

GOVERNMENT OF THE DISTRICT OF COLUMBIA

ZONING COMMISSION

VIRTUAL PUBLIC MEETING

VIA WEBEX

Thursday, May 9, 2024

The Public Meeting of the District of Columbia Zoning Commission convened via videoconference pursuant to notice at 4:16 p.m. EDT, Anthony Hood, Chairperson, presiding.

ZONING COMMISSION MEMBERS PRESENT:

ANTHONY J. HOOD, Chairperson
ROBERT E. 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:

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

This transcript serves as the minutes from the Public Meeting held on May 9, 2024.

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1 PROCEEDINGS

2 (4:16 p.m.)

3 CHAIRPERSON HOOD: Good afternoon, ladies and
4 gentlemen. I apologize for being about 16 minutes late. We
5 are convening and broadcasting this public meeting by video
6 conferencing.

7 My name is Anthony Hood. Joining me are Vice
8 Chair Miller, Commissioner Stidham, and Commissioner
9 Imamura. We are also joined by Office of Zoning Staff, Ms.
10 Sharon Schellin, as well as our Office of Zoning Legal
11 Division, Mr. Dennis Liu, Ms. Hillary Lovick, and Mr. Jacob
12 Ritting. We will ask all others to introduce themselves at
13 the appropriate time.

14 Copies of today's meeting agenda are available on
15 the Office of Zoning's website. Please be advised that this
16 proceeding is being recorded by a court reporter and is also
17 webcast live, Webex and YouTube Live. The video will be
18 available on the Office of Zoning's website after the
19 meeting. Accordingly, all those listening on Webex or by
20 phone will be muted during the meeting, unless the
21 Commission suggests otherwise.

22 When hearing action items, the only documents
23 before us this evening are the application, the ANC set down
24 report, and the Office of Planning report. All other
25 documents in the record will be reviewed at the time of the

1 hearing.

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

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

9 MS. SCHELLIN: Yes, sir. I would like for the
10 Commission to go ahead and vote for a closed meeting for our
11 annual or biannual -- we try to do it biannually, but here
12 lately it seems like it has just been annually -- the joint
13 BZA and Zoning Commission training on the various topics. I
14 think we have nailed them down. So I have included that in
15 the statement for you to read.

16 CHAIRPERSON HOOD: Okay, let me read it.

17 As Chairman of the Zoning Commission for the
18 District of Columbia, in accordance with 405(c) of the Open
19 Meetings Act, I move that the Commission hold the following
20 closed meeting on Tuesday, May 21, 2024, at 9:30 a.m., for
21 the purpose of receiving training as permitted in D.C.
22 Official Code 2-575(b) and 14.

23 The subjects of the training are discussions of
24 DDOT evaluation and analysis process, theoretical lots and
25 penthouses and rooftop structures. D.C. Court of Appeals

1 remands and Department of Building's presentation by the
2 zoning administrator.

3 Is there a second?

4 COMMISSIONER IMAMURA: Second.

5 CHAIRPERSON HOOD: Okay, will the secretary please
6 take a roll call vote on the motion before us now that has
7 been seconded?

8 MS. SCHELLIN: Yes. Commissioner Hood?

9 CHAIRPERSON HOOD: Yes.

10 MS. SCHELLIN: Commissioner Miller?

11 VICE CHAIR MILLER: Yes.

12 MS. SCHELLIN: Commissioner Imamura?

13 COMMISSIONER IMAMURA: Yes.

14 MS. SCHELLIN: Commissioner Stidham?

15 COMMISSIONER STIDHAM: Yes.

16 MS. SCHELLIN: The motion is four to zero to one
17 to have the closed meeting on May 21 for the purpose of
18 training. Thank you.

19 CHAIRPERSON HOOD: As it appears the motion is
20 passed, I request that the Office of Zoning provide notice
21 of this closed meeting in accordance with the Act.

22 Okay, anything else, Ms. Schellin?

23 MS. SCHELLIN: No, sir.

24 CHAIRPERSON HOOD: Okay, let's go with our meeting
25 agenda as noted.

1 Case No. 11-03M

2 CHAIRPERSON HOOD: Zoning Commission Case Number

3 11-03M has been moved.

4 Let's go to final action.

5 Case Nos. 23-08, 23-08(1)

6 CHAIRPERSON HOOD: Zoning Commission Case Number

7 23-08, Wesley Theological Seminary of the United Methodist

8 Church, First-Stage PUD at Square 1600, Lot 6, 818 and 819,

9 7, 8, and 9.

10 Zoning Commission Case Number 23-08(1), Wesley
11 Theological Seminary of the United Methodist Church, Campus
12 Plan at Square 1600, Lot 6, 818 and 819, 7, 8 and 9.

13 Ms. Schellin.

14 MS. SCHELLIN: Yes, sir. Rather than going
15 through each individual document that has come in since the
16 hearing last year -- this case was scheduled for back in
17 December, or November, then December -- just simply say that
18 the Commission set dates for documents to come in or
19 additional documents to come in from the last meeting.

20 There were requests to extend those dates to allow more time
21 for the applicant to meet with various parties. And then we
22 extended again due to a holiday, a religious holiday.

23 So we are here at the meeting. You have the
24 documents before you. And so this is now ready for the
25 Commission to decide how they want to move forward with

1 final action. Thank you.

2 CHAIRPERSON HOOD: Okay, thank you, Ms. Schellin.

3 As you know, we had been around about the case
4 that was presented to us and we thought -- a number of us
5 thought, not all of us -- thought that it was used for
6 commercial, commercial uses, more as a -- not to say a
7 money-maker, but we didn't feel like it fit the zoning
8 regulations, especially when you deal with campuses. So
9 there were a number of ways going back and forth. We came
10 back with a PUD and we went round about with that. And we
11 basically -- I think they asked for a postponement, if I'm
12 capturing it all correctly -- I may not be capturing all of
13 it correctly, but it's what I remember.

14 But as Ms. Schellin has mentioned, and others,
15 this has been around a while. Now they're coming back with
16 three new proposals, which is in the text amendment for
17 affordable housing funding and elimination of underground
18 parking. And we have a proposal submitted to us. And the
19 way that we are moving, we have been advised that some of it
20 may not be legally sufficient. But I think as we move
21 forward, I think this will be at least a way -- a path
22 forward.

23 I think everyone's intention is always to make
24 sure Wesley, who I believe I've heard many times has been a
25 good neighbor.

1 So let's see what others may have to say on this.
2 And I think we do have a path forward. And let me just hear
3 from others at this point.

4 Vice Chair Miller.

5 VICE CHAIR MILLER: Thank you, Mr. Chairman. Yes,
6 I agree that we have wanted -- that everybody has wanted a
7 path forward that all parties could agree with, which is a
8 hard standard to live up to when you want all parties to
9 agree with. But this case has been around a couple years.
10 It was just, I believe, a campus plan case. Two years ago,
11 we had hearings on it. Then we thought it needed or someone
12 -- one commissioner may have suggested that a PUD might be
13 an appropriate approach, so they combined a PUD with a
14 campus plan. We held two public hearings on that Wesley
15 campus plan and PUD application in September and October of
16 last year, as you said. And at our November and December
17 meetings, we deliberated on whether to approve the campus
18 plan and PUD. We took proposed action at one of those
19 meetings, I think a November, maybe, meeting. I'm not sure.

20 But we were unable to proceed with final action in
21 December because two major issues, they pointed out, the
22 Commission as a whole had. One being whether the PUD
23 process were the appropriate means for approving Wesley's
24 new dorm, which would house both Wesley and AU students.
25 Most of the commissioners seemed unsure whether Wesley's

1 proffered benefits and amenities, including a student
2 affordable housing program that would provide 70 affordable
3 beds plus other minor benefits, was commensurate with the
4 extraordinary relief being requested, which included a
5 special exception from the IZ program requirements for the
6 new dorm to permit a privately run affordable student
7 housing program in the new dorm that would be serving not
8 just Wesley but mostly adjacent AU students.

