

GOVERNMENT OF THE DISTRICT OF COLUMBIA

ZONING COMMISSION

VIRTUAL PUBLIC MEETING

VIA WEBEX

THURSDAY, NOVEMBER 9, 2023

The Public Meeting 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  
JOSEPH S. IMAMURA, Commissioner  
TAMMY STIDHAM, 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

This transcript constitutes the minutes from the Public Meeting held on November 9, 2023.

C O N T E N T S

1. Zoning Commission Public Meeting Introduction And Preliminary Matters for the Zoning Commission Public Meeting of November 9, 2023	3
2. Final Action: Z.C. Case No. 23-06 Blue Ridge 1515 9th Street, LLC - Map Amendment At Square 397	5
3. Final Action: Z.C. Case No. 23-08 Wesley Theological Seminary of the United Methodist Church - First-Stage PUD at Square 1600, Lot 6 (818 & 819), 7, 8, and 9	9
4. Final Action: Z.C. Case No. 23-08(1) Wesley Theological Seminary of the United Methodist Church - Campus Plan at Square 1600, Lot 6 (818 & 819), 7, 8, and 9	9
5. Final Action: Z.C. Case No. 23-07 701 Michigan, LLC - Map Amendment at Square 3657, Lots 11 and 830	55
6. Time Extension: Z.C. Case No. 08-34M Capitol Crossing III, LLC & Capitol Crossing IV, LLC - Two-Year PUD Time Extension at Square 566	58
7. Hearing Action: Z.C. Case No. 23-25 Office of Planning -- Text and Map Amendments to Create the Chevy Chase Neighborhood Mixed Use Zones (NMU-4/CC1 & NMU-4/CC2) at Squares 1859, 1860, and 1865-1868)	60
8. Correspondence: Z.C. Case No. 89-07 1200 K Street I Co., LLC & K Street II Co., LLC - Motion to Extinguish PUD	76

## 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, joined by Vice Chair Miller, Commissioner Stidham, and Commissioner Imamura.

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, and also our Office of Zoning legal division, Mr. Lovick, I'm sorry, Ms. Lovick, Mr. Ritting. I'd already moved to Mr. Ritting before I could call Ms. -- but anyway, let me start all over. Ms. Lovick, Mr. Ritting, and Mr. Liu.

I will ask all others to introduce themselves in and when they are, if needed. 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 also webcast live Webex and YouTube live. The video will be available in the Office of Zoning's website after the meeting. Accordingly, all those listening on Webex or by phone will be muted during the meeting unless the Commission suggests otherwise.

For hearing action items the only documents before

1 us this evening are the application, the ANC set down  
2 report, and the Office of Planning report. All other  
3 documents in the record will be reviewed at the time of the  
4 hearing.

5           Again, we do not take any public testimony in our  
6 meetings unless the Commission requests someone to speak.  
7 If you experience difficulty accessing Webex with your phone  
8 call-in, then please call our OZ hotline number at (202)  
9 727-0789 for Webex or login or call-in instructions.

10           At this time, before I go to the -- Ms. Schellin,  
11 I will bring up a preliminary matter. We want to wish Ms.  
12 Schellin a happy birthday tomorrow. I think I have that  
13 right. Okay. We want to wish her a happy --

14           MS. SCHELLIN: Correct, yes, Semper Fi.

15           CHAIRPERSON HOOD: We want to thank her -- when we  
16 were together, we would always have a cake. She would  
17 always make sure we all had cakes and everything, but we'll  
18 show you our appreciation. We want to know -- want you to  
19 know we hope you have a great day tomorrow, and go out and  
20 eat some crabs, and hopefully you'll be hearing from us  
21 soon. So thank you very much and -- for all you do.

22           MS. SCHELLIN: Thank you, guys.

23           CHAIRPERSON HOOD: And happy birthday.

24           All right. Now, let's go. Ms. Schellin, do we  
25 have any preliminary matters?

1 MS. SCHELLIN: No preliminary matters.

2 CHAIRPERSON HOOD: Okay. All right. Let's go to  
3 the first case. Give me one moment. Final action, Zoning  
4 Commission case number 23-06, Blue Ridge 1515 9th Street,  
5 LLC - Map Amendment at Square 397. Ms. Schellin.

6 MS. SCHELLIN: Yes, sir. At Exhibit 79, 79-A, you  
7 have the applicant's cover letter with a draft order.  
8 Exhibit 80 is an NCPC report where NCPC filed a letter  
9 stating that the proposal is not inconsistent with the comp  
10 plan and would not adversely affect any identified federal  
11 interest. So this case is ready for the Commission to  
12 consider final action. Thank you.

13 COMMISSIONER IMAMURA: Mr. Chairman, you're on  
14 mute.

15 CHAIRPERSON HOOD: I don't, I don't do that very  
16 often. Thank you. So thank you, Commissioner Imamura.

17 Just to refresh our memories, this is a case that  
18 we heard as stated, I think it was July the 31st, was our  
19 public hearing, and this -- the property consists of  
20 approximately 8,057 square feet of land located in ANC 2G,  
21 and I believe ANC 2G weighed in. They weighed in in  
22 support.

23 And it's -- bound on Lang Street (sic), Northwest  
24 to the west and, and the coordinates -- the property is  
25 located within the southern portion of Shaw neighborhood and

1 falls within the boundaries of the Shaw historic district.

2           And one of the things that we, we spoke about  
3 already, that we've talked about, we talked about the  
4 outreach to opponents as requested by the Commission at the  
5 conclusion of the hearing. That was done. The proposed MUB  
6 zoning is more appropriate than the ME-5A because the  
7 proposed ME 5B zone will allow for additional affordable  
8 housing. I think the Commission came up with that.

9           Then MU -- well, we've been advised that that MU-4  
10 was not appropriate for the site because it is inconsistent  
11 with the FLUM. The applicant that's -- we -- the applicant  
12 also -- the Commission agreed with applicant about the small  
13 area plan. It shows that the property is not very fine-  
14 grained, therefore it's not true that the applicant was  
15 mischaracterizing it as one that has been stated. I think  
16 we all went along with that.

17           And, and then the development of the property with  
18 the taller building may affect neighborhood character was  
19 one of the things that we dealt with, but we was justified  
20 given comprehensive other plan policies that support  
21 additional housing and affordable housing.

22           Then also, I think there was mention of generation  
23 pressures on the neighborhood, development of additional  
24 housing and affordable housing permitted by the rezoning  
25 would help to address gentrification, the exact opposite of

1 what was discussed, mentioned to us previously. And we, we  
2 -- the applicant has made efforts and promised to continue  
3 to help relocate the daycare facility on the site. And  
4 again, this, this as we noted, that IZ+ will apply to this  
5 map amendment.

6 So I think I, think I teed it up best I could, and  
7 I, I'm going to go to Commissioner Imamura if he has any  
8 additional or anything else.

9 COMMISSIONER IMAMURA: Thank you, Mr. Chairman, no  
10 additional comments. I think your summary was spot on, so,  
11 you know, this seems ripe for final action in my view, and  
12 I'm prepared to support and am in agreement. You know, I'm  
13 always a little cautious about making sure that, that we've  
14 got the appropriate zone, and here it seems to be pretty  
15 straightforward that we're in a transit rich site and that  
16 the MU-5B is appropriate for this.

17 So I'm prepared to vote in support and have  
18 nothing additional to add to your summary, Mr. Chairman.

19 CHAIRPERSON HOOD: Thank you, Commissioner  
20 Imamura.

21 Commissioner Stidham.

22 COMMISSIONER STIDHAM: I agree. It, it seems very  
23 straightforward and I'm prepared to support as well.

24 CHAIRPERSON HOOD: And Vice Chair Miller.

25 VICE CHAIRPERSON MILLER: Thank you, Mr. Chairman.

1 I concur with all of your comments and those of my  
2 colleagues, Commissioners Imamura and Stidham. And, you  
3 know, as I said, a proposed action, this case largely a comp  
4 plan consistency case, and the medium density future land  
5 use map designation does justify the MU-5A -- the MU-5B  
6 zoning, as opposed to the existing MU-5A or some alternative  
7 zoning, and will support all the -- as you've said, Mr.  
8 Chairman, the comp plan strong policies promoting additional  
9 housing and affordable housing.

10 So I'm prepared. And we have the AN -- as you  
11 said, the ANC support, Office of Planning support, which we  
12 gave great weight to. Thank you.

13 CHAIRPERSON HOOD: Thank you.

14 Commissioner Imamura, would you make the motion,  
15 please?

16 COMMISSIONER IMAMURA: Sure thing, Mr. Chairman.  
17 I move that the Zoning Commission take final action on Case  
18 Number 23-06, Blue Ridge 1515 9th Street, LLC Map Amendment  
19 Square 397, and ask for a second.

20 VICE CHAIRPERSON MILLER: Second.

21 CHAIRPERSON HOOD: Okay. So moved and properly  
22 second.

23 VICE CHAIRPERSON MILLER: I defer to Commissioner  
24 Stidham.

25 CHAIRPERSON HOOD: Okay. It's moved by



1 Commissioner Imamura, second by Commissioner Stidham, moved  
2 and properly second. Any further discussion?

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

5 MS. SCHELLIN: Yes. Commissioner Imamura?

6 COMMISSIONER IMAMURA: Yes.

7 MS. SCHELLIN: Commissioner Stidham?

8 COMMISSIONER STIDHAM: Yes.

9 MS. SCHELLIN: Commissioner Hood?

10 CHAIRPERSON HOOD: Yes.

11 MS. SCHELLIN: Commissioner Miller?

12 COMMISSIONER MILLER: Yes.

13 MS. SCHELLIN: The vote is four to zero to one to  
14 approve final action in Zoning Commission case number 23-06,  
15 the minus one being the third mayoral appointee seat, which  
16 is vacant. Thank you.

17 CHAIRPERSON HOOD: Okay. This next case, we'll  
18 call both of them together, Zoning Commission case number  
19 23-08, Wesley Theological Seminary of United Methodist  
20 Church - First Stage PUD at Square 1600, Lot 6, and then  
21 Zoning Commission case number 23-08(1), Wesley Theological  
22 Seminary of the United Methodist Church - Campus Plan at  
23 Square 1600, Lot 6 (818 & 819) 7, 8, and 9.

24 Ms. Schellin.

25 MS. SCHELLIN: Yes, sir. There are quite a few

1 exhibits since the hearing, and so we have the applicant's  
2 draft proffers and conditions at Exhibit 56 in the PUD case,  
3 Exhibit 47 in the campus plan, the revised proffers and  
4 conditions at Exhibit 59 in the PUD case.

5           The NLC, the, the party in opposition, their draft  
6 or rather response to the draft proffers and conditions are  
7 at Exhibit 57 and 48, and then the revised proffers, their  
8 responses at Exhibit 64 and 54, and then their response to  
9 the applicant's revised proffers again at Exhibits 65 and  
10 55.

11           So then we move onto the applicant's post-hearing  
12 submission at Exhibits 58 and 49, respectively. Then we  
13 have ANC 3E's closing statement, which -- or I don't think  
14 they meant to call it a closing statement, but -- because  
15 they're not entitled to a closing statement, but Exhibits 60  
16 and 50, respectively.

17           And then you have NLC's response to the  
18 applicant's post-hearing statement at Exhibits 61 and 51,  
19 respectively. And then NLC's proposed or draft order at  
20 Exhibits 62 and 52, respectively, and the applicant's  
21 proposed order at Exhibits 63 and 53.

22           And this -- these cases are ready for the  
23 Commission to consider final action. Thank you.

24           CHAIRPERSON HOOD: Okay. Thank you. I want to  
25 just ask the public's indulgence. We're going to talk about

1 this. We're going to talk through this, and it might sound  
2 confusing at the time, because even talking about it and  
3 thinking about it and reviewing it, it gets confusing at  
4 times. So I want to just, just ask for your indulgence.

5 Just to rehash, the relief sought or requested by  
6 the applicant -- and I want to talk about the campus plan  
7 portion first.

8 It was review and approval of zoning relief  
9 requests required for Wesley campus plan to thrive in place,  
10 and then the PUD part of it was a first stage PUD for the  
11 entire Wesley Seminary campus, a consolidated PUD for a new  
12 dormitory to house Wesley and American University students,  
13 and then relief and flexibility from the IZ program  
14 requirements and area branch from the height setback  
15 standards for the new dormitory and flexibility from the  
16 validity period for first stage PUD and consolidated PUD.

