

GOVERNMENT OF  
THE DISTRICT OF COLUMBIA

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ZONING COMMISSION

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REGULAR PUBLIC HEARING  
CASE NO. 23-26

+ + + + +

THURSDAY

DECEMBER 5, 2024

+ + + + +

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

ZONING COMMISSION MEMBERS PRESENT:

ANTHONY J. HOOD, Chairperson  
ROBERT E. MILLER, Vice Chair  
GWEN WRIGHT, Commissioner  
TAMMY STIDHAM, Commissioner  
JOSEPH IMAMURA, Commissioner

OFFICE OF ZONING STAFF PRESENT:

PAUL YOUNG, Zoning Data Specialist  
SHARON S. SCHELLIN, Secretary

OFFICE OF ZONING LEGAL DIVISION STAFF PRESENT:

JACOB RITTING, ESQUIRE

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ALSO PRESENT:

JENNIFER STEINGASSER, Office of Planning  
CHERYL CORT, Coalition for Smarter Growth  
ARLENE FESKANICH  
COURTNEY STOCKLAND  
CHRIS OTTEN

The transcript constitutes the minutes from the  
Regular Public Hearing held on December 5, 2024.

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

Case No. 23-26, Office of Planning Text Amendment to Subtitle G  
re: Building Height Transition Setback and a Side Yard in the  
MU-10 Zone on Square 175

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Arlene Feskanich ..... 32

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P-R-O-C-E-E-D-I-N-G-S

(4:00 p.m.)

CHAIRPERSON HOOD: Good afternoon, ladies and gentlemen. We are convening and broadcasting this public hearing by videoconferencing. My name is Anthony Hood. Joining me this evening are Vice Chair Miller, Commissioner Wright, Commissioner Stidham, and Commissioner Imamura. We're also joined by our Office of Zoning Staff, Ms. Sharon Schellin, Office of Zoning Legal Division, Mr. Jacob Ritting, as well as Mr. Paul Young, who will be handling all of our virtual operations. Give me a minute. My screen is going back and forth. Give me one moment please.

(Brief pause.)

CHAIRPERSON HOOD: All right. I think -- Vice Chairman, I think might need Archie over here, 'cause it's going back -- I think I got it straight. Okay. Anyway, others will introduce themselves at the appropriate time. Hopefully, I got everyone.

Copies of today's virtual public hearing notice are available on the Office of Zoning's website. Please be advised that this proceeding is being recorded by a court reporter and is also webcast live via Webex or YouTube Live. The video will be available on the Office of Zoning's website after the hearing. Accordingly, all those listening on Webex or by phone will be muted during the hearing, and only those who have signed up to participate or testify will be unmuted at the appropriate time.

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2 testimony on your presentation. Oral presentations should be  
3 limited to a summary of your most important points. When you  
4 are finished speaking, please mute your audio so that your  
5 microphone is no longer picking up sound or background noise.

6 If you experience difficulty accessing Webex or with  
7 your telephone call-in, then please call our OZ Hotline number,  
8 which is manned by Mr. Paul Young, at 202-727-0789 to sign up or  
9 receive Webex log-in or call-in instructions. All persons  
10 planning to testify either in favor, in opposition, or undeclared  
11 must sign up in advance and will be called by name. If you wish  
12 to file written testimony or additional supporting documents  
13 during the hearing, then please be prepared to describe and  
14 request it at the time of your testimony.

15 The hearing will be conducted in accordance with the  
16 provisions of 11Z DCMR, Chapter -- 11Z DCMR, Chapter 5, as  
17 follows: Preliminary matters; presentation by the Office of  
18 Planning, in this case this evening, which has up to 60 minutes --  
19 I don't think we necessarily need 60 minutes -- report of other  
20 government agencies; report of the ANCs; testimony from  
21 organizations and individuals. Each have -- organizations have  
22 five minutes, and individuals have three minutes, respectively.  
23 And we will hear in the order from those in support, opposition,  
24 or undeclared. While the Commission reserves the right to change  
25 the time limits for presentations, if necessary, it intends to

1 | adhere to the time limits as strictly as possible and notes that  
2 | no time shall be ceded. At this time, the Commission will  
3 | consider any preliminary matters. Does the staff have any  
4 | preliminary matters?

5 | MS. SCHELLIN: Just very quickly, just to let you know  
6 | that ANC 1B has submitted a report in support, and then there  
7 | are a couple letters, one from -- and these are from people who  
8 | were involved in the contested case; one from Ed Hanlon as the  
9 | President of Dupont Citizens Association; then Ms. Feskanich,  
10 | Debra Hanrahan, Gregory Adams. They were involved in the  
11 | contested case, but these exhibits are at, let's see, 17, 19, and  
12 | 20, asking that this case be a contested case. So I'm going to  
13 | leave that for the Commission to deal with, and that's pretty  
14 | much all I have, so --

15 | CHAIRPERSON HOOD: Okay. Before I go --

16 | MS. SCHELLIN: -- you can take it away from there.

17 | CHAIRPERSON HOOD: Thank you. Before I go to the Office  
18 | of Planning, I'm going to do a little background. I want to  
19 | thank everyone who -- our legal counsel for especially always  
20 | helping me to put this together -- or helping us, rather, which  
21 | brings us to the issue raised by the letters, as discussed by  
22 | Ms. Schellin -- just mentioned that were received I believe  
23 | yesterday from Dupont Circle Citizens Association, which are at  
24 | Exhibit 17, and the homeowners within 200 feet, which are at  
25 | Exhibit 19, and the Save DC Public Land group at Exhibit 20.

1 These letters state that the Commission should hear this as a  
2 contested case rather than as a rulemaking, because it is the  
3 functional equivalent of a map amendment and/or should have set  
4 this down as a petition to create new zones instead of as a  
5 regular text amendment. I think some of this we heard in the  
6 companion case that we heard which was contested.

7 First, it is clear that this is a text amendment  
8 case, because it involves amendments to the text of the zoning  
9 regulations. It is also clear that the zoning regulations  
10 explicitly state that amendments to the regulations are to be  
11 considered as rule-making cases, which we have before us tonight.  
12 See 11Z DCMR Chapters -- 11Z DCMR 201.5. The Commission decided  
13 to set this down as a rulemaking case at its November 30th, 2023  
14 meeting, pursuant to this authority, and has properly advertised  
15 this hearing as a rulemaking hearing. The Commission, therefore,  
16 has the authority to proceed with this hearing as a rulemaking.