9 Some commissioners were persuaded that the new
10 dorm is not a student dormitory but rather a commercial use
11 because of the marketing to the adjacent AU campus, AU
12 students, who would be largely occupying the building. I am
13 not sure I agreed with that. But I think majority thought
14 it didn't fit, that it might have been a commercial use
15 under the zoning regs and therefore wouldn't be permitted,
16 so it would need an exemption from that or exception from
17 that.

18 So there was a request for postponement to find a
19 path forward. And I appreciate the applicant Wesley's team,
20 all the work and effort that they and ANC 3-E put into
21 trying to find a path forward with text amendments that are
22 now proposed or are suggested, two text amendments which
23 would, one, exempt Wesley and its proposed dorm from the IZ
24 set aside requirements and amend the campus plan regulations
25 to clarify that the proposed dorm use on the new dorm site

1 is not a commercial use. In lieu of applying IZ to the new
2 dorm, Wesley is proposing to contribute funds, estimated at
3 \$8 million, to provide affordable housing and IZ units at
4 offsite locations within Ward 3, and Wesley has identified
5 four targets for that funding that they worked out with -- I
6 think largely worked out with ANC 3-E, which had been
7 opposed to the case.

8 And I should note as I'm mentioning 3-E's
9 opposition, that 3-D has been mostly supportive. ANC 3-D
10 has been mostly supportive of the application moving forward
11 under the various iterations, including the current
12 iteration or suggestion of the text amendments. 3-D is
13 where I believe AU and Wesley are actually located within,
14 their main campuses are in 3-D. But 3-E is largely the
15 neighborhood adjacent, across the street, also affected by
16 the case and project.

17 So I am supportive of that text amendment. Could
18 be -- would be a viable option of a third path forward. And
19 maybe it's even preferable to approving the previously
20 considered PUD. So I personally would want to come up with
21 a solution the majority of the Commission can support as a
22 path forward to move this case forward, for Wesley to be
23 able to thrive in place with its educational and religious
24 institutional mission that has been there for many decades.
25 And I think the text amendment approach that has been most

1 recently suggested and worked out to some extent with --
2 based on the feedback that they've gotten from us and from
3 the community is something that we should consider, schedule
4 a public hearing. I think it would require a public hearing
5 on that kind of text amendment.

6 So I would be supportive of considering such a
7 text amendment having Office of Planning's evaluation of it,
8 and other -- and the parties' positions on it, and so we can
9 move this case along with a way forward. So I hope that's
10 helpful.

11 I look forward to hearing comments from other
12 commissioners.

13 CHAIRPERSON HOOD: Thank you. Commissioner
14 Stidham, any comments?

15 COMMISSIONER STIDHAM: Yes, sir. This has been a
16 challenging case for me. In listening to the testimony that
17 we've heard, looking at the record that was prepared.

18 You know, a dorm is a related educational use when
19 you are talking about a campus plan. In this case, the way
20 the dorm is being approached gives me pause to whether, in
21 this case, the dorm is an educational use. And I know there
22 has been a lot of back and forth about whether this is
23 educational or whether this is a commercial use. And I am
24 not going to weigh in one way or the other whether it is or
25 whether it isn't. I think there is some information lacking

1 that could feed into making that decision. But regardless,
2 I do want to see a path forward in this case.

3 I think that the proposal for a text amendment is
4 a way forward. I am not confident that the language that
5 has currently been proposed is the language, and I think
6 there should be a lot of discussion on that. And I know
7 that there will be.

8 Also I think that, based on the fact that there
9 will be much more additional discussion on the text
10 amendment, that I could support a text amendment in this
11 case to allow the case to move forward.

12 CHAIRPERSON HOOD: Thank you, Commissioner
13 Stidham.

14 Commissioner Imamura?

15 COMMISSIONER IMAMURA: Thank you, Mr. Chairman. I
16 want to thank Vice Chair Miller for his thoughtful,
17 comprehensive summary of this case. I think it provides the
18 public a very good summary, because this has been around for
19 a while.

20 So for the applicant, I appreciate their
21 sticktoitiveness in this. It has been incredibly difficult
22 and challenging. We have gone down a few paths here.

23 As I have always said, zoning isn't perfect. I
24 would add onto that, like design, zoning can be an iterative
25 process here. So while I know the applicant might feel as

1 if that PUD path and now we're at the text amendment, I
2 think we had to run down the other two paths to arrive at
3 this proposed solution, to say that we've exhausted other
4 avenues here to make this work.

5 Mr. Chairman, you often say that, you know, you
6 hear from the public that we rubber stamp things. I think
7 this is a classic example where this is not the case, and we
8 have different points of view, disparate views here on the
9 Commission about this, and we have taken our time to provide
10 sort of thoughtful discussion and deliberation on this
11 issue.

12 I think what the applicant is proposing, again
13 working with the ANC, demonstrates their outreach and
14 goodwill, and I think that is something that should be
15 noted.

16 I agree with Commissioner Stidham on the text
17 amendments. I think the first part of that, for the
18 exemption from the IZ set aside, from the very beginning,
19 the Zoning Commission is in the business of affordable
20 housing for students, or should we create that sort of
21 environment there. Commissioner Stidham made a comment
22 about the dorm being an educational use, I think which is
23 sort of irrefutable, but her comment that it's about the
24 approach to it, I think the dorm is still an educational
25 use, but the issue is here how -- it's the operation of it.

1 So it's still functioning as a dorm. It's still supporting
2 the educational use for Wesley to thrive in place here.
3 It's really about sort of the operations of it that I think
4 gives some people pause.

5 I think, as Commissioner Stidham commented and
6 Vice Chair Miller commented, their text amendments should
7 move in that direction. There will be additional comments
8 and opportunity for further refinement about the use of that
9 dorm specific to its operation -- but I think everybody
10 here, it sounds like, and I'm again myself a part of this
11 group that wants to move forward with this in a favorable
12 way. We won't be able to satisfy everybody, but I think
13 there's been a really positive movement here by the
14 applicant, to work with the agency, to work with the
15 community in order for them to, again, thrive in place,
16 still provide the educational needs of their students, which
17 is important to the community and to this group.

18 And so I think with that being said, I'm a little
19 under the weather, but I think that's probably all that I
20 have, Mr. Chairman. I am prepared to support the text
21 amendment path forward, along with the proposed
22 contributions to the four various funds there, as well as
23 the inclusion of the underground parking they are proposing.
24 And I think this is a viable path forward.

25 CHAIRPERSON HOOD: Okay. Commissioner Imamura, we

1 hope you feel better soon.

2 I will say, though I would agree with everything
3 I've heard from my colleagues. I am just -- I believe that
4 this will address, the text amendment as we know will
5 address the IZ and the commercial uses through a text
6 amendment, which I think we all agree with moving forward.

7 So if we all agree, I think we can direct the
8 applicant to proceed with filing a separate application for
9 the text amendment. Meanwhile, we will hold this case in
10 abeyance. And I don't want to give any other direction
11 other than that.

12 Any objections to moving in that fashion?

13 (No audible response.)

14 CHAIRPERSON HOOD: Okay. So that is what we will
15 do.

16 Do we have to do anything else, Ms. Schellin, on
17 that?

18 MS. SCHELLIN: No, sir.

19 CHAIRPERSON HOOD: Okay. All right. Let's go to
20 the next case.

21 Case No. 23-14

22 CHAIRPERSON HOOD: Zoning Commission Case Number
23 23-14, 14th Street Collective Property Owners, Map Amendment
24 at Square 2704 and 2706.