17 One of the things -- we've asked for a few things,  
18 and let me go back. Let me just try to run that list.

19 A few things that we asked for that we heard the  
20 applicant's presentation, requested, requested the follow  
21 (sic) additional information from the applicant,  
22 clarification from DHCD after its views on the likely  
23 success of the proposed affordable student bed program and  
24 draft affordable housing covenant with DHCD, a response of  
25 DOE's, Department of Energy and Environment's

1 recommendation to utilize net zero design standards, a  
2 detailed roof plan, including any sustainable features such  
3 as green roof and solar panels. I will definitely be  
4 leaning on Commissioner Imamura for that.

5 Consider appointing an ombudsman to monitor  
6 validation of the proposed affordable student bed program,  
7 and then data showing what number of District residents  
8 would be prioritized and how many Wesley and AU students are  
9 existing D.C. residents. We received that information.

10 A response to the opposition's party -- party's  
11 PowerPoint presentation.

12 The Commission -- we also heard from the  
13 government agencies DDOT and OAH proceeding, and requested  
14 the following from OP: Clarification BACD (phonetic) about  
15 his views, and then a status update on the pedestrian  
16 connection between the AU and Wesley campus.

17 Then the Commission heard testimony from ANC 3E  
18 and 3E was in opposition to the application. ANC 3E urged  
19 the Commission to deny the application because of perceived  
20 flaws with the Wesley proposal affordable student bed  
21 program, including uncertainty about BACD's ability to  
22 oversee it and the lack of enforceability.

23 And then, then we talked about the new dorm is not  
24 a dormitory or a residential -- it was claimed that the new  
25 dorm is not a dormitory or residential use, but a form of

1 commercial housing whose primary benefit to Wesley is  
2 revenue generation. The PUD's public benefits and amenities  
3 are inadequate and do not primarily benefit the residents of  
4 ANC 3E. Wesley should increase its affordable set aside  
5 from approximately 10 percent of total beds to 15 percent.  
6 And then the new dorm would create objectionable impacts,  
7 such as excessive parking and noise.

8           ANC 3E requested mitigation measures, including  
9 funding for Capital Bikeshare stations, covered bike share  
10 parking, bus shelters, and TransitScreen.

11           Commission heard testimony also from ANC 3D and  
12 these Spring Valley Neighbors Association, who were in  
13 support of the application as presented.

14           Then we had comments from the Neighbors for  
15 Livable Community and the Spring Valley Wesley Heights  
16 Citizens Association. The opposition argued the following:  
17 The new dorm is not a dormitory. Wesley has not provided  
18 sufficient data on its student enrollment to show they can  
19 fully occupy the 70 affordable beds that are being proposed.  
20 The new dorm will result in objectionable impacts due to its  
21 excessive height and density. And then overall the PUD is  
22 inconsistent with the character of Wesley's campus and will  
23 set, set a bad precedent for campus plans elsewhere. The  
24 Commission is effectively writing the campus plan  
25 regulations without the public hearing or text amendment,

1 and then Wesley has not proposed any meaningful public  
2 benefits or amenities and most of what is afforded --  
3 offered are mitigation measures. None of the benefits are  
4 targeted to ANC 3E.

5           The Commission heard testimony from various  
6 individuals and organizations of opposition who raised the  
7 following issues: New dorm would create -- be  
8 objectionable. The proposed affordable student bed program  
9 is inherently flawed.

10           The Commission heard the applicant's rebuttal and  
11 the ANC 3E's, NLC, Spring Valley Wesley Heights Citizen  
12 Association cross on rebuttal. The applicant stated it  
13 would file its closing statement in the written submission,  
14 which has been done.

15           All right. I think, you know, nobody's going to  
16 remember all that, but I did that for the record, and let's  
17 just kind of break it down. And I want to start off with  
18 Vice Chair Miller, whichever one you want to talk about, the  
19 PUD, the campus plan portion, whichever one. However you  
20 want to start it, I will -- we'll adjust. Vice Chair  
21 Miller.

22           VICE CHAIRPERSON MILLER: Okay. Thank you. I  
23 think, Mr. Chairman, I'll try to be somewhat coherent here.  
24 This is a -- we're at final action, right, on a -- which  
25 we've been at for about a year, almost, on this -- on them,

1 or related, the related campus plan case when there were  
2 concerns raised about how unique this, this campus plan  
3 application was, and that perhaps another process needed to  
4 be combined with it, and a suggestion was made, not directed  
5 at all by the Zoning Commission as Chairman Hood indicated  
6 at the time.

7           But a suggestion was made that maybe the PUD  
8 process, which had been used elsewhere with a university  
9 might be an appropriate place where we could evaluate all  
10 the benefits, amenities, and the mitigation measures and  
11 adverse impacts, and, and in conjunction with the  
12 comprehensive plan -- and in conjunction with the campus  
13 plan.

14           So the applicant went down that route and had --  
15 and, and proposed the combined PUD and campus plan process,  
16 which we had a public -- two public hearings on earlier this  
17 fall, earlier this year. And, and concerns were raised then  
18 that it still wasn't the right -- that, that the -- concerns  
19 were raised that the public amenities and benefits were not  
20 commensurate with the relief that's being requested in this  
21 case, which is a unique case. We've all acknowledged that.

22           It's, it's because the student dorm being proposed  
23 on Wesley's campus will largely serve, not exclusively, but  
24 largely serve the students of the immediately abutting  
25 American University.

1           And so normally a university's dorm that is  
2 exclusively used by its students, faculty, and staff is  
3 exempt from inclusionary zoning because this is -- because  
4 this -- well, even with the campus plan without the PUD, the  
5 applicant was proposing that their -- they would meet, as,  
6 as a result of community concerns being raised, that --  
7 about the population that would be occupying the -- the AU  
8 population that would be largely occupying the new student  
9 dorm in addition to the Wesley population, the applicant  
10 proffered a -- or proposed in the campus plan, proffered in  
11 the PUD an affordable housing covenant in lieu of IZ, which  
12 it doesn't fit clearly into this situation.

13           And they did a lot of work on that affordable  
14 housing covenant, which has been agreed to by DHCD as  
15 something that they could work with that would provide the  
16 same or more, I think slightly more housing for affordable  
17 units than what inclusionary zoning would require for a 659-  
18 unit built dorm, residential building, and they had income  
19 levels which were deeper than IZ would require. They had  
20 the income levels at the 30 percent level, the, the 50  
21 percent level, and 60 percent or below level.

22           And so, you know, I was one who might have been in  
23 the minority who thought that the campus plan as proposed  
24 with an affordable housing covenant that was unique to this  
25 campus in terms of what they were proposing with the



1 abutting AU campus was something that we could, we could go  
2 with, in terms of a process.

3           We, we're at this -- we're at the process where  
4 now where we have before us the P -- combined PUD and the  
5 campus plan, and there's concerns raised that the public --  
6 the benefits and amenities, which include the student  
7 affordable housing, include the playground, include the  
8 community room, include a first source employment agreement,  
9 which is only a few employment -- few -- a few jobs, but  
10 it's -- it is the first -- first employment agreement.

11           But that -- there, there's concerns raised that  
12 that isn't, that isn't sufficient. The -- I think -- and  
13 so, and so concerns were -- and, and so the opposition  
14 testimony called for a text amendment. I think the  
15 opposition testimony from both ANC 3E and from the -- which  
16 is -- 3E is where the, where the AU is actually located  
17 after redistricting.

18           3D is -- most 3D, which supports this application,  
19 supported it as a campus plan and supports it as a campus  
20 plan/PUD, and they are the ANC most immediately adjacent to  
21 AU's impacts. 3E is really across Massachusetts Avenue and  
22 doesn't get as many impacts. It gets impact, but not as  
23 many as the residential neighborhood immediately abutting  
24 the AU campus in Spring Valley and Wesley Heights.

25           So a text -- they suggest -- they -- that party in

1 opposition and in -- and 3E suggested that a text amendment  
2 was needed to clearly state what the affordable housing  
3 requirement is and, and that it -- and, and that, that it --  
4 so -- so we had -- so we had before us the campus plan/PUD.  
5 We have suggestions that there needs to be a -- from the  
6 opposition in the record that there needs to be a text  
7 amendment.

8 I think some of the opposition will oppose this no  
9 matter what process we use. I think that's pretty evident.  
10 And I -- it's a unique case. It doesn't fit clearly, but I  
11 think it could have been, it could have been approved under  
12 the -- just a campus plan. It could have been approved  
13 under, under what's before us with the PUD.

14 I realize that, that some think that it's not --  
15 that the proper public amenities are not consent --  
16 commensurate with the relief, the exemption from the IZ  
17 that's being requested. But they're proposing a student  
18 housing covenant that if it works, and that's, that's a big  
19 if, but DHCD thinks they can make it work, would, would be  
20 more -- would be -- provide at least as much affordable  
21 housing.

22 And so I, I think that we could -- we -- it could  
23 be effectively administered. It could be part of the campus  
24 plan, with or without the PUD. I would like the affordable  
25 housing covenant no matter which way we go, even if we do a

1 text amendment that specifically exempted Wesley's campus,  
2 recognizing the uniqueness of this application, exempted  
3 Wesley's campus from the inclusionary zoning requirements,  
4 even if they have housing for other students, in this case  
5 AU immediately abutting, which I'm not sure exists anywhere  
6 else in this -- in the city.

7 I've rambled on a long time, Mr. Chairman, but I,  
8 I think that we could, we -- you know, I was concerned about  
9 this a year ago, that we were letting process get in the way  
10 of a good result perhaps happening, and I, I don't want to  
11 just focus on the result, but Wesley does need to thrive in  
12 place. That was the major theme of its -- and I think that  
13 -- they, like so many other religious institutions in the  
14 city are struggling to survive for a variety of reasons,  
15 including the cost of land and the -- and other factors.

16 So I, I think maintaining a public -- a religious  
17 educational institution such as Wesley, which has been there  
18 for 61 years, has an affiliation, a religious affiliation as  
19 I recall, with, with American University in terms of its  
20 original founding, could justify this -- this going -- the  
21 going, going, going forward in one form or another.

22 I could be supportive of the campus plan amendment  
23 by itself, with or without a PUD, with or without a text  
24 amendment that specifically exempts the Wesley campus to  
25 make clear that this hard case, which is a hard case for all

1 concerned, the public, the applicant, us, interested  
2 individuals, but a hard case oftentimes does make bad law.  
3 We don't want to make bad law that applies everywhere else.  
4 I want it just to apply here, and I'm, I'm open to going  
5 forward with whatever process a majority of the Commission  
6 might be comfortable with to allow this long-delayed,  
7 delayed case to go forward.

8               So I'll leave it at that, because I have a  
9 grandson coming in the room who is crying about this case  
10 as, as I am inside.

11              CHAIRPERSON HOOD: Okay. We, we may have to hear  
12 from him, depends on how we go.

13              Commissioner Imamura, you have any comments on  
14 this?

15              COMMISSIONER IMAMURA: Sure. Thank you, Mr.  
16 Chairman, and thank you Vice Chair Miller for articulating  
17 sort of the history of this case, where we've been, where  
18 we've come from, where we've been, and where we are now. By  
19 my math we've spent about 15 hours deliberating on this  
20 case. I've always said that zoning is, is an imperfect  
21 science, and it is imperfect and it's a little bit of  
22 science, a little bit of art, and that's because of these  
23 unique, but I would call it more unconventional cases.

24              Generally, you know, I always -- I'm inclined to  
25 say yes. This one is a difficult case, as Vice Chair Miller

1 described, certainly fraught with issues and challenges.  
2 And I guess I've got a couple notes here, Mr. Chairman, if  
3 you'll indulge me, and I'll, I'll try to be as succinct as I  
4 can.

5           So one of the issues that concerns me here is just  
6 sort of the framework and whether or not IZ really should or  
7 does apply to, to dorms. I think there's a collective  
8 agreement here that this is a residential use of the dorm.  
9 That's not really in question here. But, you know, can an  
10 affordable student housing program be effectively managed  
11 has been my concern, and the framework set up for that.

12           Certainly appreciate the affordable housing  
13 covenant that's been prepared. I'm still uncomfortable with  
14 the fact that there's some data missing here about, you  
15 know, the populations that exist that are eligible for this.  
16 We know that 90 students from Wesley is -- are D.C.  
17 residents; about 1300 from AU are D.C. residents. But we  
18 still don't know of, of that student population who might  
19 even be eligible.