17 The first argument the groups make is that because of  
18 the nature of the changes of the text that the Office of Planning  
19 has recommended in its petition, the Commission should hear the  
20 case as a contested case, because it is the equivalent of a map  
21 amendment. However, the request is to amend the zoning  
22 regulations, and the Commission decided at its November 23rd,  
23 2023 meeting to advertise this as a rulemaking, pursuant to  
24 Subtitle Z, DCMR 201.5 in the regulations. And the Commission  
25 has already held several hearings on a map amendment and even

1 | went so far as to change those hearings to a contested case to  
2 | allow the groups to make all of their arguments to the Commission  
3 | and to allow cross-examination. We understand that they do not  
4 | agree with the results in that case, but the Commission has the  
5 | authority to decide these changes on the zoning regulations as a  
6 | rulemaking, and we should do so.

7 |           Second, there is nothing in the zoning regulations that  
8 | compels the Commission to convert this into a petition to create  
9 | a new zone, and we've heard some of that previously. The Office  
10 | of Planning filed a petition to amend the text of the zoning  
11 | regulation, and the Commission decided at its November 23rd, 2023  
12 | meeting to advertise this is as a rulemaking, pursuant to Subtitle  
13 | Z, DCMR 201.5 of the zoning regulations.

14 |           As Chair, I have the authority to decide this issue,  
15 | pursuant to 7 -- Subtitle Z 506.3, but, for those who have been  
16 | working with me for a while, you will know that I always make  
17 | sure that we do this as a group. We don't have to always agree,  
18 | but I want to make sure I get my colleague's input as well. I  
19 | don't exercise that Chair authority to that point, because we  
20 | each have a vote. So I've made a statement, and I want to know,  
21 | does anyone disagree, anyone have something to add, anyone wants  
22 | to go in a different direction, anyone wants to -- has been  
23 | compelled to go with what the -- those who submitted letters have  
24 | to say, then we can do that. And, also, let me add, Commissioner  
25 | Stidham will be keeping her camera off this evening, so that's

1 for the record.

2 All right. So does anyone disagree with anything I  
3 said, would like to see it done a different way, then you can  
4 now speak and give us your compelling reason. If not, we will  
5 proceed with what's before us this evening.

6 (No response.)

7 CHAIRPERSON HOOD: Going once, going twice. Let's  
8 proceed with what we have this evening. Thank you. All right.  
9 Ms. Schellin, can you bring the Office of Planning up?

10 MS. SCHELLIN: Yes, sir. Mr. Young, if you would bring  
11 up Jennifer Steingasser and I believe -- I believe Joel Lawson  
12 may be coming also.

13 MS. STEINGASSER: No.

14 MS. SCHELLIN: No. Okay.

15 MS. STEINGASSER: No, Just Jennifer.

16 MS. SCHELLIN: Excuse me. So we can take Joel off.

17 CHAIRPERSON HOOD: Ms. Steingasser, whenever you're  
18 ready to get started, you may begin.

19 MS. STEINGASSER: Okay. Thank you very much, Chairman  
20 Hood, Commissioners. Tonight's case is Zoning Commission Case  
21 23-25. It is proposed text amendments to Subtitle G, the MU-10  
22 Zone. Oh, I'm sorry. Could you bring up my PowerPoint please,  
23 Mr. Young?

24 (PowerPoint presentation shared on screen.)

25 MS. STEINGASSER: There we go. Thank you. And this

1 involves, specifically, two sections, a height -- the creation  
2 of a height transition and a new side yard that would be  
3 applicable to Square 175.

4           Next slide please.    So this is how the text was  
5 advertised.   It had two separate locations for this 40-foot  
6 setback, one that ran parallel directly to V Street and one that  
7 ran parallel to an alley.   The setback established -- is  
8 established at height of 60 feet, so a building would have a  
9 maximum height of 60 feet, at which point it would have a 40-  
10 foot setback, and then it could proceed up to a matter-of-right  
11 height in the MU-10 Zone of 100 feet.   This zone also proposed  
12 the creation of a side yard -- a 12-foot side yard that would be  
13 perpendicular to U Street and is shown in yellow at the bottom  
14 of the page.

15           Next slide please.    So the Zoning Commission took  
16 action already in Case 23-02 and approved the MU-10.   You approved  
17 it, setting it back 80 feet from Z street, and it's shown in  
18 blue.   That's the boundary there in blue.   It's 80 feet back from  
19 Z Street and it's 80 feet back from 17th Street down to Seaton,  
20 which is where the rowhouses all face the street.   So that made  
21 the existing MU-4 remain in place.   MU-4 already has a maximum  
22 height of 50 feet, so the 60-foot height with the 40-foot setback  
23 limitation was moot along Z Street.

24           So this case -- now we are not recommending that one  
25 particular setback on Z Street, but we are still recommending the

1 setback off the alley. Again, it would be a 60 feet of height,  
2 it would set back 40 feet, in which within that 40 feet there  
3 could be no building. And we are also recommending the creation  
4 of the 12-foot side yard perpendicular to U Street.

5           Next slide please. So this just shows a bit of how we  
6 started looking at the impact in the transition of these heights.  
7 We did reach out directly to the six rowhouse neighbors there on  
8 V Street and the one rowhouse -- single-family rowhouse on 16th  
9 Street. We reached out to them. We had several meetings with  
10 them, and we walked through -- originally, we were looking at not  
11 proceeding with the 40 -- the 60/40-foot setback off the alley  
12 because of the reduced height that was now off of Z street.  
13 However, in conversations with the property owners, they  
14 expressed their concern. They talked about the solar that they --  
15 that several have on their roof, and so we went back and we looked  
16 at it and we decided to continue and proceed with that setback.  
17 And this -- so we did a series of cross-sections to show  
18 illustrations on how that transition is going to look, and we did  
19 some shadow studies. And I also want to say, at that meeting  
20 with the ANC, they were also very insistent, rightly so, that OP  
21 reach out to these property owners directly and provide these  
22 drawings, so we were happy to do that.