25 Ms. Schellin.

1 MS. SCHELLIN: Yes, sir. This is a request for a
2 map amendment that the Commission took proposed action at
3 the conclusion of the April Fool's Day public hearing, April
4 1, 2024.

5 New exhibits, NCPC reported Exhibit 37. They
6 filed a report stating that this relief falls under one of
7 their exceptions listed in Chapter 8 of the NCPC guidelines,
8 so it is exempt from their review. And then you have draft
9 order from the applicant at Exhibit 36.

10 So this case is ready for the Commission to
11 proceed with final action. Thank you.

12 CHAIRPERSON HOOD: Thank you. You know, as I look
13 at a lot of these cases, and in this case I found, and I
14 think I said this at the hearing, this case I found very
15 unique. Oftentimes, you don't see the applicants as being,
16 some of the business owners, as being also the residents.
17 So I know we have some people who wanted to write in
18 opposition and said we weren't listening to the community.
19 If you have residents who are from the community who are
20 business owners who file an application, I don't know what
21 else you're doing.

22 So I would encourage others to -- I know you all
23 who are in opposition in this particular case may not have
24 known who all the players were, but the players were pretty
25 much all in that neighborhood. The -- the businesses that

1 filed the amendment, the community, all -- they all are
2 together, they all live there. And I thought this was very
3 unique. It doesn't happen often. I want to applaud them
4 for doing this. I'm voting in support of this.

5 And I just wanted to say that to the people who
6 may not live in that community who thought moving forward
7 was not the way to go. But this was community driven and
8 business owner driven, and you had both -- all of them under
9 the same umbrella. So I would leave it at that. Those are
10 my comments.

11 And I would encourage us to be -- make sure we get
12 our information before you criticize the Zoning Commission
13 on how we're moving forward.

14 So with that, Commissioner Stidham, any questions
15 or comments?

16 COMMISSIONER STIDHAM: No, other than to really
17 echo everything that you just said. The way this came about
18 and moved forward is great, and I am prepared to support
19 this case.

20 CHAIRPERSON HOOD: Okay, thank you. Commissioner
21 Imamura?

22 COMMISSIONER IMAMURA: Thank you, Mr. Chairman. I
23 agree with your comments, as well as Commissioner Stidham's.
24 This has the potential for a really positive impact with 25
25 properties. And as you said, you know, many of which were

1 business owners that brought this forward, so these are the
2 ones that are going to be impacted by this. And I think
3 it's consistency. So I am prepared to vote in support. I
4 think this will be a tremendous benefit to the neighborhood.

5 CHAIRPERSON HOOD: Thank you. And Vice Chair
6 Miller.

7 VICE CHAIR MILLER: Thank you, Mr. Chairman. I
8 agree with your comments and those comments of my fellow
9 commissioners, Commissioners Stidham and Imamura.

10 I would only add or would only reiterate that it
11 is largely a zoning consistency case with the comprehensive
12 plan which, in the last cycle of amendments before the
13 Council, was amended to include a moderate density
14 commercial stripe for these properties and other properties
15 along this 14th Street corridor, in addition to the moderate
16 residential stripe designation that had already been there.
17 And the Comp Plan specifically calls out the proposed zoning
18 5-A, I believe in this case, from the existing 3-A, as not
19 inconsistent with that moderate density commercial land use
20 designation.

21 So I agree with you this is largely driven by the
22 small and minority-owned property owners, landlords of the
23 retail uses that are in the neighborhood that want to see it
24 be able to maintain and have housing above it. I don't
25 think there's currently housing above it. And this zoning

1 will facilitate that. I think it's an IZ Plus map
2 designation that is being proposed.

3 And the final thing I would just add is it's
4 supported unanimously by the affected advisory neighborhood
5 commission, 4-E, I believe, is the ANC that supports the
6 application. So I'm ready to move forward with it this
7 evening. Thank you, Mr. Chairman.

8 CHAIRPERSON HOOD: Would somebody like to make a
9 motion? I think everybody has spoken. Would somebody like
10 to make a motion?

11 VICE CHAIR MILLER: I'd be happy to make a motion.

12 CHAIRPERSON HOOD: Sure.

13 VICE CHAIR MILLER: That the Zoning Commission --
14 are we on proposed or final?

15 MS. SCHELLIN: Final.

16 VICE CHAIR MILLER: Right, we did propose at the
17 end of the hearing.

18 I would move that the Zoning Commission take final
19 action to approve Case Number 23-14, 14th Street Collective
20 Property Owners Map Amendment at Squares 2704 and 2706, and
21 ask for a second.

22 COMMISSIONER STIDHAM: Second.

23 CHAIRPERSON HOOD: Okay, so it has been moved and
24 properly seconded. Any further discussion?

25 COMMISSIONER IMAMURA: Did we say -- I think just

1 a friendly amendment -- I misheard this -- that it includes
2 IZ Plus?

3 VICE CHAIR MILLER: Yes, that is very important.

4 Thank you.

5 CHAIRPERSON HOOD: And that -- all of us will
6 accept that amendment.

7 Okay, any further discussion?

8 (No audible response.)

9 CHAIRPERSON HOOD: Not hearing any, Ms. Schellin,
10 would you do a roll call vote, please?

11 MS. SCHELLIN: Yes. Commissioner Miller?

12 VICE CHAIR MILLER: Yes.

13 MS. SCHELLIN: Commissioner Imamura?

14 COMMISSIONER IMAMURA: Yes.

15 MS. SCHELLIN: Commissioner Hood?

16 CHAIRPERSON HOOD: Yes.

17 MS. SCHELLIN: Commissioner Stidham?

18 COMMISSIONER STIDHAM: Yes.

19 MS. SCHELLIN: The vote is four to zero to one to
20 approve final action, Zoning Commission Case Number 23-14,
21 as discussed. The minus one being the third mayoral
22 appointee seat, which is currently vacant.

23 Case No. 23-02

24 CHAIRPERSON HOOD: Okay, the next case is Zoning
25 Commission Case 23-02, Office of Planning Map Amendment at

1 Square 175. Ms. Schellin.

2 MS. SCHELLIN: Yes, sir. At the conclusion of the
3 hearing, the Commission left the record open for a few
4 items. Closing statements from all of the parties, draft
5 findings of facts and conclusions of law from all of the
6 parties if they chose to file them, a supplemental report
7 from OP, and then the parties could respond thereto.

8 They wanted to know from OP if there was a less --
9 or you guys wanted to know if there was a less intensive
10 zone, such as MU-8 that would be appropriate, and also
11 consistent with the Comp Plan, and what the potential amount
12 of housing would be lost if the less intensive zone was
13 adopted; whether split zoning the site with a less intensive
14 zone for the northern portion of the site along V Street
15 would be appropriate; why this proposal is not spot zoning;
16 and how this proposed amendment will not contribute to
17 indirect displacement.

18 So there were several new motions -- I'm sorry,
19 there were some motions filed for various things in order to
20 get the documents here that are all filed. And there is
21 here for consideration this evening, other than what you
22 have before you for proposed action as a preliminary matter
23 is there are a couple joint motions for a limited scope
24 hearing from the DuPont Circle Citizens Association, the
25 Black Neighbors of 1617 U Street, Northwest, the homeowners

1 within 200 feet of Lots 826 and 827, and Randall Jones.
2 They believe that OP's supplemental report includes new
3 information that they would like to be able to cross examine
4 the Office of Planning on.

5 So that's what I have for you to decide, is
6 whether you believe there is new information provided and a
7 limited scope hearing is necessary. Thank you.

8 CHAIRPERSON HOOD: Okay, thank you. Deciding
9 these motions, the Commission is going to go probably
10 consider by the issue. I had actually prepared to dissect
11 the letters. We can still do both. But I think I have
12 already ruled on a few of these.