20           And I'm disappointed that a project of this  
21 importance wasn't able to provide that information as the  
22 foundation for their argument here. I would have expected  
23 and assumed they would have been able to provide that  
24 information to say, these are the number of students that  
25 are eligible for affordable student housing as we've -- as

1 we're proposing.

2           Certainly Vice Chair Miller had brought up, you  
3 know, some of the other issues and concerns by the ANC about  
4 the streetscape and transportation infrastructure proffers  
5 that were requested by DDOT, not technically being proffers  
6 there, but mitigation measures. I'm kind of inclined to  
7 agree with that.

8           I would add, and during one of the hearings I did  
9 mention that there is a good point that Wesley makes that  
10 the campus plan here ensures and protects the open space.  
11 And that, that viewshed of the green space and open space is  
12 important to the community. And of course I think everybody  
13 is in general agreement that we'd like to see Wesley thrive  
14 in place. It's a matter of how we get there.

15           You know, and I'm also concerned about the broader  
16 policy implications, you know, affordable student housing  
17 and whether that -- whether or not the applicant's really  
18 demonstrated or proved that there is a demonstrable need for  
19 affordable student housing by AU students. I think that's  
20 the other thing that concerns me, is that AU's been largely  
21 silent on this. I think it would have been easier for  
22 Wesley if they had them as a partner here.

23           I had asked about an ombudsman from the Office of  
24 Tenant Advocate. While they've agreed to at least help send  
25 out, you know, informational flyers and support the students

1 by providing legal representation or at least referring  
2 students to non-profits for legal services, again, that just  
3 kind of contributes to my concern.

4 I am pleased to hear that DHCD is in agreement  
5 with the affordable housing covenant. And I think, you  
6 know, at -- I could be persuaded, but right now I'm very  
7 concerned that there is some extraordinary relief that's  
8 being requested here. I'm not fully convinced yet that the  
9 proffers are sufficiently adequate.

10 In terms of the design, that was another concern,  
11 Mr. Chairman, about superior architecture and urban design.  
12 I would argue that the applicant is achieving LEED gold, and  
13 while it's not net zero, and I think your comment to this,  
14 Mr. Chairman, about the solar panels, I read the record,  
15 read the, the additional documentation that the applicants  
16 provided.

17 I find it -- I'm, I'm satisfied with their  
18 justification about the solar plan -- solar panels on the  
19 roof in terms of the, the, the square footage that's  
20 available there for that. I think LEED role -- lead gold is  
21 still a laudable, and, and still a remarkable achievement  
22 there. Achieving net zero is -- would be overly burdensome  
23 and I'm not convinced that this particular project could  
24 achieve that.

25 In terms of the superior architecture and urban

1 design and that it's not really I guess in alignment with  
2 the existing architecture on the campus, that's not really a  
3 concern that I share.

4 I think it's -- and in terms of its height, scale,  
5 and mass, certainly compatible with the surrounding AU  
6 facilities adjacent to it. And the fact that it is rather  
7 vanilla works in its favor, works in the applicant's favor.  
8 I don't think that the architecture is extraordinarily  
9 offensive. I think that it naturally blends in, perhaps not  
10 with the same style of architecture, but again, I think the  
11 fact that it is vanilla it's a success.

12 That's where I stand, Mr. Chairman. I'm  
13 interested to hear Commissioner Stidham's point of view and  
14 her thoughts, as well as yours, Mr. Chairman, and anything  
15 else either of you might add on additional data that at  
16 least would give me a little peace of mind to ensure that,  
17 you know, we're, we're heading in the right direction.

18 Like Chairman Miller had said, I, I would prefer I  
19 think a text amendment to make this a little cleaner. I  
20 know we've gone through some exercises here with the PUD and  
21 perhaps a text amendment would be appropriate. But again, I  
22 can easily be persuaded.

23 So with that, Mr. Chairman, I yield back.

24 CHAIRPERSON HOOD: Thank you, Commissioner  
25 Imamura, and typically I don't ask commissioners questions,



1 but I'm asking you a question because that's helping me.  
2 Your comments, it was good to hear your architectural  
3 analysis.

4           So -- and I want to make sure I got it correct,  
5 because I was -- some of my concerns were what I've heard  
6 from the community. So you really don't think -- and then  
7 we did this in another case and I'm glad you brought that  
8 up, about the change of the façade and the character of  
9 architecture, and I was glad you brought that up.

10           But let me ask you this. So I didn't hear you say  
11 -- so you don't have any problem with the density in the  
12 envelope. Is that a correct assessment that I --

13           COMMISSIONER IMAMURA: That's correct, Mr.  
14 Chairman, because it's not just -- we don't want to judge  
15 this just by the property line of Wesley's campus, because  
16 it does abut AU's campus and there are buildings that are  
17 immediately adjacent. So, you know, I don't think that  
18 people will necessarily -- it, it's something that you  
19 evaluate in, in a broader context.

20           So, again, it's not just about the campus itself  
21 and within the property line. It's architecturally how does  
22 it communicate with the buildings that are surrounding it.  
23 I'm not fully convinced that it's -- in terms of mass,  
24 scale, and height that it's inappropriate. I know they did  
25 step back the building a bit. I think the illustrations

1 that they've provided and the tree canopy that covers some  
2 of it from the views from Mass, Massachusetts and elsewhere  
3 was very helpful.

4 And there is a formula to the solar -- to the  
5 photovoltaics and solar panels to determine whether or not  
6 it'd be effective and would yield enough points to get them  
7 over the edge to, to make it, you know, beyond LEED gold and  
8 to net zero.

9 And so I'm convinced that they've probably sussed  
10 this out and crunched the numbers and it just doesn't work.  
11 It's infeasible to, to make it net zero, given their  
12 financial formula and the program of the building and the  
13 way it's been designed, just -- it's just, just infeasible  
14 to, to get it over the edge to make it net zero.

15 CHAIRPERSON HOOD: Okay. Thank you. Now, that  
16 was very helpful. That was me asking you, so that was very  
17 helpful to me.

18 Okay. Commissioner Stidham.

19 COMMISSIONER STIDHAM: Thank you, Chair. This is  
20 a tough case. I went back over the record as during the  
21 hearing and the initial review of the record I had a lot of  
22 concerns related to the, the PUD, the use of the PUD process  
23 and what they're requesting in terms of the campus plan and  
24 those requirements.

25 I agree with a lot of what Commissioner Imamura

1 has pointed out as -- you know, starting with the campus  
2 plan. I have grave concerns about the impacts on the local  
3 community and the fact -- I'm not convinced that this meets  
4 the requirement of an educational use.

5           If this was a smaller building specifically for  
6 the students of Wesley, I think it would be much easier to  
7 understand that use. Having AU as part of the equation and  
8 not understanding how many people we're talking about that  
9 would qualify or even the, the interest there and them being  
10 largely silent I think just further complicates it. And not  
11 being -- and I agree with Commissioner Imamura, not  
12 providing that information doesn't support what they're,  
13 they're trying to accomplish here.

14           So as far as the campus plan, you know, I, I am  
15 not in agreement here that this is for an educational use.

16           For the, for the PUD, I just -- I don't feel it's  
17 the right process here for what they are trying to do. It's  
18 asking for a lot of relief and I'm, and I'm not seeing a  
19 benefit to the community at large.

20           So, frankly, I'm not in support of either. Maybe  
21 I could be convinced, but as I stand right now, I'm, I'm  
22 just not supportive of it.

23           CHAIRPERSON HOOD: All right. Thank you,  
24 Commissioner Stidham. I, I will tell you that as -- it's  
25 already been mentioned. I don't have to say it anymore, and

1 I know the vice chair said he was rambling, but I was  
2 thinking when he was saying that, then I'm going to be  
3 rambling and scrambling. So I'm going to not do that,  
4 because I'm all over the place.

5 But I will tell you that one of the things I think  
6 for me that's key, I've heard text amendment and I was not  
7 sure whether 3E was talking about in their rulemaking, was  
8 it the same thing that, that we kind of have been talking  
9 about and, and throwing around. I'm not sure where it came  
10 from and I'm not even sure we're talking about the same  
11 thing.

12 But one of the things I think is key and I think  
13 Commissioner Imamura said it and I'm not sure, I think  
14 others have said it too, this -- I still don't understand  
15 why AU is not at the table. I don't know why they are not  
16 here, because I understand the community, I understand what  
17 they're saying.

18 But then I also was thinking, and I'm really going  
19 to start scrambling now, and I said this at the hearing, has  
20 education changed? I, I remember having this conversation  
21 with Commissioner May over the years and Commissioner  
22 Turnbull over the years, and even the late Gerald Lee Crest  
23 (phonetic) over the years.

24 Are things changing and the Zoning Commission's  
25 not? Are we stuck in our ways? And I even thought about

1 that in this case. Is this the new way? And I think I  
2 mentioned this in the hearing because I know where my  
3 grandkids look. So I'm trying to figure out, are we stuck?  
4 Is there something that we need to do?

5 I, I hear about the text amendment. I agree with  
6 that. I think we all want Wesley to, to be in place. I get  
7 that. But also, I also think Wesley and AU, even though  
8 they're not a part of this for some reason, need to help us.  
9 I don't think it should all just be on us. And, and after  
10 hearing my colleagues, I don't even want to get no further,  
11 but if you all want to, I will.

12 I want to kick it back to them, because I, I  
13 looked at the, the transcript and I don't think anybody said  
14 do it this way, and I know -- I think what we, we, we trying  
15 to figure out -- and I, I want Wesley to understand this.  
16 We want to help. I want AU and I want the public to  
17 understand, we want to make sure -- I think -- I know the  
18 vice chair has made it plain, and I, I can go there too. I  
19 want to help.

20 But help us to help you. Right now, hiding and  
21 not -- and I'm not saying you're hiding, AU, because we, we  
22 all know you got a whole lot of land up there. But stepping  
23 back and not coming forward and telling us -- I think the  
24 neighborhood wants something predictable and they want the  
25 real deal.

1           But I was glad Commissioner Imamura was -- as far  
2 as I'm concerned right now on the Commission, an expert in  
3 architecture. I'm a expert to a degree, but not to the  
4 degree he is, and I think that's very helpful, what he said,  
5 hearing from somebody who has formal training. Yeah, I've  
6 been here 25 years and I got, I got, what do they call it,  
7 Philadelphia training. But I think that's important when I  
8 hear from someone who has formal training about the  
9 architecture. So for me, that's taken off the table.

10           And I will say this. Not to throw everything at,  
11 at AU and Wesley or anybody, some of the things from LLC,  
12 and I know they'll probably be upset with me after this,  
13 some of the things I, I think that they were concerned about  
14 is some of the things, things they were -- I'm not going to  
15 say accusing, because they were not accusing.

16           Some of the things that they were offering there  
17 could be potential problems I think is a stretch. I think  
18 they've really stretched some of those issues. I'm not  
19 saying all of them, but some of them you stretch. I'm not  
20 going to read them. I was going to read them and go through  
21 all that.

22           So I, I really don't know if we should continue in  
23 this fashion. We can, first of all, see -- let me do this.  
24 Because there are so many moving pieces to this, give me one  
25 moment. Let me look at my notes.

1           And I also always want to acknowledge Office  
2 Zoning legal division for capturing these in one or two  
3 sentences so we don't have to run around and look at  
4 thousands of sheets of paper and try to figure out where  
5 everything is. Get to my place.

6           So one of the things that, that I wanted to ask my  
7 colleagues, and, and I'm going to see how this goes, and  
8 I've heard the concern about the campus plan. Do we think  
9 that this is appropriate -- and I'm, I'm asking this for a  
10 reason, so I can figure out how we're going to go.

11           Do we think this is appropriate as presented to  
12 facilitate development on -- as -- of the new dorm and that  
13 the applicant meets the PUD balancing test and advances comp  
14 plan racial equity goals the way it's presented now? Do we  
15 think that? Anybody can go first or --

16           COMMISSIONER IMAMURA: I'll, I'll jump in here,  
17 Mr. Chairman. I'm not fully convinced that it advances  
18 racial equity goals. This is strictly -- this is specific  
19 to Wesley and AU students, so this doesn't involve the  
20 community and I'm not convinced that it advances racial  
21 equity goals for the comp plan.