23           Next slide please. So this represents a bit of a --  
24 it's a very simple illustrated stick drawing. So what -- you're  
25 standing on V Street, you're looking towards 16th, so imagine

1 | you're on 17th looking towards 16th to the east. We're looking  
2 | in the middle, the dark blue rowhouses, those are the six property  
3 | owners. V Street's on our left. This rear yard is about 25 to  
4 | 30 feet, and then there's a 10-foot mapped alley. And then the  
5 | light blue building represents what I'm calling the "zoning box"  
6 | that could be built and the height transition at 60 feet, setting  
7 | back 40 feet, and then going up an additional 50 feet to the  
8 | hundred feet. So that just shows how those -- how that transition  
9 | in height would be affected there.

10 |           Next slide please. This shows a similar -- now we're  
11 | standing, say, in the middle of the square. We're looking at  
12 | the one property that is facing 16th Street that is still  
13 | operating as a single-family rowhouse. Even though it's in an  
14 | R-4 zone, which allows multi-family, the rest of the properties  
15 | on the block are multi-family or they are a foreign mission, so  
16 | this is the only single-family house. So we looked at what would  
17 | be the impact of also having that set back and it would be set  
18 | back the 80 feet, and then also have that step up at 60 and then  
19 | step back. And you can see that that also creates a -- you know,  
20 | a transition in height.

21 |           Next slide please. This now talks to the -- or  
22 | highlights the proposed side yard, and this is important because  
23 | in the MU-10 a side yard is not required. If one is provided,  
24 | it has a number of feet per building height. So we took the  
25 | maximum building height of a hundred feet, estimated what that

1 would require, resulting in a side yard, if one were to be  
2 provided, and proposed that that be provided regardless of  
3 height. So even if there were a building of only 30, 40, 50,  
4 feet on the -- on the District's property, it would still have  
5 to have this 12-foot side yard, and in combination with the 4-  
6 foot alley, which is separating the two properties, it creates a  
7 16-foot minimum setback and separation from the existing historic  
8 apartment building there.

9           Next slide please. This shows what that looks like in  
10 a section, where you can see the historic building has the two  
11 pointed roofs and then the potential building that could be built.  
12 And, again, these are -- these are what we're calling the "zoning  
13 box". There's no -- we maxed out the height in the box and how  
14 it would be affected by these setbacks, but it does not account  
15 for architecture. There would also be a lot occupancy requirement  
16 of 75 to 80 percent, depending on what is being built, and we  
17 didn't account for that, so there is -- there's going to be a  
18 lot of fluctuation in how the buildings actually interface, but  
19 we took the worst-case scenario and did a series of drawings so  
20 that you could see what that would be like.

21           Next slide please. This just shows a combination of  
22 all the different zones and what's -- what the adjacency of these  
23 properties are. So the proposed zone, which is MU-10, has already  
24 been adopted, is on the left and it shows a height of 90 feet  
25 plus the penthouse; a hundred feet if they go with IZ Plus on

1 the site, which would be the result for affordable housing.  
2 What's important here is the lot occupancy midway down, and that's  
3 where it shows at 75 percent to 80 percent, meaning that there  
4 will be an inherent open space, there will be setbacks, there  
5 will be some articulation on the ground. And when we compare  
6 that to what is allowed then in the RA-2, which is the zone for  
7 the six row houses facing V Street, they have a 60 percent lot  
8 occupancy. They also have a 50-foot height, so it kind of starts  
9 to modulate with how we looked at those properties. And then  
10 that RA-4 is that property that faces 16th Street, and that has  
11 also a lot occupancy of 75 percent, even though that -- most of  
12 those structures predate zoning and are, you know, covered by a  
13 historic district that predate most of the zoning requirements.

14           Next slide please. So we were also asked to look at  
15 shadow studies, and we did do a series of shadow studies. Each  
16 side -- each -- these have been entered into the record, and I'll  
17 go through them here again tonight, 'cause I think they are  
18 important. Each slide has two scenarios. On the top, we did a  
19 by-right pre-rezoning, so if it had never been rezoned, what  
20 would be the zoning box that could be built and what could be  
21 the potential impact of shadows prior to any action by this Board  
22 on the rezoning. And then the bottom drawing is the MU-10/MU-4  
23 combination that would be created and how that would look.

24           And then we also asked our consultant to do a series  
25 of dates. We went with the shortest day of the year, December

1 21st. We wanted the equinox, which is either March or September  
2 21st. And then we also went with the longest day of the year,  
3 June 21st. And at each of those days we did a morning at eight  
4 a.m., a noon, and a four p.m. So there's going to be a series  
5 of these that you're going to show -- that I'm going to show you.  
6 I'm going to walk through them and kind of draw your attention  
7 to the impact that we're really focused on, which is the rear  
8 yards of the six row houses facing V Street.

9           Next slide please. So this is the longest -- the  
10 shortest day of the year, December 22nd, at eight in the morning.  
11 And if you look over on -- towards the right-hand side of the  
12 drawing, you'll see the little rowhouses facing V Street there --  
13 I don't know how to describe them -- down in the corner. Those  
14 are the ones we're looking at. And at the top is the current  
15 situation, what can be built there now. It's 50 feet of height.  
16 It could be built along the property line, and in the morning,  
17 obviously, it casts shadow. What's interesting about this  
18 drawing in particular is the sun is so low at this point that it  
19 is -- the -- there's not a lot of direct light to even cast a  
20 shadow, but that's just because the sun is low at this point. On  
21 the bottom is the MU-10 with the higher, and you'll see that the  
22 roof really creates no difference, and the sun -- again, the  
23 shadows on the rear walls and on their yard, itself, there's no  
24 difference on this day between the 50 feet and the 60 feet, and  
25 that's what's important. When you're looking at the bigger

1 building, you can see that there is a 50 facing V Street, then  
2 there's that kind of center bar that sticks out a little bit  
3 towards the bottom. That's the 60-foot bar. That's where the  
4 setback would be that we are recommending. That's 60 feet; it's  
5 set back 40 feet, and then it's going up another 30 to 40 feet.