13 We did grant the motion to allow time for the
14 draft orders. The transcript became available April 15. We
15 allowed additional time to April 22 to submit draft orders.
16 I did deny the motion requesting more time to respond to the
17 Office of Planning Report because you didn't need -- the
18 transcripts were not necessary and essential for responding
19 to those reports.

20 I think we have four topics that were discussed in
21 the report. And let me pull up -- let me start with -- I
22 was going to start here, and let me go back and forth.

23 In Exhibit -- what exhibit is this -- Exhibit 715,
24 this is from the motion of the Black Neighbors, 1716 U
25 Street, they're renewing the joint motion. I believe also

1 -- I'm trying to finagle a few documents -- DuPont Citizens
2 Association, I think they had a joint motion as well.

3 And there were four topics that were discussed in
4 the OP supplemental report. A less intensive zone. They
5 believe that there was a new issue whether splitting zoning
6 in the site with a less intensive zone for the northern
7 portion of the site along V Street would be appropriate, why
8 this proposal is not spot zoning, and how this proposed
9 amendment will not contribute to indirect displacement.

10 A lot of this was discussed at the hearing. And
11 when I looked at the submissions, some of the things that
12 were mentioned, I know that the parties in opposition --
13 we've exhausted it, and I didn't see anything convincing for
14 me on either of these motions, either the joint motion or
15 any motion that has been submitted, that would want me to
16 change. I would deny all the motions, the joint motion and
17 everything.

18 I think we have enough information to move
19 forward. If we need to do that at a later time, we'll do
20 it.

21 And typically, when we ask for information from
22 the Office of Planning, the supplementary report is
23 information that we've asked for, not necessarily that we've
24 asked everybody to respond to it. But it comes as a direct
25 result -- and all they did was basically reaffirm most of

1 what has come out through the hearing, the questions we've
2 asked for.

3 In the past, we have never done it that way. I'm
4 not saying that that's the right way. But let me hear what
5 others think on any of that. Let me just do it like that.

6 I know as one of the people who said in their
7 submission that I was rambling. Well, this has been a
8 rambling case. So that's just how this is. It's a rambling
9 case.

10 Let me start with Commissioner Imamura.

11 COMMISSIONER IMAMURA: Thank you, Mr. Chairman. I
12 agree with your assessment and support your position.

13 CHAIRPERSON HOOD: Commissioner Stidham.

14 COMMISSIONER STIDHAM: I agree with what you said,
15 and Commissioner Imamura's follow up, so I would also
16 support your decision.

17 CHAIRPERSON HOOD: Okay. Vice Chair Miller.

18 VICE CHAIR MILLER: Thank you, Mr. Chairman. I
19 appreciate following our -- was it 30 hours of the public
20 hearings on this case? -- that the Office of Planning has
21 provided us with our requested supplemental information,
22 which is very helpful, at Exhibit 700, I think, on the
23 appropriateness and compatibility of less intensive zones in
24 terms of height and density than the proposed MU-10 zone.
25 That was one issue we asked about.

1 The second was why such less intensive zones would
2 also be not inconsistent with the Comp Plan.

3 And three, the potential amount of housing, both
4 the market rate and affordable, which would be generated by
5 each zone and lost as you go down the less intense zones.

6 And the information provided was very helpful. It
7 stated, again Exhibit 700, OP's report, April 8, that the
8 MU-10 proposed zone, along with the related text amendment
9 in Case Number -- I don't have that right in front of me
10 what the case number is, I think it's 23-26 -- would not be
11 inconsistent with the Comp Plan. But they also said that
12 MU-8, just from a strict map consistency basis, MU-8 zoning
13 which has 20 feet less height and 1.0 less FAR,
14 approximately, would also not be inconsistent, and MU-5A at
15 65 feet or 70 with IZ and 3.5 FAR, would also be not
16 inconsistent, even though they proposed the MU-10 higher
17 zone.

18 So I guess I am -- since we didn't have a hearing,
19 I guess -- there was a lot of testimony about what was
20 needed to make this fit into the neighborhood. You've got
21 the U Street main street corridor there, the police and fire
22 stations. Viability and continued existence there is the
23 driving force here, along with facilitating affordable
24 housing at an amenity-rich site. But you've got the two-
25 story townhomes across the street on the back side and the

1 side, at S and 17th Street maybe.

2 So I guess I would be inclined, if it's helpful to
3 offer this opinion at this point, to support a limited scope
4 hearing on the alternative zones that are being suggested,
5 the MU-8 and the MU-5A. You know, there was testimony that
6 even with the MU-10 proposed zoning and the proposed setback
7 in the related text amendment case, which we haven't had a
8 hearing on yet, that that height on U Street, because it's
9 facing south, toward the sun, that that height, if it was at
10 the maximum, will still block, even with setbacks and step-
11 downs, the light, at least the light if not the air, that's
12 going to those V Street two-story homes across the street in
13 the back.

14 So the northern portion of the site, if we
15 remember, is designated as conservation area, as opposed to
16 the U Street portion, which is the U Street entertainment
17 nightlife corridor of the District, with higher density.

18 So I guess I would be interested in granting a
19 motion for a limited scope hearing on the new issues -- new
20 issues, even though they have been discussed previously kind
21 of extensively in 30 hours of public hearing that we've had
22 -- the new issues of a lesser zone intensity and whether a
23 different setback in the related text amendment case would
24 be appropriate if we went to a lesser intense zone such as
25 MU-8, which I think I'm personally inclined to go toward at

1 this point, reducing that height from 90 to 70 on U Street.

2 We have to remember that the Council in the most
3 recent plan amendment cycle did specifically amend the
4 future land use map of the Comp Plan to add high-density
5 residential at this location, which is what's led to this
6 case, in addition to the previous designation, the previous
7 mixed use designation of moderate density commercial and
8 local public facility. So I would be inclined to support a
9 future limited scope hearing on the issue of a lesser
10 intense zone than MU-10 as proposed by the Office of
11 Planning in this case, specifically I would be interested in
12 the MU-8, at least for the U Street side, and potentially --
13 and also, if we're going to have a limited scope hearing,
14 might as well have a limited scope hearing as well on the
15 split zone concept, which we heard a lot about from the
16 community opposition, that it should be split zoned to have
17 a lesser intensity on the U Street back and sides, which are
18 facing those two-story townhomes and would be more or less
19 not inconsistent, I guess that's the way to put it in zoning
20 nomenclature, less not inconsistent with Comp Plan policy
21 calling for the conservation area on that part of the site,
22 and maintaining the low-scale character of those adjacent
23 neighborhoods, and not unduly affecting adversely their
24 light and air.

25 So I guess, as much as I don't want to extend

1 hearings on a case that has had extensive hearings, and have
2 people come -- have to have come forward for multiple
3 nights, which I hope is not the case, I'd hope that we could
4 dispose of this in one evening, but we've got the related
5 text amendment.

6 And so I would want information from the Office of
7 Planning on if we were adjust the proposal to MU-8 or a
8 split zone with MU-8 and then MU something else for that
9 back side that's conservation area near lower scale
10 townhouses, whether they would adjust the text amendment
11 that we're scheduled to have a public hearing on I think
12 next week or soon. They're all related. I wish -- I think,
13 as I stated, I wish we could have the whole hearing in one
14 fell swoop, because all these issues are interrelated, and I
15 don't want to force or have people and us have to comment at
16 multiple hearings on the same types of issues. But they are
17 different proposals, one's a text amendment, one's a map
18 amendment. I'd rather it be combined if that's at all
19 possible, too, for efficiency and economy of time, of
20 everybody's time.

