SCHELLIN: Okay.

5 COMMISISONER MAY: That's my thought.

6 VICE CHAIR MILLER: I'm going to agree with that.

7 CHAIRPERSON HOOD: Okay. I can go with that. Let's
8 do it that way. Okay.

9 COMMISSIONER MAY: Okay.

10 MS. SCHELLIN: I'll advise them. Thank you. That's
11 all I have. Thank you.

12 CHAIRPERSON HOOD: Anything else for this meeting, Ms.
13 Schellin?

14 MS. SCHELLIN: I'm sorry. Let me just check one thing.
15 I don't think OP has a report since I was notified, so I think
16 we are all good.

17 CHAIRPERSON HOOD: Okay.

18 MS. SCHELLIN: That's correct.

19 CHAIRPERSON HOOD: Thank you. The Zoning Commission
20 will meet again June the 1st, 2023 on the same platforms at 4
21 p.m. Our case is Zoning Commission Case No. 22-34, this is the
22 Berean Baptist Church map amendment, I believe that's what that
23 is. So we're back -- I want to thank everyone for their
24 participation this evening and I hope you all have a great
25 Memorial Day, and I'll see you back on June 1st. Good night.

(Whereupon the above-entitled hearing was adjourned.)

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In the matter of: Public Meeting

Before: DCZC

Date: 05-25-2023

Place: Teleconference

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

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