6           So if we can go to the next slide please. So now we're  
7 looking at the same day, December 22nd at noon, and you can see  
8 in the upper corner there that the rowhouses -- there is shadow  
9 on the rowhouses, on their yard and their rear wall. And then  
10 down at the bottom, you can see that with the rezoning, there's  
11 additional shadow on the westernmost part of the rowhouses, on  
12 their roof, which is -- which is white in the upper image. That  
13 means there is sun on the roof. But you can see now with the 60  
14 feet, it does start to have a little bit effect on the roof, but  
15 there's no difference in the shadow on the walls or the rear  
16 yard. So we were looking at both the rear walls, because of  
17 windows and demonstration, and also the yard, itself, use of the  
18 open space.

19           Next slide please. So then we looked at four p.m. in  
20 the evening, and, as we all know, you know, the sun's already  
21 starting to set, so this is another case where the shadows --  
22 there's no discernible difference between the two, because the  
23 sun is already so low at this time of the day.

24           Next slide please. So now we're at the equinox, so  
25 this is both the same on March 21st and September 21st, and we're

1 looking at eight a.m. And you can see in the upper corner that  
2 the sun -- there's a little bit of shadow coming from the existing  
3 buildings on 16th Street. So this is in the morning, so the  
4 sun's coming from the east going to the west. It's casting a  
5 little bit of shadow there on the corner. When you look down at  
6 the -- at the lower one with the 60-foot building, you can now  
7 start to see that there is no difference in the sun hitting the  
8 roof, the sun hitting the walls or the rear yard. The shadow  
9 and the shade and the sun are the same.

10           Next slide please. Now we're at noon and we're looking,  
11 again, at -- there's no difference in the roof. There's a little  
12 bit of additional shadow on the lower portion of the rear walls.  
13 If you can look really closely -- it's on the bottom picture --  
14 you can just see that the shadow just begins to creep up the  
15 wall, but the yard, itself, there is -- there is no difference  
16 in the yard. So that's -- again, that's at noon on the equinox.

17           Next slide please. So now we're still at the equinox,  
18 but now it's in the afternoon, and the roof, there is not a lot  
19 of difference. There's a little bit of shade from the 50-foot  
20 building, as well as from the 60-foot building. There's no  
21 difference in the roof. There's a little bit of difference on  
22 the easternmost rowhouse. You can see it just kind of creeps  
23 over a little bit, and then there's really no difference on the  
24 rear -- on the yard, itself, but there's a little bit of  
25 difference on the rear walls. It starts to kind of creep down

1 the wall a little bit.

2           Next slide please. So now we're on the longest day of  
3 the year, and this is June 21st at eight in the morning. You  
4 can see that, you know, there's sun aplenty here, both on the  
5 roofs and then also on the walls and the -- on the -- I'm sorry.  
6 There's -- on the -- on both the roof and the yard, there is no  
7 shade. There's a little bit of shade on the rear walls,  
8 themselves. You can see that clearly in the gray tint there.

9           Okay. Next slide. So now, at noon, we're looking  
10 again and it's pretty much the same, sun aplenty. The -- there's  
11 no difference on the roof, there's no difference on the walls,  
12 and there's a slight increase in the rear yard next to the alley.  
13 And if you have the opportunity to zero in a little bit, you can  
14 see, I mean, it's slight. It's next to the alley, but we did  
15 want to draw attention to the fact that there is a little bit  
16 there.

17           Next slide. I think that's it. Oh, so, oh, four p.m.  
18 So now we're in the afternoon, and, again, there is no real  
19 difference in how the build out of a zoning box and the shade  
20 would be between what's currently allowed prior to the rezoning  
21 and what would be allowed with the 60 feet that we're proposing  
22 being limited.

23           And next slide. So, again, that comes down to our  
24 recommendation that there be a height transition that would add  
25 a height regulation in the MU-10 to limited the permitted height,

1 | so you would go up 60 feet in that area and set back 40 feet with  
2 | no building, so there's not a one-to-one or a (indiscernible) or  
3 | slant. It would be a clear 60-foot limited height, and that  
4 | there be a side yard established for the U Street building to  
5 | make sure that there's sufficient space there. And that concludes  
6 | my recommendation and my presentation. I'm available to ask --  
7 | answer any questions.

8 |           CHAIRPERSON HOOD: Thank you, Ms. Steingasser. And I'm  
9 | going to come to -- go to Commissioner Imamura first, but let me  
10 | ask a question, kind of some background of how we got here. And  
11 | I want to make sure I remember. Some of this I believe is due  
12 | to some of what we heard in the companion -- or the other case.  
13 | I think that's how we got to this text amendment. Is that  
14 | correct?

15 |           MS. STEINGASSER: That's correct.

16 |           CHAIRPERSON HOOD: Okay. So we --

17 |           MS. STEINGASSER: There was a lot of concern expressed  
18 | at the rezoning about the adjacency of the built environment. It  
19 | wasn't what the zoning would allow. The zoning would allow those  
20 | rowhouses to be twice as high, but they're not. They're built  
21 | environment. They're on small lots. They're limited to about --  
22 | I mean, they're built at about 25, 28 feet we estimate. And so  
23 | we did take that into consideration, and that's when we proposed  
24 | that there be the -- that setback and an alley -- side yard and  
25 | that the zoning line be brought back some.

1 CHAIRPERSON HOOD: Okay. And I know where the  
2 Commission ended up, with some of the zoning remaining the same,  
3 and I believe that -- was this -- was any of this text -- was  
4 anything tweaked as a result of our findings in the other case  
5 or did this remain the same?

6 MS. STEINGASSER: This remains the same. The only  
7 thing that is the piece that's no longer relevant that we're not  
8 recommending.

9 CHAIRPERSON HOOD: Okay. Okay. Other than the piece  
10 that you just mentioned.

11 MS. STEINGASSER: No, this remains the same.

12 CHAIRPERSON HOOD: Okay. All right. Well, thank you  
13 very much. And, again, I want to make note, this is as a result  
14 of the concerns that we had from the previous case, and I think  
15 it's important to put that on the record, so thank the Office of  
16 Planning for doing this. Let me see -- and the community, 'cause  
17 they were the ones -- what we've heard from and how we got here.  
18 Let me start off with Commissioner Imamura.