21 So that's where I am, Mr. Chairman. Sorry. You
22 mentioned rambling. It has been a rambling case. But I
23 guess I would be, bottom line, in favor of a limited scope
24 hearing on the issues that we requested OP to provide, which
25 are, even though discussed and testified to at the previous

1 30 hours of hearings, there is information, specific
2 information about height, FAR, on those alternative zones
3 that also would be not inconsistent, and we don't know how
4 the text amendment would be adjusted if we went to an
5 alternative zone. So I guess I would be in favor of that
6 approach of having a limited scope hearing on less intensive
7 -- a slightly less intense zone and/or a split zone
8 approach. And that's where I am. Thank you, Mr. Chairman.

9 CHAIRPERSON HOOD: Thank you. Let me correct or
10 maybe focus it. Maybe I was rambling and maybe there was
11 some confusion, because I don't believe I wanted to get to
12 the intensity of the zone, but the Vice Chair did. I don't
13 think I've allowed Commissioner Imamura and Commissioner
14 Stidham to talk about the intensity.

15 I was talking about the issues that were already
16 discussed, like spot zoning and the indirect displacement.
17 Those two specifically were discussed at the hearing.

18 VICE CHAIR MILLER: I agree. I agree.

19 CHAIRPERSON HOOD: So I want to dispel with those
20 two. That's where I was going. Maybe I might have
21 mentioned intensity zoning because that's what I'm thinking
22 about.

23 I want to deny the motions in part with the spot
24 zoning, as we've discussed at the hearing. That came up.
25 And also with the indirect displacement. We discussed that

1 at the hearing.

2 Let's go back to what the Vice Chair was doing
3 what I do, too, rambling, because that's the word they used,
4 that we all ramble. But the whole -- all six hearings were
5 rambling. So anyway, I just want to make sure that we all
6 stay consistent, and not just the Commission. But I
7 understand there are a lot of things, actions and a lot of
8 nuances that are going on in this case. But the Vice Chair
9 said something that I am very interested in.

10 The problem that I have with going to a different
11 zone, the M-8 and M-5, which is consistent -- I think it was
12 5A -- which is consistent, as we know, to what the Council's
13 action was, do we accomplish what we are trying to
14 accomplish with the MU-8 and 5A? I don't think so. Do we
15 get what we are trying to set out to get? I don't think so.

16 As a result, I think, of the hearings, the six
17 hearings, I think Councilmember Nadeau has introduced
18 legislation -- and I'm sure the lawyers are going to tell
19 me, oh, no, no, no, no, no, you can't do this, you can't do
20 that. But, you know, after what I've heard, my biggest
21 thing was engagement. But then when I look at engagement, I
22 look at the ANCs who are elected -- front-line elected
23 officials, who all supported it. So what's the level of
24 engagement.

25 So along with Vice Chair Miller mentioned about

1 intensity zoning, I am going to come to Commissioner Imamura
2 and Commissioner Stidham in a moment about the zone issue.

3 I am also wondering how -- and I know zoning has
4 nothing to do with the City Council, other than we cannot be
5 inconsistent with the Comp Plan. One of the things that I
6 thought about, if we were to approve -- first, I want to
7 make sure, if we were to approve MU-10, I want to make sure
8 that the council legislation that was put forward by
9 Councilmember Nadeau, and I'm not introducing new evidence,
10 but that was what people did not get as far as the
11 engagement. Because I can't get past the engagement issue.

12 But the order says -- I would like to put
13 something like this. And just tell me if this goes along
14 with the intensity zoning -- and I know I'm rambling -- the
15 order shall become effective on the date of publication in
16 the D.C. Register, or the date of adoption of Council Bill
17 whatever the bill number is, whichever is the latter. No
18 development shall begin until adoption of said bill. If
19 said bill is not adopted, the order shall become null and
20 void and zoning shall revert back to the original zone.

21 The Council's legislation, I think, captures some
22 of the concerns about engagement.

23 Now, all this stuff can be tweaked, all the stuff
24 can be changed, and we could just discuss that. I'm not
25 going to be ready to any type of action tonight. I want to

1 find out from our counsel how -- if that's feasible. And I
2 don't need you to tell me now. I need you to think about
3 it. I don't want to jump on this. But I want to find out
4 if that's feasible.

5 I have already heard from the Vice Chair about the
6 other zones, less intensive zones, possibly. But my problem
7 with the less intensive zone is we don't -- do we achieve
8 the affordable housing that we set out to do? Are the
9 people who, like the Blacks and others that look like me,
10 are we going to be able to get into that project? Because
11 that's where the disparity is coming, that's where the
12 racial equity tool comes into play. And if we minimize it,
13 then somebody is going to get left out, and it's probably
14 going to be people that look like me.

15 So that is what I don't want to happen, and I am
16 not going to stand for it as long as I can do it. I have
17 only one vote. But I want to make sure that we maximize.

18 So I want to know about that legislation. If I
19 can put something like that in there, so that will be
20 something that -- because I don't know if the bill is going
21 to pass. I know that Councilmember Nadeau has introduced
22 it.

23 But I will say this. I will say this. The Mayor
24 and the Council listen, too, like we do. You know, they're
25 here to -- we're here to serve. We are not here to do you

1 in. You know, that's what people think. You know, they
2 think we're here to -- no. We live here, too. I live here
3 in the city, too. We are here to serve and do a service.

4 And I think Councilmember Nadeau, to her credit,
5 came up with this. Now, I would have liked to have seen it
6 before it got to us, but we see it. So that means that
7 their councilmember in Ward 1 listens. And I am not sure if
8 all the council members approve it. That's why we want to
9 put that language in there, this order shall become
10 effective, if we go with MU-10, effective on the date of
11 publication in the D.C. Register or dates of adoption of
12 Council Number whatever that number is, whichever is the
13 latter. No development shall begin until the adoption of
14 said bill. If said bill is not adopted, this order shall
15 become null and void, and zoning shall revert back to the
16 original zoning.

17 So I want to offer that. And if we do that
18 limited scope, I want to offer that piece.

19 I don't need anybody to tell me right now, oh, you
20 can't do that. I want us to figure out, it depends on how
21 the Commission goes there, we can do something.

22 So anyway, let me hear from Commissioner Stidham.
23 Any questions or comments? Any additional comments on the
24 intensity of the zones.

25 COMMISSIONER STIDHAM: I don't know where to go

1 from there. So what are you asking me? What is the
2 question at hand?

3 CHAIRPERSON HOOD: I just wanted to know if you
4 had anything else to say, because --

5 COMMISSIONER STIDHAM: No, I got nothing.

6 CHAIRPERSON HOOD: -- you're not the only one that
7 don't know where to go. I just said what I thought. When I
8 saw the legislation, I thought that might help because one
9 of the problems that I had and I still kind of have is I'm
10 trying to balance what is enough engagement.

11 We always hear from the people who have issues
12 with it. But there are 700,000 -- as I may have said, there
13 are 700,000 residents in this city, and we've heard from
14 some. Not discounting them, but where are other 695,000 or
15 698,000 when it comes to this?

16 So some people like the way things are moving. I
17 guess I'm rambling. But I guess I'm trying to see if you
18 have anything additional to say.

19 Let me focus it. The MU-10 intensity zone, MU-8
20 or 5 that the Vice Chair wants to look at in a limited scope
21 hearing, and I also want to include -- figure out how do we
22 move forward, because I think the legislation which
23 Councilmember Nadeau mentions or has introduced helps --
24 shows that obviously her staff or her were listening to our
25 hearings and helps with some of what we have heard. Even

1 though I would have liked -- I'll be frankly honest, I would
2 have liked for that long before it got there, but it didn't.

3 And that's why that caveat about reverting back,
4 that's just in case the Council doesn't have the votes, or
5 it doesn't work. Then that means it comes back. And I
6 think that will solve a lot of the issues and a lot of
7 issues that DuPont Citizens Association and Black Neighbors
8 and others may have had. In the limited scope, we can hear
9 some of those issues.