22           You know, again, this is -- where we are is trying  
23 to fit a square peg in a round hole, and I appreciate that  
24 we've run down this process to, to figure out whether the  
25 PUD process works or doesn't work. And I, I'm not sure that

1 it does. I'm not entirely -- you know, I, I think that a, a  
2 dorm of this size and at this use is appropriate for Wesley.

3 But I'm -- to your question, Mr. Chairman, no, I,  
4 I don't personally believe that the -- this advances our  
5 racial equity goals for the city, again, because it's just  
6 specifically about AU students; 1300 of them are -- that are  
7 D.C. residents, anyway, 90 resident -- 90 students from  
8 Wesley that are D.C. residents for a student dormitory of  
9 600 and some units.

10 So that's essentially where I, I stand.

11 CHAIRPERSON HOOD: Okay. Commissioner Stidham,  
12 you want to opine on that as well?

13 COMMISSIONER STIDHAM: Yes. I agree with  
14 Commissioner Imamura. It's -- I -- these aren't D.C.  
15 residents. They -- it -- the unpredictable numbers. I  
16 don't, I don't think it, it promotes the racial equity that  
17 we're looking for for the neighborhood. I don't think it  
18 really does anything for the composition of the  
19 neighborhood.

20 CHAIRPERSON HOOD: Thank you.

21 Vice Chair Miller?

22 VICE CHAIRPERSON MILLER: Thank you, Mr. Chairman.  
23 So I respectfully disagree with my Commissioners Imamura and  
24 Stidham, to, to the extent that this provides affordable  
25 housing for students, whether they're students of Wesley or



1 students of AU who meet the income threshold, the deep  
2 income threshold requirements for 30 percent or below at --  
3 in the covenant, and the other income threshold requirements  
4 that are there. I think it does promote racial equity.

5           The -- on the issue of the D.C. residents, I mean,  
6 that, that's an issue in every inclusionary zoning case that  
7 we never get into. DHCD has its method of determining who  
8 D.C. resident -- which D.C. residents are qualified, whether  
9 they're living here, whether they're -- I don't know if it's  
10 whether they're paying taxes or voting or whatever.

11           But they need to meet those requirements, and at  
12 least the way I read the covenant, it's going to be the same  
13 requirements as, as the inclusionary zoning program. So  
14 that's not an issue for us, I don't think. I think they --  
15 I think if you live in D.C. nine months of the year, you are  
16 a D.C. resident, first of all.

17           But I think whatever standards DHCD criteria the  
18 AD -- DHCD uses to evaluate whether the affordable units  
19 should -- whether the student -- the, the students should  
20 qualify as residents are the same, so that'll be up to DHCD  
21 to enforce and administer.

22           And they -- and these students who need housing,  
23 the neighborhood doesn't want them in the neighborhood.  
24 They'd be on the campus. They don't want them taking --  
25 they don't want them in the apartment building that might be

1 rent-controlled in the neighborhood if, if these are  
2 students who are needy.

3           And there are -- there's a lot of evidence in the  
4 record about the Pell, Pell Grant students that exist at AU.  
5 And no one's denying that it's a wealthy university, but  
6 there are needy students at every university. That's why  
7 they have scholarship programs that are very generous to  
8 those who need them.

9           So to the extent that they're using an on-campus  
10 dormitory, yes, on Wesley's campus, and not going into the  
11 neighborhood, that's affecting the supply and demand in the  
12 neighborhood and, and helping keep prices down in the  
13 neighborhood and maybe not having the adverse impacts of  
14 students living in an apartment building in the neighborhood  
15 or in someone's basement of, of their house, more likely, or  
16 renting a whole house. I don't know.

17           So I, I think an argument can be made that racial  
18 equity is advanced, and I think that the D.C. residents'  
19 argument is not our issue. That's an issue in every IZ  
20 case, that they'll have to be -- the -- the qualified  
21 population would have to be -- I agree -- I think I said it  
22 the very first hearing on the campus plan, this would have  
23 been cleaner, easier, others have said it here today, and,  
24 and maybe before as well, that if A -- if Wesley had just  
25 sold the land somehow or disposed of the land to AU to build

1 this dorm and make -- and let AU come in for the campus  
2 plan, a campus plan amendment of its own that would deal  
3 with mostly AU students immediately abutting.

4           On the design issue, there is an area of -- in  
5 addition to the exemption from IZ or the uniqueness -- well,  
6 the exemption from IZ and the substitution of it with  
7 affordable housing covenant, in addition to that issue,  
8 there was the issue that there's an area variance being  
9 requested for the height adjacent -- it's actually adjacent  
10 to AU. It's because they increased the setback in response  
11 to neighborhood's concerns of the part of the building that  
12 is adjacent -- that is closest, closer to the residential  
13 single family homes.

14           So they -- because they increased that setback,  
15 they reduced the setback below our -- what minimum  
16 requirement on the AU side. So what -- it's the height  
17 setback in that case, and they already had reduced the  
18 height all -- overall, and the number of beds and the  
19 density as -- in a response to neighborhood concerns.

20           And on the -- just wanted to comment on the DDOT  
21 proffers, I agree they're mostly mitigation measures to --  
22 against adverse impacts, but I think they went beyond that,  
23 and the applicant did, at least, in offering the whole exit  
24 issue out of -- into University Avenue. And so I think it's  
25 -- and that was an issue for both 3D -- for 3D, not just 3E,

1 and I think for the party in opposition to not have certain  
2 turns out of -- on Massachusetts Avenue out of University  
3 Avenue, or on University Avenue.

4 So I think it's public benefit and in mitigation.  
5 I'll leave it at that. Thank you, Mr. Chairman.

6 CHAIRPERSON HOOD: All right. This is, this is --  
7 I appreciate every -- all my colleagues, and I don't think I  
8 agree with anybody, and that's the problem.

9 Even if we had another commission -- I mean, I  
10 agree some pieces of all of it, but my problem again is I  
11 don't, I don't think this is flavored right, because I  
12 don't, I don't understand why AU is -- this is benefitting  
13 AU. This is, this is -- this -- and I said this even when,  
14 when we first started, whether it was year ago or so.

15 And I've been, I've been prompted on how -- to  
16 help me remember about the ANC, and let me just say this for  
17 the record. ANC 3 wanted a text amendment to create a  
18 student affordable housing program. And I think one of the  
19 things that we've tossed around is a text amendment to  
20 exempt housing on the Wesley campus specifically from IZ, so  
21 that's two different things.

22 So I thought I -- I thought if we did the text --  
23 or we proposed a text amendment, which I, which I'm going to  
24 talk about in a moment, then that would solve some of the  
25 issues. I just, I just can't get over the fact that it

1 feels like the discussion that Commissioner Imamura and  
2 Commissioner Stidham and, and me and, and you, Vice Chair  
3 Miller -- I was supposed to go last, proper English, but I  
4 didn't.

5           It just feels like that as, as you mentioned the  
6 residential and commercial use, I think the community has a  
7 point. I think they bring up a very good point. As much as  
8 I want to -- Wesley to stay and thrive in place, and I, and  
9 I heard the president and I agree with the president,  
10 religious -- you're right, Vice Chair. Religious  
11 institutions are -- need help. There are many of them who  
12 are building houses and everything to offset the -- because  
13 I've said that.

14           But I just think this is not -- I don't know what  
15 -- and, and that's why I'm not going to make a  
16 recommendation, because I don't know what to come back with.  
17 I don't know how to get this done. Does AU get involved and  
18 as, as has been mentioned previously? Does -- and I don't  
19 want to talk about anybody selling land. That's the last  
20 thing I'm going to mention.

21           But does AU become a partner? What's wrong with  
22 that? And then that'll cut out some of the problems that it  
23 looks like we've -- that people may feel, even though I know  
24 -- I don't think that's the intent. Now, we're talking  
25 about a religious organization that, that the intent feels

1 like we're circumventing the issue. And I think what the  
2 community, at least 3E, and I understand 3D too. 3D is in  
3 support.

4 But it feels like, and not even from a regulatory,  
5 it just feels like somebody's trying to evade something or  
6 do something differently to cut out something else that they  
7 should do. I don't know, I don't know. That's kind of  
8 where I am.

9 Commissioner Imamura, you wanted to add something?

10 COMMISSIONER IMAMURA: Thank you, Mr. Chairman. I  
11 think, yeah, a couple points. I'm in agreement. I feel  
12 that I'd feel better about this if AU came to the table with  
13 Wesley as a partner and said, absolutely, we've got students  
14 that, that, you know, will be interested and, and could use  
15 this, you know, over 500-some beds, I think almost a hundred  
16 are supposed to be identified for Wesley, and this is  
17 terrific.

18 And that would, that would be helpful. We've  
19 heard from Wesley's partner that, you know, well, our market  
20 studies show that, you know, this is -- we've done this  
21 elsewhere across the country and, and we think that, that  
22 this could be successful here too. But, you know,  
23 essentially, AU students are majority of the population for  
24 this particular use.

25 To Vice Chair Miller's point about -- I'm, I'm

1 certainly supportive of affordable student housing. I want  
2 to be clear about that. I'm one of those students that  
3 could have benefitted from affordable student housing. I  
4 have the student loans to prove it. And I agree that this  
5 takes -- opens up the housing stock and, and provides  
6 students another housing option.

7           And personally, I think it gets -- I know one of  
8 the concerns was automobiles, cars, traffic, parking on the  
9 street, and this would certainly help alleviate some of  
10 that. So I think the use and purpose of the, of the dorm  
11 would benefit the neighborhood.

12           My issue is whether or not this is the appropriate  
13 tool, and I think I, I don't know if I'm fully convinced  
14 that the Zoning Commission should get in the business of  
15 affordable student housing. And, you know, what precedent,  
16 not just the fact that this is a ground lease and that we  
17 all agree this is a unique circumstance and that that's not  
18 the precedent here, but what other affordable student  
19 housing -- this would -- might set the benchmark for that  
20 for other programs. And so what are those unintended  
21 consequences of this?

22           I think I would prefer that, you know, the  
23 affordable housing covenant isn't apples to apples here or  
24 oranges to oranges equivalent to IZ. I think I'm, I'm not  
25 -- I'm less inclined to -- I think a text amendment might be

1 appropriate. I have some pause and reservation about  
2 highlighting or calling out Wesley specifically as the  
3 exemption here, but it is a means to an end.

4 And again, trying -- I -- trying to achieve the  
5 same goal here, the same end result. But, boy, Mr.  
6 Chairman, I would agree with you, your comment too that all  
7 the work is on us here. It would sure be great if -- you  
8 know, the good neighbor policy also includes the applicant  
9 working with, with partners, building partnerships to help  
10 us, you know, get to their end goal here.

11 And I think the weight of AU coming in to say,  
12 yep, this is great, we, we see a value and a benefit for our  
13 campus, for our students, and we confirm that there's a, a  
14 need for this. Right now we don't even have the data to  
15 substantiate that there's a need for AU students for 500 and  
16 some units.

17 So that's where I stand, Mr. Chairman.

18 CHAIRPERSON HOOD: Okay. So we know that we have  
19 some pause on the, the amendment, the campus amendment. We  
20 know that we're -- I'm -- I now have pause on the -- I, I  
21 would -- thought the text amendment would, would solve some  
22 of it, but because of the variations of that -- and I agree.  
23 I think all the work is being put on us.

24 And again, Vice Chair, I agree with you. I, I  
25 want Wesley to stay. I want all religious institutions to



1 stay in the District of Columbia. But it, it doesn't come  
2 with a compromise that I'm just throwing all -- everything  
3 out just so that -- but for me, it's procedurally incorrect,  
4 the way I see it. Because the reality of it is it's, it's  
5 helping sustain -- helping -- and it's very -- it's a very  
6 -- I've seen a lot of crafty stuff done bad and it's very  
7 crafty, but I don't think it's right.

8 I think the -- as part of the community, 3, 3E and  
9 some of the NLC has made a -- and the South -- Spring Valley  
10 Wesley Heights Community Association has made a point. But  
11 some of it I said is, is a stretch. I just think that AU  
12 has to be here somewhere. They need to be at the table.

13 And what I'm going to do, if, if my colleagues  
14 agree, because I think we can, we can hash this out all day.  
15 I think we'd be in the same place, because obviously don't  
16 have the votes. We don't have the votes to approve it. I  
17 think the vote would be two -- I can tell you right now what  
18 I heard the vote would be. It would be two, two to, two to  
19 one to one. No. It wouldn't be an abstain. Well, anyway,  
20 I'm not going to worry about that.