19 COMMISSIONER IMAMURA: Thank you, Mr. Chairman. Ms.  
20 Steingasser, thank you for the very detailed walkthrough of the  
21 sketch-up models to show the shadow study. First, I just want  
22 to comment that I appreciate the level of work required to get  
23 us to this stage and the three-dimensional model your office  
24 prepared to analyze the sun study. And I just want to comment  
25 on a couple things. I don't have any questions, because I think,

1 | you know, the images speak for themselves, but I just wanted --  
2 | for those that are listening, I understand that the -- those that  
3 | are in opposition are still dissatisfied with perhaps the outcome  
4 | of the map amendment. However, I think this is a good  
5 | illustration of -- and a good example of OP listening to community  
6 | concerns, making adjustments to satisfy and resolve some of --  
7 | and temper some of those concerns. And so I think this was a  
8 | really good compromise that OP reached, in terms of the map  
9 | amendment here, especially the sections were very helpful, so  
10 | thank you for having your team prepare those -- put those  
11 | together.

12 |           And I think your comment, Ms. Steingasser, about the  
13 | zoning box, I just want to reinforce -- reiterate with the  
14 | community that this is not the design solution by an architect  
15 | yet. This is only volumetrically what could be. So that doesn't  
16 | make it the right solution or the design solution; that an  
17 | architect will come in and make some refinements based on the  
18 | program of requirements.

19 |           So the shadows -- to me, this is sort of the worst-  
20 | case scenario. And I thought, Ms. Steingasser, you did a really  
21 | nice job in explaining in a very fair and objective way where  
22 | those shadows exist on some of those rowhomes. Some of it's  
23 | almost negligible, and you just -- for those that haven't had an  
24 | opportunity to study the diagrams or the illustrations there, the  
25 | images, you have to look really closely at those to really see

1 | what the difference is. I think that -- I'm comfortable with  
2 | what OP has prepared and shown to demonstrate that these sort of  
3 | interventions here and setbacks I think will really help mitigate  
4 | some of the issues and concerns that the community raised earlier  
5 | in the map amendment for the companion case to this. So, again,  
6 | I don't have any questions, Ms. Steingasser. I just want to  
7 | compliment you and your staff and your team for the level of work  
8 | required to prepare this study. And it should help those who  
9 | have some -- still remain concerned. It should help temper some  
10 | of those concerns. Again, it looks like it's just primarily  
11 | prefaced on just maybe three or four or five of those rowhomes,  
12 | and that's about it. So, again -- and I think the setback is a  
13 | really great solution, and I feel comfortable that an architect  
14 | will come in and make further refinements to this. And still  
15 | the community will have an opportunity for additional input on  
16 | what that design outcome might be, what that design solution  
17 | might be. So, as Commissioner Hood says, this isn't the final  
18 | bite of the apple. There's still opportunity to influence the  
19 | design outcome of this. So, again, thank you, Ms. Steingasser,  
20 | for your succinct report and please extend my thanks to your  
21 | team. That's all that I have, Mr. Chairman.

22 |           CHAIRPERSON HOOD: Okay. Thank you. And let me just  
23 | add that Commissioner Stidham also concurs with Commissioner  
24 | Imamura's comments. Vice Chair Miller, and then I'll come to  
25 | Commissioner Wright.

1                   VICE CHAIR MILLER: Thank you, Mr. Chairman. Can you  
2 hear me?

3                   CHAIRPERSON HOOD: Yes, I can.

4                   VICE CHAIR MILLER: Okay. Thank you, Ms. Steingasser,  
5 for the Office of Planning's report and all of the work on this  
6 text amendment case and the previous map amendment case. I concur  
7 also with all of the comments that Commissioner Imamura said and  
8 also all of the comments thus far that have been made by Chairman  
9 Hood, including in the preliminary matters -- procedural matters  
10 that we dealt with. So, I mean, I think it's an appropriate  
11 response to concerns that we -- that are in the record about  
12 transitions to -- transitions of heights and separation from the  
13 lower density residential uses that are near -- adjacent or  
14 nearby.

15                   And I think in the map amendment case, not that that's  
16 before us, but it's obviously related, we made adjustments there  
17 along the way, including reducing the size of the change in zoning  
18 from MU-4 to MU-10, so that there was that MU-4 -- continuing  
19 with the MU-4 zone along the V Street side at a greater -- at a  
20 greater setback than it was originally proposed. So there have  
21 been changes that have been made along the way in both cases to  
22 respond to concerns and try to address the Comprehensive Plan  
23 policies about neighborhood compatibility while not foregoing the  
24 other important Comprehensive Plan policies to provide  
25 opportunity for production of affordable housing, which this

1 site -- and in other public uses, which this site will provide  
2 in the disposition process that's yet -- that's yet to occur.  
3 Mr. Steingasser, you saw ANC 1B's resolution in support that's  
4 in the record in the text amendment case?

5 MS. STEINGASSER: Yes. Yes. Uh-huh.

6 VICE CHAIR MILLER: And it is a resolution in support.  
7 It makes a request for illustrations -- illustrative renderings  
8 I guess from V Street and from the Rochelle Apartments that show  
9 the setbacks and heights that are being proposed, in combination  
10 with the map amendment. Did your slide presentation address that  
11 or -- I don't recall an illustrative rendering. I saw the section  
12 and the elevations, but --

13 MS. STEINGASSER: We don't have -- we don't have the  
14 skill set to do illustratives. You know, we don't have architects  
15 on staff and we don't have the computer programs that can take a  
16 photograph and turn it into that, and we have explained that to  
17 the ANC. You know, they still felt to put it in there, but, yes,  
18 this is the best we could do.

19 VICE CHAIR MILLER: Well, I appreciate the effort, and  
20 I, unfortunately, don't have the architect's training or eye,  
21 despite my years on the Zoning Commission watching -- looking at  
22 all these exhibits and cases. Maybe -- we're fortunate to have  
23 an architect -- architectural experience represented on the  
24 Commission, but that would've been helpful to me, as well as the  
25 community, to see -- actually see what the potential would look

1 | like. I know that raises all kinds of concerns, 'cause you're  
2 | showing -- you might show a design, and that's not the design  
3 | that might be even proposed initially, but that visual --  
4 | illustrative rendering would've been helpful. But I think  
5 | understand enough to understand that the setbacks and the height  
6 | transitions do address concerns about neighborhood compatibility  
7 | with those lower density residential uses. So I don't have any  
8 | questions, Mr. Chairman. I agree with the comments that have  
9 | previously been made, and I appreciate all of the work and  
10 | participation by those who are going to speak before us today.  
11 | Thank you.