10 And I hate to go to a limited scope to be a
11 disaster. But I think if we keep it to those issues, I
12 think that will be fine. So that's kind of what I was
13 asking.

14 COMMISSIONER STIDHAM: Okay, thank you. I will
15 probably ramble as well.

16 I have a lot of concerns with MU-10 zone for this
17 neighborhood. But I also know what the District is trying
18 to achieve by looking at that zoning opportunity. But
19 making a decision about what is best on the balance is
20 tough. And I think that we need to have a conversation
21 about the other zones and split zoning in order to make a
22 decision.

23 CHAIRPERSON HOOD: Okay vice -- and Commissioner
24 Imamura.

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

1 almost got a promotion out of that. I appreciate it. But I
2 think Vice Chair Miller is much better suited for that.

3 I also appreciate, Mr. Chairman, your
4 clarification about the motions at the outset there, about
5 the indirect displacement and spot zoning.

6 When Vice Chair Miller went into density, I
7 thought I almost lost my opportunity there to comment. But
8 I'm glad that Vice Chair Miller raised those issues,
9 provided, again, a thorough summary there.

10 I have a couple thoughts. The first, and we'll
11 see how far I can go without coughing here. About the
12 rambling, Mr. Chairman, I think of the 30 hours, most of
13 which was discussion or testimony by the public, much of it
14 as you tried to steer, some was not germane or nascent to
15 the conversation. Some of it fell out of my comfort zone
16 for civil discourse. Saw parties in opposition trying to
17 sort of down one another. Ultimately, those that are coming
18 before the Zoning Commission are here to testify and
19 influence the decision-making process, not down one another,
20 fellow citizens, their neighbors. So moving forward for a
21 limited scope hearing, and any other further public
22 participation, I would hope that it remain focused and
23 civil.

24 This is a complicated issue here. Again, Mr.
25 Chairman, this goes back to the point that I made earlier

1 tonight, where sometimes you hear from the public that we
2 rubber stamp things. This is an example where we don't, and
3 we take into consideration, you know, public input.

4 I don't think anybody can argue that the MU-10
5 zone is not inconsistent with the FLUM, Comp Plan in
6 response to the new FLUM there. So does MU-8 and MU-5A.
7 That's clear. But it's really about -- it's two parts here.
8 What is appropriate and what is consistent?

9 So we know that those zones are consistent. So
10 now it's on to the next question, to be pragmatic about
11 this. What is appropriate? And there is where we exercise
12 some judgment.

13 For me, this is focused on sort of urban design
14 issues here. Certainly hearing -- noting the support from
15 the ANC, obviously giving them great weight, as well as OP
16 and their proposal here. But hearing about the opposition,
17 despite their approach to this, and the neighborhood
18 concerns, especially as I've noted, you know, in past cases
19 about neighborhood conservation areas give me pause. That
20 does not mean I cannot be convinced, but I'd certainly want
21 to take a closer look when we are in those areas, and how we
22 weigh other Comp Plan policies when we rezone, upzone.

23 I think I am not in a rush, Mr. Chairman, to a
24 decision here, given that we have already spent 30 hours.
25 We want to get this right. And I think that there's a few

1 more things that we could tease out, among which might
2 include a more thorough study of a less intense zone.

3 Others may note that the MU-10 also includes, you
4 know, public space at the ground floor. But when you note
5 that design is an iterative process, I've mentioned that
6 zoning is an iterative process tonight. The RFP, you know,
7 going out -- when this does and if it does move forward with
8 a design solution, that the public will have another
9 opportunity for participation, input, and influence there to
10 make sure that if we do move forward with a less intense
11 zone, that there still remains public space, public ground
12 here; shadows, light and air are mitigated as best as
13 practically possible.

14 For me, Mr. Chairman, your question about are we
15 achieving what we set out to achieve here, what our goal is,
16 by moving to a less intense zone, given what some of the
17 mandates are, I think the report that OP put forward with
18 the chart that breaks out the various zones, the comparison
19 there was very helpful. This is what Vice Chair Miller and
20 I have been asking for on other cases, too, to bring forward
21 in advance, to help us make more informed decisions. So for
22 the public, you can clearly see what the number of units
23 that are being lost, the number of affordable units that are
24 being lost, and the balance of that.

25 I understand their points of view, much of it,

1 probably. But through their own lens. But we're charged
2 with looking at it through a different lens, what's best for
3 the city, what's best for the neighborhood, balancing all of
4 the issues, both pro and con.

5 I do believe that the MU-10 is -- the density for
6 that does achieve the stated goal. But I think there are
7 other issues here about urban design that require us to look
8 at maybe a less intense zone.

9 I'm inclined to align myself with Vice Chair
10 Miller and look at perhaps an MU-8. Generally, I think
11 split zones can be challenging, but that may be appropriate
12 in this particular instance. But I would like to know more
13 about it. And I would like to take a sort of methodical,
14 pragmatic approach to this.

15 We have already heard testimony. So if we do move
16 forward with a limited scope hearing, it is incredibly
17 focused and limited and germane. And I think I would be
18 inclined to move in that direction, to see where this leads.
19 And I think it might lead to a better outcome, Mr. Chairman.

20 As you often state, sometimes disparate views and
21 different points of views, collision of ideas, can often
22 lead to a better outcome.

23 So with that, I wouldn't say that those who were
24 in opposition have won or might cheer or whatever. But I
25 think this is the Zoning Commission taking a thorough review

1 of this entire case and what is appropriate for this
2 particular neighborhood.

3 So that's what I have to share, Mr. Chairman.

4 CHAIRPERSON HOOD: Okay, thank you for your well
5 thought out comments. And I want to thank everyone.

6 So I want to try to figure out how to move
7 forward.

8 Vice Chair Miller, let me just say this. Again, I
9 want everybody to remember, while I know we're looking at --
10 I don't want to have seven nights of hearings again and
11 we're not able to achieve or nothing gets done because we
12 basically took an affordable component or what we believe
13 can be built as you increase the envelope, out of the
14 equation. That is my biggest problem.

15 Now, as mentioned about the supplemental report
16 from the Office of Planning, it shows what's going to be
17 reduced. And what's going to be reduced, colleagues, is
18 going to be the people who cannot afford. And that's what
19 the whole goal was.

20 But we can open it back up and hear from the
21 public. I just hope it's not -- I hope it's not the same.
22 If it is, I might take a day or so off, Vice Chair, and let
23 you feel some of that. So I'll leave it at that.

24 Go right ahead, Vice Chair.

25 VICE CHAIR MILLER: I thank you, Mr. Chairman. I

1 agree entirely with all of your comments and those of
2 Commissioner Imamura and Stidham about this case,
3 particularly in Commissioner Imamura's often-stated comment,
4 not just in this case but in almost every case, that there
5 is a design solution that addresses the issues, most of the
6 issues, the overwhelming majority of issues that have been
7 raised in our hearing, and we're trying to get to that
8 balance of tradeoffs. When you reduce height, you reduce
9 units. And the Office of Planning has provided a lot of
10 useful information about the number of units that would be
11 reduced, market rate and affordable, if an alternative zone
12 proposal were to go forward. But I think it would be useful
13 to have the information in a limited scope hearing on that.

14 Since you brought up the legislation that
15 Councilmember Brianne Nadeau has introduced, Mr. Chairman, I
16 just wanted to briefly summarize the long title of her
17 legislation, because it does address many of the issues
18 that, frankly, we can't address through zoning that she and
19 the Council can address through legislation. So that's now
20 in the public record. I don't know if we'll hear from them
21 or the Council directly. But I think since you brought up
22 how effective -- the effective date, it wouldn't be
23 effective -- our order wouldn't be effective without that
24 legislation. But I think it's important to say what that
25 legislation that is currently proposed just strives to

1 achieve. And if you indulge me, if it's okay to read that,
2 Mr. Chairman?