21 So, anyway, let's, let's -- what I would like to  
22 do, let's have this discussion this way. Let's put it back  
23 on the applicant. We can't solve the record. We don't tell  
24 them what to do. They either need to come back with us for  
25 some text amendments that deal with some of the concerns

1 that they've heard, or they need to -- as, as Commissioner  
2 Imamura and others have said, work with AU. I'm not going  
3 to say -- I'm not going to go that far, Vice Chair, and say,  
4 sell the land, because I, I don't want to go that far.

5 But they need to come back, if it's a joint  
6 application or however it's done. And I don't know -- I  
7 don't recall that ever coming up. I think we kept talking  
8 about it. But why was that not done? Because I'm sure that  
9 there is some reason out there that I don't remember, that,  
10 that -- why that was not done that way. Or I'm not sure.

11 Or like you said, Vice Chair, add it to the AU  
12 campus plan and make it -- there, there is a way that will  
13 do within the process and which we've already written our  
14 regulations to make this work. Why do we have to keep  
15 changing stuff, doing -- and I agree about the text  
16 amendment. We got to change this to make this work for this  
17 land. We can tailor it to this land, but I think the onus  
18 should not be on the Zoning Commission. We should be voting  
19 it up or down or making modifications.

20 So I'm sure somebody will misconstrue that and say  
21 that Anthony Hood and the Commission wanted the Wesley to  
22 leave and all -- I'm sure that's all going to come up, but  
23 that is not the case. So we're going to present it, present  
24 it right.

25 Okay. All right. Any, any other of my colleagues

1 have anything else to say?

2 COMMISSIONER IMAMURA: Yes, Mr. Chairman.

3 CHAIRPERSON HOOD: Commissioner Imamura.

4 COMMISSIONER IMAMURA: I second that, present it  
5 and present it right. But to answer your question, Dr.  
6 McAllister-Wilson said on a number of occasions AU will  
7 engage at the appropriate time. So I feel that this is the  
8 appropriate time.

9 CHAIRPERSON HOOD: Okay. Thank you, Commissioner  
10 Imamura. Yes. If it wasn't the appropriate time  
11 previously, this is the appropriate time. Let me hear --  
12 okay, Commissioner Imamura. Let me hear from Commissioner  
13 Stidham, then I'll go to you, Vice Miller, and then I want  
14 to talk to you, Ms. Schellin.

15 COMMISSIONER STIDHAM: Thank you. You know, I, I  
16 agree, affordable housing is very important for students.  
17 They're trying to get an education. They need a place to  
18 live while they're doing that. So not to construe that I'm  
19 against affordable housing for students, because it  
20 definitely is needed.

21 I'm -- I agree now is the time for AU to come  
22 forward if they believe that this project will help them  
23 with a need that their university is having and that they  
24 need to show us that this is a need. We can't just guess at  
25 the need when the, the primary user would be AU students. I

1 think I recall the number of Wesley students, it's only 90  
2 for a, for a building with over 600 units. That, that math  
3 doesn't work.

4           So I think either they need to come with the, the  
5 data to support that AU's on board and, and has the numbers  
6 to show us, or they come back with a, a building that is  
7 appropriate for their use solely. You know, I, I don't want  
8 them to leave the District either, but we just -- we can't  
9 just change things to -- because we don't want that to  
10 happen.

11           CHAIRPERSON HOOD: Thank you.

12           Vice Chair Miller, you have anything to add?

13           VICE CHAIRPERSON MILLER: Thank you, Mr. Chairman.  
14 I understand where my colleagues are coming from and I  
15 understand where all of the parties, both in support and  
16 opposition are coming from. I think I understand. I'm a  
17 little concerned. I realize it's not upon us to, to recraft  
18 an application to meet some vision of what is -- what better  
19 fits into our zoning regulations.

20           But I'm, I'm concerned about this Commission  
21 repeatedly in this case sending the applicant down rabbit  
22 holes that don't provide anything in the end. And they --  
23 and maybe that's an opportunity the government's providing  
24 so they don't have to deny the case, so that's something to  
25 consider -- the case is still alive because that would

1 involve a lot of delay as well. But I think there is a way  
2 to make this work within our existing regulations. I've  
3 said that.

4 I don't want to be repetitive and redundant, but I  
5 think in, in some ways we've made this more complicated than  
6 it had to be. It's, it's not that, that difficult a concept  
7 to understand. We would have preferred if it had been done  
8 a different way, but in the end I think there -- enough  
9 conditions and commitments and safeguards, and a lot of  
10 community engagement. There's been responses to that  
11 community engagement that we, that we could go forward, and  
12 sooner rather than later.

13 But, you know, we can be in search of the more  
14 perfect instead of the good, but I'm ready to go and -- but  
15 I'm obviously in the minority, so that's where I am. Thank  
16 you, Mr. Chairman.

17 CHAIRPERSON HOOD: So, so I'm looking at the  
18 transcript, which I've been -- the one that we talked about.  
19 And the problem is we make recommendations, and I would, I  
20 would always encourage us not to make recommendations. I  
21 mean, I, I'm only one commissioners. Commissioners can do  
22 what, what they please and how they choose. I'm not trying  
23 to stifle nobody, because I don't want to be stifled.

24 But I'm looking at -- and I'm not going to call  
25 any names, but I'm looking at discussion that I was having,

1 and it says, I think you talked about that too, Mr.  
2 Chairman. And I mean something that occurred to me and I  
3 think I mentioned it in previous deliberations was that the  
4 way that I could conceivably, conceivably consider approving  
5 this would be if it actually were a plan you develop.

6 And as you can see, that's why I don't make -- I  
7 don't want us -- I would -- I -- Anthony Hood's not going to  
8 make a recommendation because I, I really think the missing  
9 tool for me is where is AU? That's the missing piece for  
10 me.

11 And here's the thing. When we talk about  
12 affordable housing, you're right, you're right, Vice Chair  
13 Miller. The rich schools are -- have affordable,  
14 affordability issues as well, so -- and then, then that's  
15 the tale of two cities because the colleges that are in my  
16 neighborhood when we talk about we can't afford that, we  
17 can't even touch what's going on over there. So, so that's,  
18 that's, that's the reality of it.

19 But I also know that from my standpoint, and I  
20 want to make this clear to Wesley, I want you to be here. I  
21 just have problems with the process and the way this is  
22 being presented. Don't know any answers. I'll leave that  
23 to the legal minds to come back to us.

24 And, and Ms. Schellin, I'd like to know if they  
25 have exhausted all their resources and, and if American can

1 come back to the table with them or what the problem is. I  
2 can't tell nobody who to apply and all that, so I don't want  
3 to tell American to apply. I just want to know where, from  
4 Wesley, where is all the parties involved who are going to  
5 be doing this interaction? And I would like to deal with  
6 that in the next two weeks. I don't want that to last too  
7 long. If not, we'll come back and finish having this  
8 discussion.

9 Do we have another meeting this month?

10 MS. SCHELLIN: Yes, sir, the 30th. So can I ask a  
11 question now, or are you guys still in --

12 CHAIRPERSON HOOD: Sure, sure, go ahead, go ahead.

13 MS. SCHELLIN: Okay. So from a procedural  
14 standpoint, I, I heard you guys. You were pretty much at  
15 two, one, one, and this case has to have some kind of  
16 conclusion, whether it's approved or denied. And so it  
17 can't just sit out there and wait for the, wait for the  
18 applicant, as you know, to go off and maybe come back with  
19 something else unless you're asking them to come back to  
20 file something else and allow the parties to respond to it  
21 in this case that might have you guys to get to a three  
22 decision.

23 And so that's my question. Are you asking them to  
24 reach out to AU to see if AU will come to -- to the table,  
25 you know, provide you guys with some type of submission, and

1 allow the parties to respond to it that would give you guys  
2 a comfort to where you might be able to get to a -- whether  
3 it's a, a three to zero to one, obviously, we don't have a  
4 third mayoral appointee seat, to be able to either approve  
5 it or deny it, because we have to dispose of this case one  
6 way or the other. We can't just leave it out there, as you  
7 know.

8 CHAIRPERSON HOOD: Right. We, we don't have to  
9 dispose it in the next two weeks or the next -- end of the  
10 month.

11 MS. SCHELLIN: Right.

12 CHAIRPERSON HOOD: Or this month or the next --

13 MS. SCHELLIN: So that's what I'm asking. Do you  
14 want them to --

15 CHAIRPERSON HOOD: What I, what -- this is what I  
16 want.

17 MS. SCHELLIN: Okay.

18 CHAIRPERSON HOOD: What I want them to know --  
19 they've heard our conversation.

20 MS. SCHELLIN: Mm-hmm.

21 CHAIRPERSON HOOD: All I want them right now to do  
22 is to say are they going -- like we did previously. Go  
23 back. You heard our conversation. Are you all going to try  
24 to come up with something else or discover something? And  
25 then we'll go back to the regular procedure. Right now I



1 want to know, are you already, are you already interested,  
2 well, not interested -- did you hear the Commission, and are  
3 you looking at revamping and coming back however you choose  
4 to do that?

5 I, I just want to know what is their intent? Do  
6 you all have the intent? And, now, if people want to  
7 respond to whether they have an intent or not, that's,  
8 that's totally different. And then we'll come back and put  
9 all the formalities in place, if, if that's clear. That  
10 makes sense.

11 MS. SCHELLIN: So we can set a schedule for that.

12 CHAIRPERSON HOOD: We'll do that then. I just  
13 want to know. They heard our discussion. They heard some  
14 of the comments that we made. I'm not saying adopt, I'm not  
15 saying adopt any of mine, adopt any of the Vice Chair's, any  
16 of Commissioner Stidham, or commissioner Imamura, not adopt  
17 any of them. What I'm asking them to do, they heard the  
18 conversation for -- it's, it's their job now to help take a  
19 conclusion and come up with that conversation looking at our  
20 regulations and see how they can get three votes. Not our  
21 job. That's their job.

22 MS. SCHELLIN: Exactly, exactly. Okay.

23 CHAIRPERSON HOOD: Alrighty. And we can do that  
24 in two -- at the next meeting. That --

25 MS. SCHELLIN: Yeah. I saw, I saw Commissioner

1 Stidham --

2 CHAIRPERSON HOOD: Yeah. I'm going to go to her.  
3 I'll go to her.

4 MS. SCHELLIN: Okay.

5 CHAIRPERSON HOOD: I just want to make sure you --

6 MS. SCHELLIN: So I'll wait for you guys to do  
7 that, and you tell me when you want a schedule.

8 CHAIRPERSON HOOD: Okay.

9 MS. SCHELLIN: And I'll give you some dates.

10 CHAIRPERSON HOOD: All right. Commissioner  
11 Stidham.

12 COMMISSIONER STIDHAM: I, I was just going to  
13 suggest -- well, it -- I was listening to what you were  
14 saying to see if you were going -- what you were going to  
15 request that they do. So based on what you said, I, I don't  
16 think what I was going to suggest is helpful, because it's,  
17 it's different than what you asked for.

18 CHAIRPERSON HOOD: Oh, go ahead. And it might --  
19 I might need to change my mind. Go ahead.

20 COMMISSIONER STIDHAM: Well, I, I, I was going to  
21 suggest two things, that they not just come back with the  
22 support of AU, but they come back with the numbers to  
23 support the, the number of units that they're talking about,  
24 that they're actually -- not just a letter of support, not  
25 just them showing up at the next meeting, but there actually

1 be the data, the actual facts to support the need for this  
2 many units that would include them and AU to prove that it  
3 would be a successful situation.

4 But I'm also in agreement with what you suggested,  
5 that they come back with what their intent is, what their  
6 next step would be. It's sort of the same thing, except  
7 lacking the data part, which I, I think the data is a really  
8 missing piece to support what they're suggesting that -- I  
9 think that's part of why we're really struggling.

10 CHAIRPERSON HOOD: Okay. All right. Anybody  
11 else? Commissioner Imamura?

12 COMMISSIONER IMAMURA: Thank you, Mr. Chairman. I  
13 agree with Commissioner Stidham, and I just want to put it  
14 out there that if we were to -- all to vote tonight that it  
15 seems apparent as you surmise, that this -- that there may  
16 not be enough votes to carry. So I think is a rather  
17 generous offer that you're giving them to retool, not even  
18 retool, just they've heard the conversation tonight and on  
19 what gives us a little bit of a heartburn here.