12 |           CHAIRPERSON HOOD: Okay. Thank you. Commissioner  
13 | Wright, you have any questions or comments?

14 |           COMMISSIONER WRIGHT: Thank you, and thank you to Ms.  
15 | Steingasser for the presentation. It was very helpful. You  
16 | know, I was not here during the map amendment, but I did go back  
17 | and read the record of that deliberation. I know that's not  
18 | what's before us today, but I wanted to have it as background to  
19 | consider the current zoning text amendment. And, you know, I do  
20 | believe that this is consistent with some of the requests made  
21 | by the community, both the ANC and also the Committee of 100, to  
22 | have some detailed setback parameters to assure compatibility  
23 | with the adjacent residential structures, and I think that that  
24 | is definitely what you've been striving to do with this zoning  
25 | text amendment.

1 I would say that, you know, if what's before us is  
2 voting this zoning text amendment up or down, I think that folks  
3 need to understand, if we voted it down, there would be no  
4 setbacks, there would be no additional constraints, and that  
5 would be inconsistent with what the community really had been  
6 asking for. One thing that might be helpful just to sort of get  
7 on the record and to make sure we have folks understanding -- and  
8 I don't know if Ms. Steingasser can talk about what community  
9 outreach was done in coming up with these setbacks and the kinds  
10 of meetings that took place with different community groups.  
11 That might just be good background.

12 MS. STEINGASSER: Yes, certainly. We started -- these  
13 started as part of the previous case, and we worked with the --  
14 we went to the ANC and presented them, and there -- at that time  
15 there were parties, but we focused mostly on the ANCs as the  
16 community point and brought those forward. The Commission set  
17 them down. We deferred those hearings two or three times to make  
18 sure that the zoning case was heard first, but that everyone was  
19 assured that this case was also coming, so they would be working  
20 together. We met with -- well, we used as our prototype a project  
21 that exists at 9th and M Street, and it has that same 60 feet  
22 up, 40 feet back, and it's across the street from very similar  
23 style two-story rowhouses, and so we looked at that as our -- as  
24 our prototype and used those -- that text word -- that language  
25 from that text.

1           We then -- when the -- when this case became the  
2 prominent case and the other case was completed, we met with the  
3 ANC Economic Development Subcommittee and we had a very good  
4 conversation back and forth with the Commissioners and the  
5 advisors that were on that subcommittee. They were very specific  
6 that they wanted to make sure we didn't just deal through the  
7 ANC, but that we targeted those single-family rowhouses on V  
8 Street and on 16th Street, so we did. We prepared documents. We  
9 set up some office hours. We hand-delivered to their houses a  
10 notice with our -- you know, kind of explaining what we were  
11 doing. We put a couple of slides attached to it. And they  
12 reached out to us and we met with them as a group and -- you  
13 know, three times we met. And the first time it was -- it was  
14 really a great meeting. Everybody was very forthcoming and --  
15 about what their issues and concerns were, about why they bought  
16 their property, how they functioned as a group of six, their  
17 investment in solar, which was something we were not aware of and  
18 we could not see from the ground that there was solar up there.

19           So there's two -- there are two houses that have  
20 invested in solar, and one that was -- is considering, and, you  
21 know, that became a concern. Now we've got another city policy  
22 that they're working under for that. So we prepared some drawings  
23 and reassessed it. We decided that we would stay with the  
24 setback. We met with them again before Thanksgiving, virtual  
25 meetings, and told them we were going to do that, and they still

1 requested that we do these shade studies -- the shadow studies,  
2 and we did do that. And we had a chance to go over those with  
3 them this week before we filed them. We wanted them to see and  
4 understand, you know, and they still have concerns. I'm not  
5 going to speak for them. You know, they -- there's still some  
6 concerns. We talked about the zoning box and -- you know, but  
7 it was a very -- it was a very communicative back and forth, and  
8 it did influence where we -- where OP ultimately ended up.

9 COMMISSIONER WRIGHT: Thank you. That's really, really  
10 helpful information. And I think that, you know, knowing the  
11 level of engagement that you've had, not just with the ANC but  
12 with the individual property owners I think is really -- it's a  
13 great thing to do and it's helpful for us to know. So, you know,  
14 again, I don't think I have any other questions or comments at  
15 this time. I think that, again, it feels to me like this was  
16 essentially a promise made to the community during the map  
17 amendment process and that the Office of Planning is now working  
18 to fulfill that promise to create setbacks that will assure  
19 greater compatibility with the nearby residential structures, so  
20 I appreciate the explanation. Thank you.

21 MS. STEINGASSER: Uh-huh.

22 CHAIRPERSON HOOD: Okay. Thank you, Ms. Steingasser.  
23 But let me just say that even though this text amendment is before  
24 us, we know -- and I want to make sure that this is clear to the  
25 public -- we know some people don't think we went far enough or

1 | it was going far enough; some people don't want the text  
2 | amendment. And it's actually interesting, some people don't want  
3 | it for various reasons. One group may not want it for -- because  
4 | it doesn't go far enough; they want more. Another group wants  
5 | it -- doesn't want it for other reasons. So I want to make sure  
6 | that everyone understands, even though we say the community  
7 | wanted this text -- this is what we've come up with -- the Office  
8 | of Planning has come up with and what a lot of us have heard who  
9 | went through that whole process of some kind of way to find a  
10 | mitigation or try to come up with a happy medium. Now, I know --  
11 | and we know already everybody don't agree, so I wanted to make  
12 | sure I put that out there, because people say, well, the whole  
13 | community didn't tell them to do this. No, we get that, but  
14 | we're trying to balance what we have in front of us for the best  
15 | interest of the city, and I'll just leave it at that. But, Ms.  
16 | Steingasser, I want to thank the Office of Planning for all the  
17 | work, and I want to thank the Office of Planning for listening,  
18 | so thank you. All right. Ms. Schellin, do we have any other  
19 | government agencies -- we usually don't, but I have to ask -- who  
20 | would like to report or give us testimony?