3 CHAIRPERSON HOOD: Sure, thank you. You have more
4 experience with that than I do, so go right ahead.

5 VICE CHAIR MILLER: Okay. So I -- to do that, I
6 had to take my video -- I can't see myself, but I know I'm
7 on video, I think, because I see the green light. I'll just
8 read the long -- some of the long title of Councilmember
9 Nadeau's recently introduced legislation.

10 To specify that the property located at 1617 U
11 Street and 1620 V Street shall not have affordable housing
12 requirements reduced or waived by the Mayor and shall have
13 at least two additional public hearings held by the Mayor
14 following the issuance of any order by the Zoning Commission
15 on this case; to require that the property be retained in
16 fee simple ownership by the District in perpetuity; to
17 require that any requests for proposals -- a totally
18 separate Mayor/Council process than our process -- this bill
19 would require that any requests for proposals for
20 redevelopment of the property issued by the Mayor include an
21 assessment of service levels provided by police and fire on
22 the property, and a requirement for proposals to maintain or
23 enhance such service levels; a requirement that applicants
24 explain how a proposal is consistent with relevant policies
25 of the comprehensive plan and an assessment of the

1 feasibility of the provision of affordable housing above and
2 beyond the requirements of publicly-owned sites -- which I
3 believe currently there is a 30 percent set aside
4 requirement -- and to grant ANC 1C great weight on any
5 matter regarding the redevelopment of the property for which
6 ANCs 1B and 2B would ordinarily be granted great weight; and
7 to authorize grantmaking to tenant associations and
8 nonprofit organizations to assist tenants -- tenant
9 purchase, organizing and other relevant tenant support for
10 properties within 200 feet of 1617 U Street and 1620 V
11 Street.

12 So I just wanted, since you referred to the
13 legislation just in this hearing, in this meeting, Mr.
14 Chairman, I just wanted to state what the legislation
15 purposes are.

16 So I am hopeful that a limited scope -- I mean
17 limited scope hearing on the -- on possible alternative zone
18 of MU-8 and what other adjusted amendments might be needed
19 in the proposed related text amendment, if that were to
20 proceed, would be supported by the Office of Planning.

21 I also wanted to thank the Office of Planning not
22 only for providing information on those alternative zones
23 and the loss of -- the tradeoffs, the tradeoffs of the loss
24 of affordable housing that would happen for those zones. I
25 really do encourage the public to look at Exhibit 700 of the

1 Office of Planning's post-hearing supplemental report that
2 we requested.

3 They also did provide, as we requested but was
4 extensively discussed at the hearing, so I don't think we
5 need to have any discussion of this, frankly, at the limited
6 scope hearing in the future on indirect placement. There
7 was a lot of discussion about that. I think they provided
8 more backup information on that issue which we have seen
9 previously, frankly, in other cases. So I think we don't
10 need to -- that the limited scope hearing should be
11 exclusively focused on alternative -- possible alternative
12 zones and related alternative text amendment language, and
13 alternative split zoning if that might be a viable approach
14 that could work better. Although there are challenges with
15 that, of course.

16 But I don't think we need any discussion further
17 at a limited scope hearing on indirect displacement, even
18 though there are strong views about that issue. I think we
19 had extensive hearing testimony on that, and OP did provide
20 additional background information on that. And so did the
21 other parties, all of which we have in the record, extensive
22 record.

23 I am prepared to entertain whatever path forward
24 on this case you want to proceed with, Mr. Chairman.

25 CHAIRPERSON HOOD: Okay, I am not going to try to

1 recapture everything that's been said. I would hope that
2 Office of Planning, public, as well as the Office of Zoning
3 Legal Division has heard our comments, and we will come back
4 and, if need be -- one of two ways. If they have further
5 questions of us, they can submit it to us in writing. And
6 I'm just talking not about the public. I'm just saying
7 right now, the Office of Planning or our Office of Zoning
8 Legal Division, and we can discuss more, we can deliberate
9 more if they need a clearer understanding.

10 But I think it's clear. While we may not have
11 made it in chronological order, I think what we're looking
12 to do is clear.

13 So with that, Ms. Schellin, it seems like we are
14 going to have a limited scope hearing, both talking about
15 looking at other intensity of zones, as well as -- I need to
16 figure out, and I need OZLD, Office of Zoning Legal
17 Division, to help me figure out how we deal with that
18 legislation. Because if you think about it, that
19 legislation helps alleviate a lot of what we heard, even
20 before we get to that. Our racial equity tool, engagement,
21 I think she's directing the Mayor or the Mayor's team to
22 have two engagement forums or whatever. And I am sure a lot
23 of that stuff will be asked. And possibly out of that,
24 Commissioner Imamura, there may be some design issues that
25 may get resolved to a point, if that's the case. I don't

1 know. Or it may come back with an MU-8 without us.

2 So I think that's very important. But that's why
3 I want to make sure, if we're able to do it that way, that
4 what I read is important. Because if it does not happen and
5 the Council does not have the votes, then we revert back to
6 whatever -- we reverse back.

7 But I am concerned, Vice Chair Miller, and all,
8 about the lack of affordable units going forward. I can
9 just tell you that. All right.

10 And also possibly reducing what would happen to
11 some of the -- we don't need to rehash all of that -- what
12 would happen to some of the emergency facilities that are
13 there. So will that go away, too? Because that's not what
14 the public wants. So I don't want us to fix something as
15 we're trying to resolve it and try to help it, and then
16 exacerbate the problem.

17 So I don't know, Ms. Schellin. Dates? And I
18 think we would need more time than less. I don't know how
19 we can communicate with OP and everyone at this time?

20 MS. SCHELLIN: I think that we -- yeah, I can talk
21 with OP. For a further hearing, there is only a 14-day
22 notice period per the regulations. So I will just work with
23 OP as far as a date.

24 But just as far as publication, what I'm hearing,
25 and I'm sure OZLD will work with that, too, that the MU-10

1 is not being taken off of the table at this point, because
2 you guys are not making a decision. So this further hearing
3 is just to also throw the MU-8 or some other zone in the mix
4 that is going to be advertised, and possibly split zoning.
5 So the MU-10 is still there, because you have not ruled, you
6 have not voted not to approve MU-10.

7 So it will still be there. So the further hearing
8 just allows for the cross examination on these new issues
9 and allows the Commission to consider another zone, correct?

10 CHAIRPERSON HOOD: Yeah, and also I still need to
11 find a way to deal with that legislation. So I want that on
12 the table, too.

13 MS. SCHELLIN: Right. And maybe what you could do
14 is you could see if maybe parties -- the other thing I want
15 to ask is, this -- because it is a limited scope hearing, is
16 this limited to parties only for the purpose of cross
17 examination? We are not opening this hearing to everybody?
18 Or are we?

19 CHAIRPERSON HOOD: What I'm hearing is people
20 already feel like we are not letting everybody participate.
21 I want everybody to -- whoever needs to participate needs to
22 participate.

23 MS. SCHELLIN: Okay, but it's limited to these
24 certain issues.

25 CHAIRPERSON HOOD: Yes. And if I have to take

1 another six nights for this, we will do, that's what we will
2 do.

3 MS. SCHELLIN: I would hope not, since it's
4 limited. Okay.

5 But you could also, if you want, advertise that
6 they could submit their comments on the legislation, if they
7 feel that that would eliminate the issue. If you want that
8 in there, you could -- we could put that in there, too.