20 But I think I could easily be, you know, persuaded  
21 if -- with some additional supporting evidence, say, yep,  
22 this buttons it up, we got a partnership, whatever that  
23 might -- however that might --

24 CHAIRPERSON HOOD: Thank you.

25 Vice Chair Miller, you have anything to add?

1           VICE CHAIRPERSON MILLER: Yeah. So in addition to  
2 -- if, if we're going to put off for additional submission  
3 from Wesley, I would suggest that they also opine on, on the  
4 discussion and suggestions in the record that we've -- that  
5 have been made about a, a -- about a text amendment that  
6 would specifically exempt housing such as this developed on  
7 the campus of Wesley with an approved campus -- within an  
8 approved campus -- exempting from IZ housing developed on  
9 the campus of Wesley with an approved campus plan for  
10 students, faculty, or staff. I don't know if there are  
11 three votes for that, but there might be. And so I think  
12 their opinion on that might be helpful.

13           I think I've made clear that I was prepared to go  
14 forward almost under any of the scenarios that have been  
15 offered, but if we're going to wait for, for a submission, I  
16 think -- and a comment on, on a text amendment which might  
17 get them to their goal more quickly than other options.

18           But the data that you've requested, that's one  
19 thing. And so I'll just -- I thought that the data wasn't  
20 necessarily necessary because on the number of residents or  
21 the need, because that's -- DHCD has determined that they  
22 could work with the, with the deep income levels and the  
23 set-asides that are equivalent are more than IZ, so -- and  
24 the D.C. residency is issue is something they, they deal  
25 with.

1           And that doesn't -- and that's not something that  
2 they're asking for an exemption from, although there -- it's  
3 clearly not -- doesn't fit in within the inclusionary zoning  
4 program. And if they're having non-Wesley population on  
5 that, then it needs an exemption. I would agree with that,  
6 that they, they need an exemption or they needed a special  
7 exception relief under the campus plan, so -- which I was  
8 willing to go with as well. So that's where we are, I  
9 guess.

10           CHAIRPERSON HOOD: All right. Thank you, Vice  
11 Chair. And again, we're going to, we're going to try to  
12 deal with this in -- I think at our next meeting.

13           But Ms. Schellin, I'm going to let you come up  
14 with the dates and everything.

15           MS. SCHELLIN: Sure. In the --

16           CHAIRPERSON HOOD: Wait. Before you go, before  
17 you go, before you go, I do want to say something about a  
18 text amendment. And I know we've done this in the past.  
19 The text amendment will be specific to this lot and parcel,  
20 at least that's what I will be proposing. So I want to put  
21 that out there for --

22           VICE CHAIRPERSON MILLER: That's what I was,  
23 that's what I was suggesting. As I said earlier, hard cases  
24 make bad law. I don't want to make this apply to a student  
25 housing -- I don't want to figure out a student housing

1 affordability policy on this case.

2 CHAIRPERSON HOOD: Right.

3 VICE CHAIRPERSON MILLER: This is a hard case.

4 CHAIRPERSON HOOD: I think we'll just --

5 VICE CHAIRPERSON MILLER: That may be something we  
6 should look at in the future, but as, as you've said, Mr.  
7 Chairman, in terms of change -- making things fit as, as we  
8 go forward. But, yeah, specific to this case so that it's  
9 not applying -- we don't know what -- that's a whole --  
10 another dozens of hours of --

11 CHAIRPERSON HOOD: Right. No, no. So I would  
12 like Wesley to help us uncomplicate things.

13 Okay. Ms. Schellin, we have any dates?

14 MS. SCHELLIN: I do. So our next meeting is the  
15 30th, which is in one, two, three weeks. And considering we  
16 have Thanksgiving holiday in there, I'd like to set the  
17 schedule so that we get everything in prior to the  
18 Thanksgiving holiday so our staff has an opportunity to be  
19 able to prepare for our meeting.

20 So with that being said, if the applicant could  
21 provide their information that you requested by 3 p.m.  
22 Wednesday, the 15th of November, and then all of the  
23 parties, if they choose to do so, would provide their  
24 response to what the applicant provides by 3 p.m. on  
25 Wednesday, the 22nd. Yes, I understand that's the day

1 before Thanksgiving, however, we have to be able to, to meet  
2 the schedule for the second meeting in November. And so I  
3 think that's very doable, because the parties per the  
4 regulations are entitled to seven days to provide a  
5 response.

6 So 11/15 at 3 p.m. for the applicant; 11/22 3 p.m.  
7 for all of the parties. And we'll put this on for 11/30 at  
8 4 p.m. And that's it.

9 CHAIRPERSON HOOD: Okay. Ms. Schellin, who is the  
10 counsel on this case? I -- because I can't remember. Who  
11 was it?

12 MS. SCHELLIN: John -- I'm sorry. Pat Brown, and  
13 I believe --

14 CHAIRPERSON HOOD: Okay.

15 MS. SCHELLIN: -- then some of the Holland &  
16 Knight folks, I think also --

17 CHAIRPERSON HOOD: Okay --

18 MS. SCHELLIN: -- helped in the background.

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

20 All right. Is everybody ready? Anybody need a  
21 break? Okay. Nobody needs a break. Okay. Let's keep  
22 going.

23 Let's go to Zoning Commission case number 23-07,  
24 701 Michigan, LLC - Map Amendment at Square 3657, Lots 11  
25 and 830.

1 Ms. Schellin.

2 MS. SCHELLIN: Yes. On this one, at Exhibit 33  
3 there is an NCPC -- sorry. Sorry. NCPC staff responded and  
4 stated that the application was exempt from their review.  
5 Exhibit 34, the applicant submitted a draft order. It's  
6 ready for consideration of final action.

7 CHAIRPERSON HOOD: Okay. Thank you.

8 Commissioner Stidham, you'd like to start us off?

9 COMMISSIONER STIDHAM: Sure. I, I -- looking over  
10 the record, it looks like this is a very straightforward  
11 case based on we, we were looking at and the return. Some  
12 of the follow-up was return of the daycare center, the  
13 proposed zone of M5 -- M2. Sorry. I think that, that I am  
14 ready to support this case.

15 CHAIRPERSON HOOD: Okay. Thank you. Anybody else  
16 have any comments on this one?

17 All right. Commissioner Stidham, you want to make  
18 a motion?

19 COMMISSIONER STIDHAM: Yes. I would like to make  
20 a motion for final action for zoning case number 23-07, at  
21 701 Michigan, LLC - Map Amendment at Square 3657, Lots 11  
22 and 830.

23 VICE CHAIRPERSON MILLER: Second.

24 CHAIRPERSON HOOD: Okay. It's been moved and  
25 properly second. Thank you both. Moved and properly



1 second. Any further discussion?

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

4 MS. SCHELLIN: Sure. That was a very soft second.  
5 Was that Commissioner Imamura?

6 CHAIRPERSON HOOD: No, that was Vice Chair Miller.

7 COMMISSIONER IMAMURA: Vice Chair Miller.

8 MS. SCHELLIN: Oh, Miller was very quiet.

9 CHAIRPERSON HOOD: He was talking so much the  
10 other case, he -- I guess he's tired from --

11 MS. SCHELLIN: Lost his voice? Okay. Sorry.  
12 Commissioner Stidham?

13 COMMISSIONER STIDHAM: Yes.

14 MS. SCHELLIN: Commissioner Miller?

15 VICE CHAIRPERSON MILLER: Yes.

16 MS. SCHELLIN: Commissioner Hood?

17 CHAIRPERSON HOOD: Yes.

18 MS. SCHELLIN: Commissioner Imamura?

19 COMMISSIONER IMAMURA: Yes.

20 MS. SCHELLIN: The vote is four to zero to one to  
21 approve final action in Zoning Commission case number 23-07,  
22 the minus one being the third mayoral appointee position,  
23 thank you, which is vacant.

24 CHAIRPERSON HOOD: Okay. Next we have a time  
25 extension, Zoning Commission case number 08-34M, Capitol

1 Crossing III, LLC, and Capitol Crossing IV, LLC - Two-Year  
2 PUD Time Extension at Square 566.

3 Ms. Schellin.

4 MS. SCHELLIN: Yes. For this time extension, they  
5 are asking for a two-year time extension on the second  
6 stage, which was approved, and they want the extension to  
7 March 25th, 2026, to start construction and -- I'm sorry, to  
8 file the building permit and to start construction by March  
9 25th, 2027. And then there's a related extension of the  
10 six-year deadline for the certificate of occupancy for the  
11 residential building or podium by March 25th, 2030.

12 The applicant has stated that it meets the  
13 requirements of Subtitle Z, Section 705.2 because they've  
14 taken numerous steps in the furtherance of the Capitol  
15 Crossing PUD and they've had an inability to obtain  
16 financing, despite the, despite the good faith efforts. And  
17 there were conditions outside of their control because of  
18 the construction industry's rising costs, so they are asking  
19 for this extension and it is ready for the Commission to  
20 consider it.

21 And I'm -- I want to say that the OP report is at  
22 Exhibit 6 that, that supports it. ANC 6E at Exhibit 3  
23 states that they have unanimous support, and then 6C has not  
24 provided a report, nor 2C, but the 30-day requisite notice  
25 period has -- I'm sorry, response period has expired, so it

1 is ready for you guys to consider final action if you choose  
2 to do so.

3 CHAIRPERSON HOOD: Thank you, Ms. Schellin. And  
4 Ms. Schellin has teed it up so good all I can do now is just  
5 ask for a motion. I think that the merits in this case  
6 warrants us, unless my colleagues disagree, warrants us to  
7 allow a two-year extension as requested. And I think she --  
8 all the specifics of this case have been warranted, I mean  
9 have been discussed by Ms. Schellin as she was teeing it up.

10 So with that, unless I hear any objections, I  
11 would move that we approve our time extension, Zoning  
12 Commission case number 08-34M, and ask for a second.

13 COMMISSIONER STIDHAM: Second.

14 COMMISSIONER IMAMURA: Second.

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

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

19 MS. SCHELLIN: Sure. Commissioner Hood?

20 CHAIRPERSON HOOD: Yes.

21 MS. SCHELLIN: Commissioner Stidham?

22 COMMISSIONER STIDHAM: Yes.

23 MS. SCHELLIN: Commissioner Imamura?

24 COMMISSIONER IMAMURA: Yes.

25 MS. SCHELLIN: Commissioner Miller.

1 VICE CHAIRPERSON MILLER: Yes.

2 MS. SCHELLIN: The vote is four to zero to one to  
3 approve final action Zoning Commission case number 08-34M,  
4 the minus one again being the third mayoral appointee seat,  
5 which is vacant. Thank you.

6 CHAIRPERSON HOOD: All right. Let's go to hearing  
7 action, excuse me, Zoning Commission case number 23-25,  
8 Office of Planning - Text and Map Amendments to Create the  
9 Chevy Chase Neighborhood Mixed Uses Zone NMU-4/CCI (sic) &  
10 NMU-4/CC2 at Square 1859, 1860, and 1865-1868.

11 Ms. Schellin. I'm sorry. Ms. Brown-Roberts.

12 MS. BROWN-ROBERTS: Good evening, Mr. Chairman,  
13 and members of the Commission. Maxine Brown-Roberts from  
14 the Office of Planning on Zoning Commission case 23-35. I'm  
15 sorry. The number is wrong there. Next slide, please.

16 The Office of Planning proposes a zoning text  
17 amendment to create the new Chevy Chase neighborhood mixed  
18 use zone, NMU-4-CC1 and NMU-4 -CC2, and a map amendment to  
19 map this zone on properties generally fronted on Connecticut  
20 Avenue, Northwest between Chevy Chase Circle and the  
21 Livingston Street, North -- and Livingston Street,  
22 Northwest.

23 The proposed new zoning text and map amendment are  
24 not inconsistent with the comprehensive plan, including when  
25 viewed through a racial equity lens, and incorporates land

1 use and building massing design and use guidance from the  
2 council adopted Chevy Chase small area plan. Next slide.

3           The comprehensive plan. The generalized policy  
4 map designates the majority of the corridor as being within  
5 a main street mixed use corridor with a portion of the civic  
6 site designated as park. The corridor is within an area  
7 designated as a future planning analysis area accomplished  
8 through the Chevy Chase Small Area Plan. The future land  
9 use map designates the area for mixed moderate density  
10 residential and low density commercial for the corridor with  
11 local public facilities designation added to the civic site.