21 |           MS. SCHELLIN: We do not have any other government  
22 | agencies.

23 |           CHAIRPERSON HOOD: Okay. What about the -- do we have  
24 | someone representing the ANC? I think -- what is it, 1B, this  
25 | case? Is it 1B?

1 MS. SCHELLIN: I don't think we had anyone sign up from  
2 the ANCs, but let me check one more time, 'cause that could have  
3 changed since we logged -- since you guys logged on. No one from  
4 the ANC.

5 CHAIRPERSON HOOD: So let's bring up four people at a  
6 time.

7 MS. SCHELLIN: We only have -- we only have four. We  
8 have one in support and three in opposition.

9 CHAIRPERSON HOOD: Well, let's bring them all up and  
10 we can deal with that, and we'll do one last call after the last  
11 person, so let's bring them up.

12 MS. SCHELLIN: Well, there's no way to do a last call,  
13 if they did not sign up. They're supposed to sign up in advance.

14 CHAIRPERSON HOOD: So people --

15 MS. SCHELLIN: And they have not contacted us. Yeah,  
16 that's how they do their last call --

17 CHAIRPERSON HOOD: I hear that. I hear you.

18 MS. SCHELLING: Yeah.

19 CHAIRPERSON HOOD: But I do not want anyone to say in  
20 this case that they did not have an opportunity. We're going to  
21 do what we need to do to make that a possibility.

22 MS. SCHELLIN: Oh, okay, yeah. Yeah, they -- I haven't  
23 gotten any additional e-mails.

24 CHAIRPERSON HOOD: Okay.

25 MS. SCHELLIN: So Cheryl Cort is in support. And then

1 in opposition, Courtney Stockland, Chris Otten, Arlene Feskanich.

2 CHAIRPERSON HOOD: Okay.

3 MS. SCHELLIN: Did you get all four?

4 CHAIRPERSON HOOD: Yeah, it looks like all four are  
5 here. All right. We'll start off with the person in support,  
6 Ms. Cheryl Cort. You may begin.

7 MS. CORT: Thank you, Chairman Hood. My name is Cheryl  
8 Cort. I'm the Policy Director for the Coalition for Smarter  
9 Growth, which is the leading organization advocating for  
10 walkable, bikeable, inclusive transit-oriented communities as the  
11 most sustainable and equitable way for the Washington, DC to grow  
12 and provide opportunities for all.

13 We support the Office of Planning's proposal --  
14 proposed zoning text amendment to address the transitions in  
15 terms of maximum height and side yards in this MU-10 zone on  
16 Square 175. These changes do respond to a number of neighbors'  
17 concerns about transitions and separation with lower-height  
18 residential uses adjacent to the site. We urge the Zoning  
19 Commission not to further shrink the housing capacity of the site  
20 and to accommodate the other essential uses, like a new police  
21 station and fire station. It's important that this public land  
22 site be fully utilized for needed affordable housing and that  
23 this proposed text amendment is a reasonable approach to  
24 addressing both concerns and opportunities for new housing and  
25 the other public facilities that need to go here.

1           And we just want to reiterate that this change is  
2 part -- would support a larger mixed-use development that would  
3 be appropriate for the U Street context and that the affordable  
4 housing that would be required as a part of this -- as a part of  
5 DC law would set aside 30 percent of the homes at 30 and 50  
6 percent median family income in perpetuity, and that these deeply  
7 affordable homes will help address the District's housing and  
8 racial equity goals and also market-rate housing on this site  
9 will also help address high prices and demand to live in this  
10 very sought-after neighborhood. Thank you for your consideration.

11           CHAIRPERSON HOOD: Thank you, Ms. Cort. And, Ms. Cort,  
12 let's stay up, 'cause we may have some more additional follow-up  
13 questions with you. Let me go to Ms. Feskanich. Hopefully, I  
14 pronounced your name right. It's been awhile since I've  
15 pronounced it, but you can start -- you can go next please.

16           MS. FESKANICH: Yes. Thank you, Chair Hood and  
17 Commissioners. I'd like to take this opportunity to address the  
18 process that this case and its companion case, 23-022, has  
19 undergone for the past two years. From the beginning, there has  
20 been no real transparency. The Comprehensive Plan was amended  
21 to allow the site of 1617 U Street and 1620 V Street to be  
22 drastically reformed from a low-medium rise, low-medium density  
23 residential community to a downtown size high-rise, high-density  
24 area. The amendment was put through very late in the process,  
25 didn't allow any real community input, public scrutiny, or

1 thoughtful analysis, but it became the benchmark upon which this  
2 rezoning of 1617 U and 1620 V Street was based.

3           OP's proposal to rezone this site from MU-4 to MU-10  
4 was originally sold or pitched to the community as the only way  
5 to pay for much needed remodeling of the police and fire stations  
6 currently onsite, even though the fire station had been renovated  
7 fairly recently and was still in good shape. DC didn't have the  
8 money to pay for these renovations on its own, according to Chair  
9 Mendelson, when he informed the community of such as he walked  
10 through a walkaround of the site almost two years ago. But,  
11 really, in a rich city like DC, DC can't afford to pay for  
12 important public services, but can afford to pay for sports  
13 stadiums and arenas?

14           Then the argument for a drastic rezoning of the site  
15 morphed into DC's need for more housing, housing of any kind.  
16 They pushed inclusionary zoning as the only way to include so-  
17 called affordable housing, but inclusionary zoning was recently  
18 exposed by the Office of the DC Auditor as severely flawed and  
19 not providing the affordability it promised. No other affordable  
20 housing options were considered by OP, were proposed for this  
21 site, even though they exist.

22           Split zoning was also misrepresented to the public.  
23 ANC 1B told its constituents that it was impossible, and so the  
24 ANC voted on the rezoning of the entire site. However, we later  
25 learned that split zoning was indeed possible, and OP put forward

1 several split-zone options in its amended proposal, in Case 23-  
2 02, splits that were also not inconsistent with the Comprehensive  
3 Plan. OP testified to this. But we never had the opportunity  
4 to examine any of them in a hearing or to determine which of them  
5 would be the best option for 1617 U Street. OP preemptively  
6 chose MU-4/MU-10. The debate was closed.