9 CHAIRPERSON HOOD: So here's what we've got. Let
10 me say this, and my colleagues, join in as well.

11 So we have the intensity of zones, we have the
12 legislation, and what else do we have?

13 MS. SCHELLIN: Whether split zoning -- the two new
14 issues is if there's a less intensive zone, such as MU-8,
15 that would be appropriate and also consistent with the Comp
16 Plan, and what the potential amount of housing would be lost
17 if the less intensive zone was adopted. And whether split
18 zoning of the site with a less intensive zone for the
19 northern portion of the site along V Street would be
20 appropriate. Those were the two new issues that the hearing
21 would be on.

22 CHAIRPERSON HOOD: Okay. And also I want to hear
23 their comments on the legislation as well.

24 MS. SCHELLIN: So that's what we'll advertise for
25 then. And as soon as OZLD can get that ready, we do have a

1 couple dates open in June. If they could get something
2 ready next week.

3 CHAIRPERSON HOOD: Let me ask this. Are we trying
4 to do this before the summer break? Because I don't want to
5 do this in August. As a matter of fact, we're not doing it
6 in August. Okay. All right, all right.

7 So let's see -- OZLD, if you all could get the
8 notice done, it should not be a long notice. It shouldn't
9 take that much time, I don't think. If not, call Robert, he
10 can help you.

11 I'm sorry, I was about to say Commissioner
12 Ritting.

13 Mr. Ritting.

14 MR. RITTING: I just was going to pipe up to say
15 that, yeah, we can work on the hearing notice, and we'll be
16 in contact with OP.

17 CHAIRPERSON HOOD: All right, so I'm hoping --

18 VICE CHAIR MILLER: Did you have a date, Ms.
19 Schellin, that you were going to suggest? Just since people
20 might -- I guess there are not that many people here, but if
21 it's --

22 MS. SCHELLIN: Yeah, and I think that all of the
23 parties had multiple individuals, so they could always send
24 a substitute. I think I had two dates, the 10th and the
25 17th in June available. If we could get the notice done by

1 Wednesday, if Mr. Ritting can give it to me by noon on
2 Wednesday, then let's see, that will be the 15th -- I have
3 the 10th of June and the 17th of June open. I also have the
4 24th. However, Commissioner Imamura is out, and he would
5 have to read the record, or review the record, rather. I
6 mean, that's not a horrible option --

7 CHAIRPERSON HOOD: Right. I want to do it when
8 everybody is here.

9 MS. SCHELLIN: Yeah, so the 10th or the 17th.
10 Okay?

11 CHAIRPERSON HOOD: Okay. Do we need anything
12 else? Does anybody have any other questions on this?

13 MS. SCHELLIN: Just to confirm that the motion for
14 a limited scope hearing by consensus was approved in part
15 and denied in part?

16 CHAIRPERSON HOOD: Correct. Yes, those two we
17 spoke about.

18 It will be a limited scope.

19 VICE CHAIR MILLER: And we are going to try to
20 help you, Mr. Chairman, with limiting.

21 CHAIRPERSON HOOD: This time, I'm just going to be
22 quiet and wait for three minutes. You know, one thing I
23 believe is letting people talk. If they want to use their
24 three minutes, it's not necessarily germane to us, then
25 unfortunately that's how they use it.

1 But I would say this now. Use your three minutes
2 or five minutes or whatever time you have that's going to
3 help us with those limited scope issues. Okay? Let's see
4 how that goes.

5 All right, any other questions or comments?

6 (No audible response.)

7 CHAIRPERSON HOOD: I'm sure it will go well. I'm
8 going to be positive.

9 MS. SCHELLIN: I guess the question is, since this
10 is -- well, this is really strange, because the whole
11 purpose of this is for cross examination. But I guess it's
12 a whole new hearing, basically, on these new issues. Okay,
13 never mind.

14 CHAIRPERSON HOOD: Yeah, if it's something we need
15 to go back -- because we anticipated this as limited scope,
16 so a limited scope hearing, get advised a different way.

17 All right, anything else? Do we have anything
18 else from the agenda, Ms. Schellin?

19 MS. SCHELLIN: No.

20 CHAIRPERSON HOOD: And if we need to come back and
21 discuss this at another public meeting, we can do that as
22 well.

23 So let me ask, 23-26 will not happen now, correct?

24 Is that the case?

25 MS. SCHELLIN: I'm sorry, what was the question?

1 CHAIRPERSON HOOD: Yeah, 23-26 will not happen on
2 Monday, correct?

3 VICE CHAIR MILLER: The related text amendment.

4 CHAIRPERSON HOOD: Text amendment, yeah.

5 MS. SCHELLIN: I would have to ask Jennifer, but I
6 am assuming she will want to postpone that.

7 Is she on, Mr. Young, Jennifer or Joel?

8 CHAIRPERSON HOOD: We're going to have to postpone
9 it because it makes no sense. Ms. Lovick or Mr. Ritting --

10 MS. SCHELLIN: I see Jennifer. Jennifer is on.

11 CHAIRPERSON HOOD: Let me hear from counsel first.
12 Mr. Ritting or Ms. Lovick?

13 MR. RITTING: Theoretically, the hearing could be
14 of some use if you did proceed with the MU-10. However,
15 that seems quite unlikely, given the discussion that I've
16 just heard. So it might make sense to postpone that and see
17 how the Commission feels about alternative zones before
18 proceeding with the hearing on the text amendment.

19 CHAIRPERSON HOOD: All right. Ms. Steingasser.

20 MS. STEINGASSER: Yes, sir. Yes, I have already
21 written a request to postpone Monday and sent that over to
22 Ms. Schellin. So when this hearing is adjourned, that will
23 be in the record to postpone Monday's hearing.

24 And both June 10 and 17 work for OP.

25 CHAIRPERSON HOOD: Thank you. Thank you, Ms.

1 Steingasser.

2 Ms. Schellin, does somebody have to be here to --
3 do we have to announce that, or are we announcing that now?

4 MS. SCHELLIN: We need to announce it.

5 CHAIRPERSON HOOD: Okay. I will -- I have about
6 an hour on Monday. I'll be able to do that.

7 MS. SCHELLIN: Thank you.

8 CHAIRPERSON HOOD: Okay. All right. So with
9 that, anything else, anybody?

10 (No audible response.)

11 CHAIRPERSON HOOD: Thank you. And eventually we
12 will get to the finish line.

13 So with that, I want to thank everyone for their
14 participation.

15 The Zoning Commission will meet again -- the 13th
16 is going to be postponed. You can join me at 4:00, but I'm
17 going to postpone it.

18 The Zoning Commission will meet again -- I
19 believe, Ms. Schellin, is it May 23? Yeah, I think I see
20 May 23.

21 MS. SCHELLIN: Yes, that is correct.

22 CHAIRPERSON HOOD: Okay. So with that, the Zoning
23 Commission will meet again. Our next public meeting will be
24 a continuation of 23-25.

25 So with that, I want to thank everyone for their

1 participation in this meeting tonight and have a great
2 evening. Good night.

3 (Whereupon, the meeting was adjourned at 5:42
4 p.m.)

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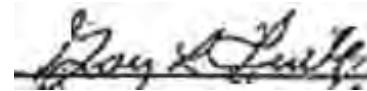
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C E R T I F I C A T E

THE UNITED STATES OF AMERICA)
)
IN THE DISTRICT OF COLUMBIA)

I, Gary Euell, Notary Public, before whom the foregoing deposition was taken, do hereby certify that the witness whose testimony appears in the foregoing pages was duly sworn by me; that the testimony of said witness was reported by me by digital record, and thereafter reduced to typewritten form; that said deposition is a true record of the testimony given by said witness; that I am neither counsel for, related to, nor employed by any of the parties to the action in which this deposition was taken; and, further, that I am not a relative or employee of any attorney or counsel employed by the parties thereto, nor financially or otherwise interested in the outcome of this action.



Gary Euell
Notary Public in and for the
District of Columbia

My commission expires:

June 30, 2028