12           The proposed zones are not inconsistent with the  
13 generalized policy map and the future land use map as they  
14 would allow a mix of uses, particularly ground floor  
15 commercial and upper floor residential uses, as well as a  
16 District library, community center, and open space on the  
17 civic site.

18           The current MU-3A zone allows a mix of uses, but  
19 is listed in both the comp plan and zoning as a low density  
20 zone and does not permit the moderate density level of  
21 housing anticipated by this designation. The MU-4 zone land  
22 is typically designated on the FLUM for low density  
23 commercial or a mix of low density commercial and moderate  
24 density mixed use development. Next slide.

25           Other guidance. Discussions on the revitalization

1 of the Chevy Chase corridor begun after the 2021 update of  
2 the comprehensive plan, which placed a stronger emphasis on  
3 the provision of new housing and new affordable housing  
4 opportunities, particularly in areas such as a Rock Creek  
5 West planning area where there is a lack of dedicated  
6 affordable housing.

7           The Chevy Chase corridor was identified as a  
8 policy focus area on the comp plan map, and based on this  
9 recommendation the Chevy Chase Small Area Plan was approved  
10 by the council following extensive community outreach  
11 meetings and conversations. The Chevy Chase Small Area Plan  
12 also places great emphasis on the provision of more housing  
13 and in particular, affordable housing, as well as  
14 neighborhood retail along Connecticut Avenue.

15           Other plans which influenced recommendations  
16 include the Rock Creek West roadmap, which identify the  
17 Chevy Chase area where efforts should be made to increase  
18 the production of housing and affordable housing supported  
19 by vibrant public spaces, retail, and other amenities. The  
20 Housing Equity Report encourages housing through disposition  
21 and the D.C. Comeback Plan, which encourages the removal of  
22 barriers to the production of affordable housing. Next  
23 slide.

24           The area covered by the proposed text and map  
25 amendment can be described as a Chevy Chase main street

1 commercial corridor and includes the properties fronting on  
2 both the east and west side of Connecticut Avenue, generally  
3 between Western Avenue and Olive Street to the north, and  
4 Livingston Avenue to the south. A small number of  
5 properties face side streets and are typically part of a  
6 large development sites fronting on Connecticut Avenue.

7           The corridor has a variety of restaurants, retail,  
8 and service uses which serve the local community. One of  
9 the largest lots along the corridor is a District-owned  
10 property at, at 5625 Connecticut Avenue, and is also  
11 referred to as a civic site, which houses the Chevy Chase  
12 Library and the Chevy Chase Community Center.

13           The proposed text amendment. The proposal is to  
14 create two new Chevy Chase neighborhood mixed use zones.  
15 The NMU-4/CC1 is for most of the properties fronting on  
16 Connecticut Avenue, and the NMU-4/CC2 is for the civic site  
17 and RF-1 for a few properties on side streets. Next slide.

18           The proposed zoning reflects the land use policy  
19 direction of the comprehensive plan with more area specific  
20 zoning provision for new construction and additions which  
21 address specific guidelines of the Chevy Chase Small Area  
22 Plan. Next slide.

23           The NMU-4/CC1 zone is based on the MU-4 zone and  
24 would allow mixed use low density commercial and moderate  
25 density residential uses, which is generally ground floor

1 retail and residential use above. Along with the base MU-4  
2 development standards, the new zone would also include  
3 provisions to encourage preservation of pre-58 building  
4 facades, require a minimum building height of 25 feet,  
5 require a setback of 3 feet minimum for buildings above the  
6 third floor, and provide additional FAR for buildings with  
7 18-foot floor to ceiling heights.

8 Transition requirements are also provided to  
9 protect adjacent low density residential properties in the R  
10 and RF zones, as well as requirements to achieve the  
11 Connecticut Avenue frontage. Next slide.

12 The NMU-4/CC2 zone would apply only to the civic  
13 site that is currently zoned MU-3 and R-1B. The proposed  
14 zone reflects the comprehensive plan and Chevy Chase Small  
15 Area Plan recommendations by providing for mixed use and  
16 local public facility development, including moderate  
17 density level of housing on the District-owned site.

18 The proposed NMU-4/CC2 development standards would  
19 be similar to those allowed under the MU-4 PUD, with some  
20 variation to reflect the guidelines of the small area plan,  
21 such as a lower pantos (phonetic) height step-backs from the  
22 rear lot line and lot occupancy, which is limited to 60  
23 percent for both residential and non-residential uses.

24 This limitation on the lot occupancy specifically  
25 addresses community concerns about the provision of open



1 space on the site. This limitation could also limit the  
2 ability of the site to provide the level of housing  
3 anticipated by the comp plan and the small area plan,  
4 although they also recommend the provision of open space on  
5 the site. Next slide.

6 The RF-1 zone. The proposed map amendment would  
7 also include a rezoning to RF-1 for a small number of sites  
8 fronting on side street that are currently zoned, that are  
9 currently zoned R-2 and R-1B, and are mainly surface parking  
10 lots that are in common ownership -- the commercial  
11 properties fronting on Connecticut Avenue.

12 Although generally included within the small area  
13 plan study area, applying the proposed new mixed use zones  
14 to these properties would not appear to be inconsistent with  
15 the comprehensive plan, and they could introduce commercial  
16 use on the low density neighborhoods.

17 Regarding racial equity, as outlined in the report  
18 -- I'm sorry. Next slide.

19 Sorry. Okay, great. As outlined in our report,  
20 there was a history of discrimination in land use practices  
21 that has led to the racially segregated Rock Creek West  
22 planning area, and the displacement of Black communities,  
23 including through the use of restrictive covenants based on  
24 race and prohibition of residential development other than  
25 single family detached home in Chevy Chase.

1           Today, Chevy Chase is a high-opportunity area with  
2 many public and private amenities that is out of reach for a  
3 range of household incomes. Homeowners in the area are  
4 overwhelmingly White and wealthy, compared with the District  
5 as a whole. New housing would provide new opportunities to  
6 diversify the neighborhood.

7           The Chevy Chase community proposed text has  
8 evolved, Chevy Chase community and, and community outreach.  
9 The proposed text has evolved considerably over the past  
10 year, as OP has worked with ANC 4G and members of the  
11 community on the appropriate density and heights of  
12 buildings that would accommodate additional housing and  
13 neighborhood serving retails as, as stated in the comp plan,  
14 while addressing neighborhood character and impact from  
15 guidance received from community members, which  
16 significantly impacted the current proposed zoning. Next  
17 slide.

18           Following the approval of the 2021 comprehensive  
19 plan, OP began the process for the small area plan community  
20 engagement and participation through virtual and in-person  
21 activities. A dedicated project website was established to  
22 promote engagement activities and share information, and  
23 over 4,000 written comments were submitted to the webpage  
24 and by online surveys. OP attended or led 45 community  
25 events or meetings related to topics covered by the plan.

1           OP continues to be committed to the community  
2 engagement process through the text and map amendment  
3 process, and to date have had 15 engagement with ANC  
4 chairperson, ANC representatives, meetings with the council  
5 member, and included presentation of or draft texts included  
6 one-on-one discussions and e-mail exchanges. If the  
7 proposal is set down, additional ANC and community  
8 discussion will be held prior to the public hearing. Next  
9 slide.

10           In both the small area plan process and so far for  
11 the proposed text and map amendment some community members  
12 are supportive of the proposed changes, while others are  
13 skeptical and have expressed that the zoning action would  
14 result in negative physical change to the area and have  
15 expressed opposition to the provision of new housing,  
16 particularly on the civic site.

17           In our first draft presented to the community OP  
18 proposed the NUM(sic)-4/CC1 zone based on the MU-4 standards  
19 for the majority of the corridor. Most feedback received  
20 was regarding transition from the lower density residential  
21 area, and we responded by increasing the rear and side yard  
22 setbacks.

23           On the civic site we originally based the zoning  
24 on the MU-5 zone. This was changed to the MU-4 PUD, which  
25 resulted in lower height and density. We also reduced the

1 lot occupancy to 60 percent to provide for more open space.

2 Next slide.

3           The proposed text amendment would provide new  
4 opportunities for the provision of new housing, as well as  
5 housing for more moderate and low-income residents of all  
6 racial and ethnic backgrounds. Overall, the proposed text  
7 and map amendment would advance many of the policies related  
8 to racial equity in the provision of housing, job creation,  
9 the advancement of art and culture, and assist in  
10 revitalization of an underserved area.

11           The Rock Creek West area has a goal of 1900  
12 affordable units by 2025. In January of 2023, only 3.6  
13 percent of the goal has been met and it, it is projected  
14 that only 13.8 percent of the goal will be realized by 2025.

15           The citywide elements. The Rock Creek West area  
16 elements specifically references the Chevy Chase corridor as  
17 a policy focus area and has resulted in the Chevy Chase  
18 Small Area Plan. This small area plan provide guidance to  
19 the supplement -- to supplement the comp plan direction  
20 regarding density and mixed use for new zoning established  
21 in the area and guidance for the review of discretionary and  
22 development proposals.

23           The proposed new neighborhood commercial zone for  
24 the corridor incorporates many of the guidelines pertaining  
25 to the building use and form. The small area plan does not

1 recommend specific zoning designations or regulations to  
2 implement the policies of the comp plan or the small area  
3 plan guidance.

4           Not every provision of the small area plan is  
5 relevant to zoning for this area or could be implemented  
6 through zoning. Provisions that are outside of the scope of  
7 the zoning regulations will be relevant to other approval  
8 processes, which is typical for small area plans. Next  
9 slide.

10           In summary, the proposed text amendment and map  
11 amendment is not inconsistent with the comp plan and the  
12 small area plan. The future land use map read in  
13 conjunction with the comp plan text provides policy  
14 objectives in support of the proposed zoning, and in  
15 particular the provision of housing and affordable housing  
16 and the preservation of open space for the community. The  
17 proposal will also encourage the expansion of the  
18 neighborhood retail uses and establish building setbacks to  
19 lessen potential impacts on the adjacent residential uses.

20           The Office of Planning therefore recommends that  
21 the proposed map amendment, proposed map and text amendment  
22 be set down for public hearing. Setting down the proposal  
23 would allow the continued discussion with the ANC and the  
24 Chevy Chase community. It is not envisioned that a public  
25 hearing would be held before early 2024, which allows for

1 continued meetings.

2 The Office of Planning also requests flexibility  
3 to work with the Office of the Zoning legal division on the  
4 draft language for the public hearing notice.

5 Thank you, Mr. Chairman, and I'm available for  
6 questions.

7 CHAIRPERSON HOOD: Thank you very much, Ms. Brown-  
8 Roberts, very thorough report. I do understand, Ms. -- that  
9 there was a copy of the notice or report given to the  
10 Chairperson, but not to the full ANC. Can you just kind of  
11 explain what happened there with the notice?

12 MS. BROWN-ROBERTS: Actually, we were not aware  
13 that the notice was supposed to come from OP, but we did  
14 send an e-mail to the Chairperson on October, I think  
15 October 16th, and we received the response on October 20, on  
16 October 20th that it was received.

17 CHAIRPERSON HOOD: Well, one of the letters that I  
18 -- that, that we saw that came in was I think asking for a  
19 survey. Well, let, let me just say this. I'm going to move  
20 that we waive our rules, 11 Z DCMR 304.11 and 500.7, because  
21 whether they were noticed or not, and I don't want to take  
22 any notice away from anybody, one thing that I've always  
23 made sure of, there is engagement and input from the  
24 community, and, and I think we -- the Zoning Commission has  
25 always done that.

1           And for what they said about a survey, they will  
2 have plenty of time to get us that survey. We will make  
3 time to get -- for that survey, which I think it's supposed  
4 to come in on the 12th. But they have -- whenever they get  
5 that survey together, whatever they're trying to do for  
6 their position, which I think is not necessarily germane to  
7 our set-down procedures anyway, we will make sure that that  
8 is in the record for our review as we move forward.

9           So I, I would move that we waive, unless I hear  
10 from my colleagues any objections, I will move that we waive  
11 11-Z DCMR 304.11 and 500.7, and ask for a second.

12           COMMISSIONER STIDHAM: Second.

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

15           VICE CHAIRPERSON MILLER: I would just say, Mr.  
16 Chairman, that to the extent there's any technical defect in  
17 the notice requirement, it's clear that there's been a lot  
18 of actual notice of this issue and case based on not only  
19 the -- well, for us, based on the record and the information  
20 that we've received from people who don't want us to set it  
21 down.

22           People know about this case going forward. There  
23 -- this is just to, to, to set it down. There's a lot of  
24 information in the Office of Planning's 78-page report, 43  
25 pages of actual report and 35 pages I think of attachments,

1 all of which I enjoyed reading, I think. So, and -- and the  
2 people, the stakeholders, the residents, are very aware of  
3 this case. And we, and we want to hear the results of that  
4 survey, and we will need to be having a hearing well before  
5 any, any, any results with that and then any official ANC  
6 resolution comes in.

7           We don't have official ANC resolution before us in  
8 this set down hearing. We have three commissioners who've  
9 asked for us to postpone, and I understand the reasons for  
10 the postponement, but I think their concerns can be  
11 accommodated. The continued community engagement can, can  
12 go on, even if we set it down for a hearing in -- sometime  
13 in early 2024.

14           So the merits of going forward with a set down  
15 based on all the information provided by Office of Planning  
16 about its consistency with all these comprehensive plan  
17 policies, including the future land use map, the housing,  
18 affordable housing policies, the Chevy Chase Area, Small  
19 Area Plan policies, the Rock Creek West framework roadmap  
20 and the Housing Equity Report of the mayor, I think justify  
21 us to at least at this point set it down, or at least not --  
22 waive the technical, what might have been a technical notice  
23 issue, it was provided to the Chair and that she's been in  
24 contact with -- in communication with her colleagues  
25 throughout this process.



1           So I'm prepared to support your motion, Mr.  
2 Chairman.

3           CHAIRPERSON HOOD: Okay. Any other comments?

4           All right. It's been moved and I think properly  
5 second. Ms. Schellin, would you do a roll call vote?

6           MS. SCHELLIN: Sure. Commissioner Hood?

7           CHAIRPERSON HOOD: Yes.

8           MS. SCHELLIN: Commissioner Stidham?

9           COMMISSIONER STIDHAM: Yes.

10          MS. SCHELLIN: Commissioner Imamura?

11          COMMISSIONER IMAMURA: Yes.

12          MS. SCHELLIN: Commissioner Miller.

13          VICE CHAIRPERSON MILLER: Yes.

14          MS. SCHELLIN: The vote is four to zero to one to  
15 approve the waiver of those two notice requirements, the  
16 minus one being the third mayoral appointee seat, which is  
17 vacant. Thank you.

18          CHAIRPERSON HOOD: Ms. Brown-Roberts, I want to  
19 ask this question of you, not for you to answer. I want to  
20 ask this for the public, because if we, we get to a hearing,  
21 you know, if, if we set it down and we get to a hearing, I  
22 want to ask you this. I've been -- what I'm starting to see  
23 is a trend.

24          Every time there is something done in West, Rock  
25 Creek West, there's always much, much opposition, and I want

1 to submit that to the, to the residents of Rock Creek West.  
2 The whole other city, we're trying to make it affordable for  
3 people to live in. What is it about affordable housing that  
4 Rock Creek West -- and I know this is probably going to get  
5 me -- get -- they're going to come after me, but that's  
6 fine. I'm used to it now.

7           What is it about Rock Creek West, and always  
8 there's a problem? And not -- this is not my first time  
9 saying it. It's always a problem with affordable housing.  
10 What is it really that's trying to happen there? And I'm  
11 making no accusation. I'm just curious. I know there's  
12 some -- maybe some zoning issues. But it's -- whenever it's  
13 affordable housing, I notice there is a lot of opposition  
14 that gets drummed up.

15           And that's not a question for Office of Planning.  
16 That's for the public. So I will be asking that question as  
17 -- if we move, if it's set down as we move forward. Let me  
18 see if others have a question or comment.

19           Commissioner Imamura?

20           COMMISSIONER IMAMURA: No questions or comments.  
21 Ms. Brown-Roberts, thank you for your very detailed report  
22 and I look forward to setting this down, and if you so  
23 choose, hearing more information at the hearing. Thank you.

24           MS. BROWN-ROBERTS: Thank you.

25           CHAIRPERSON HOOD: Okay. And Commissioner

1 Stidham?

2 COMMISSIONER STIDHAM: Nothing for me. Thank you,  
3 Ms. Roberts, for your report, greatly appreciated it.

4 CHAIRPERSON HOOD: And Vice Chair Miller.

5 VICE CHAIRPERSON MILLER: No further comments, Mr.  
6 Chairman. I think I said what I needed to say. Thank you.

7 CHAIRPERSON HOOD: All right. So without further  
8 ado, I will move that we set down Zoning Commission case  
9 number 23-25, and as I stated previously there will continue  
10 to be plenty of engagement and, and surveys and everything  
11 that the community has will be heard by this Commission.  
12 It's been moved and properly second. Did I do that -- no, I  
13 didn't.

14 COMMISSIONER IMAMURA: No, nobody second it, Mr.  
15 Chairman.

16 CHAIRPERSON HOOD: Oh, okay.

17 COMMISSIONER IMAMURA: I'll second it for you,  
18 though.

19 CHAIRPERSON HOOD: No, it hadn't been second.  
20 Okay. Thank you, Commissioner Imamura. Moved and properly  
21 second. Any further discussion?

22 Not hearing any, Ms. Schellin, would you record  
23 the vote, please?

24 MS. SCHELLIN: Yes. And is the Commission setting  
25 this down as a rulemaking case?

1 CHAIRPERSON HOOD: Was, was it a rulemaking? Was  
2 it -- yeah, a rulemaking.

3 MS. SCHELLIN: Yes.

4 CHAIRPERSON HOOD: Yes.

5 MS. SCHELLIN: Okay. I just want to confirm that.

6 CHAIRPERSON HOOD: Okay.

7 MS. SCHELLIN: So Commissioner Hood?

8 CHAIRPERSON HOOD: Yes.

9 MS. SCHELLIN: Commissioner Imamura?

10 COMMISSIONER IMAMURA: Yes.

11 MS. SCHELLIN: Commissioner Miller?

12 VICE CHAIRPERSON MILLER: Yes.

13 MS. SCHELLIN: Commissioner Stidham?

14 COMMISSIONER STIDHAM: Yes.

15 MS. SCHELLIN: The vote is four to zero to one to  
16 set down Zoning Commission case number 23-25 as a rulemaking  
17 case, the minus one being the third mayoral appointee seat,  
18 which is vacant. Thank you.

19 CHAIRPERSON HOOD: Okay. I was about to end it,  
20 but I think we had one more thing I didn't think --  
21 correspondence. Thank you, Ms. Brown-Roberts.

22 Correspondence. Zoning Commission case number 89-  
23 7, 1200 K Street, K Street I Company, LLC, and 1200 K Street  
24 -- I'm sorry I Company, LLC, & 1200 K Street II Company,  
25 LLC- Motion to Extinguish PUD.

1 Ms. Schellin.

2 MS. SCHELLIN: Yes, sir. This PUD is fully  
3 constructed, and all of their obligations have been  
4 satisfied. As you stated, this is 89-7, and this is a case  
5 from 1989, which authorized the construction of a 12-story  
6 commercial office building with street level retail and  
7 below grade parking. So they are requesting to extinguish  
8 the PUD, which will allow them for the conversion of the  
9 property from office to residential use and to proceed with  
10 a matter of right property within the D5, the underlying D5  
11 zoning.

12 The applicant intends to transfer ownership of the  
13 property to Post Brothers, who will then proceed with the  
14 conversion to the residential use, and so that is what they  
15 are asking for, is to extinguish this PUD.

16 And I'll turn it over to you guys. And I will say  
17 that Zachary Williams is available if there are any  
18 questions. Thank you.

19 CHAIRPERSON HOOD: Okay. Thank you, Ms. Schellin,  
20 for teeing that up. Let me start off with Commissioner  
21 Imamura.

22 COMMISSIONER IMAMURA: Thank you, Mr. Chairman. I  
23 think this is pretty straightforward and I'm prepared to  
24 support. I don't really have any, anything to add to the  
25 record.

1           CHAIRPERSON HOOD: Okay. Commissioner Stidham.

2           COMMISSIONER STIDHAM: Nothing to add either, and  
3 I'm ready to support this as well.

4           CHAIRPERSON HOOD: And Vice Chair Miller.

5           VICE CHAIRPERSON MILLER: Yes. Mr. Chairman,  
6 thank you. I agree that the applicant has set aside the  
7 regulations that the motion, that this motion of expungement  
8 of the PUD, of this old PUD be served on parties, and the  
9 parties have had seven days to respond and that we -- I  
10 don't think we received anything from the ANC in response to  
11 that motion. The applicant has fulfilled its obligations  
12 under that old PUD approval.

13           That, that building, that office building at 1200  
14 K is vacant now, has been vacant, and they want to sell the  
15 property. So can it be developed as a matter of right  
16 conversion to residential development downtown, which our  
17 regulations permit, which I think is -- would be a good  
18 thing for downtown, both at this site and generally.

19           So I support this -- would support a -- the motion  
20 to expunge the PUD, it having -- all of its conditions have  
21 being satisfied, and note that the grant to the motion if we  
22 give it, if we grant it, that -- and release the PUD  
23 covenant are continued on two conditions, which may have  
24 been already mentioned, the sale of the property and  
25 surrender -- that the applicant has asked for this, that the

1 -- that their requested expungement of the PUD be continued  
2 upon the sale of their property to the developer that's  
3 going to convert it to residential, and surrender of the  
4 certificates of occupancy for the property's office use.

5 And we can grant -- we can give OZLD, our legal  
6 counsel, discretion to work out that final language with the  
7 applicant as to how we expunge the order. So that's a long  
8 way of saying I agree.

9 CHAIRPERSON HOOD: Okay. So we'll take that, Vice  
10 Chair, as a motion. Is there a second?

11 COMMISSIONER IMAMURA: Second.

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

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

16 MS. SCHELLIN: Commissioner Miller?

17 VICE CHAIRPERSON MILLER: Yes.

18 MS. SCHELLIN: Commissioner Imamura?

19 COMMISSIONER IMAMURA: Yes.

20 MS. SCHELLIN: Commissioner Hood?

21 CHAIRPERSON HOOD: Yes.

22 MS. SCHELLIN: Commissioner Stidham?

23 COMMISSIONER STIDHAM: Yes.

24 MS. SCHELLIN: The vote is four to zero to one to  
25 approve the extinguishment of the PUD in Zoning Commission

1 case number 89-7, the minus one being the third mayoral  
2 appointee seat, which is vacant. Thank you.

3 CHAIRPERSON HOOD: Okay. Ms. Schellin, do we have  
4 anything else before us this evening?

5 MS. SCHELLIN: Nothing else.

6 CHAIRPERSON HOOD: All right. I want to thank  
7 everyone for their participation in this meeting and my  
8 colleagues for all the work that they do, and everyone who  
9 helped us get ready for this. But let me first say that the  
10 Zoning Commission will meet again on November the 13th, 350  
11 Morse CPK Owner C2, LLC, on the same platform, Zoning  
12 Commission case number 15-27G.

13 Again, I thank everyone and I hope -- we want to  
14 thank all of our veterans and thank you for your service.  
15 Hold one second, make sure I'm not leaving anything out. I  
16 get pinged every so often.

17 VICE CHAIRPERSON MILLER: Like, holding on one  
18 second, happy birthday, Ms. Schellin, tomorrow.

19 CHAIRPERSON HOOD: Okay. All right. So, yeah,  
20 happy birthday, Ms. Schellin. You want us to sing before we  
21 adjourn?

22 MS. SCHELLIN: That's okay.

23 CHAIRPERSON HOOD: It won't sound that good after  
24 that, so, anyway. Hope everybody will have --

25 MS. SCHELLIN: That's okay. I appreciate it.



1 CHAIRPERSON HOOD: All right.

2 MS. SCHELLIN: Thank you guys.

3 CHAIRPERSON HOOD: Hope everybody have a great  
4 weekend. Take care.

5 MS. SCHELLIN: Thank you.

6 CHAIRPERSON HOOD: This meeting's adjourned.

7 (Whereupon, the above-entitled meeting was  
8 adjourned.)

9 \* \* \* \* \*

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

REPORTER CERTIFICATE

This is to certify that the foregoing transcript  
In the matter of: Public Meeting  
Before: D.C. Zoning Commission  
Date: 11-09-2023  
Place: Virtual Hearing via Webex  
was duly recorded and accurately transcribed under my  
direction; further, that said transcript is a true and  
accurate record of the proceedings.



Gary Euell