7 Now we're being asked to weigh in on a rather  
8 insignificant setback along V Street and a side yard on the  
9 eastern edge of the site, a proposal that was only officially  
10 finalized and made public less than ten days before this hearing.  
11 That's Exhibit 15. Not much transparency in this process and not  
12 much public engagement either. OP did make a PowerPoint  
13 presentation to ANC 1B back in October, but it did not submit a  
14 final text amendment proposal to the Zoning Commission until  
15 November 27th, well after the ANC met, giving neither the ANC,  
16 nor the public, any time to comment in any meaningful manner or  
17 even know what they were commenting on. I also want to  
18 acknowledge that two of the -- two of the property owners on V  
19 Street and 16th Street confirmed to me today that they were never  
20 engaged by OP for this text amendment.

21 In conclusion, I'm asking that the Zoning Commission  
22 exercise its judgment, independence, and employ good zoning  
23 practices, and ask the Office of Planning to submit or propose  
24 either a special purpose zone or custom zone, rather than this  
25 text amendment, a new zone that would better fit the needs of

1 the community, fit the context of the surrounding area, respect  
2 the neighborhood conservation area and the two historic districts  
3 which surround the site, provide real affordable housing, and be  
4 a model for good governance and good zoning on publicly-owned  
5 property. Thank you.

6 CHAIRPERSON HOOD: Thank you. You can hold tight. We  
7 may have some additional questions. Mr. Otten.

8 MR. OTTEN: Good evening, Commissioners. Can you hear  
9 me?

10 CHAIRPERSON HOOD: Yes, we can.

11 MR. OTTEN: Great. My name is Chris Otten. I do want  
12 to point out, yeah, the DC Auditor -- to Ms. Feskanich's point,  
13 IZ is definitively not affordable. People in the IZ Program,  
14 according to the DC Auditor, pay 50 percent of their housing  
15 income -- of their income to housing. That is not affordable.  
16 So IZ is a 15-year failure. It's built 2,000 units. We have  
17 18,000 people on the waiting list. I live nearby and I will be  
18 affected by the zoning changes in the concurrent cases, 23-02 and  
19 23-06.

20 I associate myself with the opposition filings that  
21 were timely put on the record, per the zoning regulation deadlines  
22 for public submissions. I live in ANC 1C, the ANC that abuts  
23 this site and one that is specifically mentioned in Brianne  
24 Nadeau's legislation that this Commission and OP is familiar  
25 with. That's the legislation that seeks to address after the

1 fact the lack of the Applicant's broad and inclusive community  
2 outreach regarding this site and project. This lack of outreach  
3 continues now. My ANC was not engaged by OP for this specific  
4 text amendment. Not just an affront to the basic outreach to  
5 ANCs, let alone this new legislation, it's affecting people like  
6 me who live within a couple of blocks from the site. OP, again,  
7 did not do public outreach, got no confirmation from any of the  
8 six rowhome residents of whether they even know this is happening,  
9 and, again, no direct outreach to the black neighbors or public  
10 forums besides the ANC 1B to collect feedback. Moreover, what  
11 OP presented to ANC 1B was limited to the side yard  
12 considerations, and the ANC asked for studies and renderings of  
13 these -- of the situation tonight. They just arrived into the  
14 record yesterday by OP.

15           The shadow studies have no author. Apparently, it's  
16 an unnamed OP consultant. And there's no documented affirmation  
17 of computer-aided design tools were used to depict these shadow  
18 studies. This is important, as -- can the public and our planners  
19 in the neighborhood, our architect volunteers, recreate the  
20 shadow studies that are on the record right now using those same  
21 CAD tools? We can't because we don't have that critical probative  
22 information. These shadow studies are contested as not  
23 dispositive, because there are anomalies we've seen in them.  
24 Moreover, OP's material evidence regarding these shadow studies  
25 were submitted yesterday after four p.m.

1           So I just wanted to ask Chairman Hood, you know, at the  
2 beginning of the meeting you said -- you spouted off a ton of  
3 rules. You know them well enough to spurn a custom zone petition  
4 at the beginning of the hearing. So I'm just wondering, can you  
5 point out where in the rules that say OP can submit such critical  
6 information after the ten-day deadline prior to the hearing? We  
7 have to submit our stuff on time. Apparently, they don't get --  
8 they've mooted our ability to review these studies impartially  
9 and allow public review and engagement on them -- on such  
10 important information. We need time to review these studies. We  
11 need to know what CAD tools were used, so we can try to recreate  
12 it for efficacy. Moreover, the shadow studies' perspective  
13 across 17th Street to the north and west from this new zone in  
14 the text amendment are missing, particularly the September and  
15 March shadows that really matter here. I'm asking for -- so, you  
16 know, we need time to look at that properly. I'm asking for a  
17 custom zone to allow for proper community engagement that's been  
18 lacking so far and to allow for proper study of these transitions  
19 and shadows.

20           When the Zoning Commission streamlined the code in  
21 2016, they included a section to create new custom zones to keep  
22 things streamlined and tidy, instead of the nip and tuck of entire  
23 zoning districts, such as what's happening today. So apparently  
24 now we're just going to mess the whole regulations up again with  
25 these little -- these little tidbit code amendments. Anyway, to

1 conclude, OP submitted their documents unlawfully, vis a vis the  
2 deadlines required for proper public review and engagement of the  
3 applicant's submission, including -- and never even attempted to  
4 go to my ANC. I would ask you postpone any decision until the  
5 public may impartially review OP's last minute unauthored and  
6 unconfirmed studies. Thank you.

7 CHAIRPERSON HOOD: Okay. Thank you. Let's go I believe  
8 to Ms. Stockland.

9 MS. STOCKLAND: Hi, Chairman Hood. Good to see you and  
10 your team, and welcome, Ms. Wright. I just have a couple -- I'll  
11 pose them as questions, though I guess this is a comment period,  
12 so I'll just continue before I hear any answer from Ms.  
13 Steingasser, in particular.

14 Several of my neighbors on V Street, who I'm personal  
15 friends with, have not heard from OP, and so I was wondering if  
16 there's a name list or more specificity in terms of what certainly  
17 is the truthful outreach that Ms. Steingasser has completed and  
18 who she wasn't able to get ahold of. It's obviously illegal to  
19 deliver -- to hand-deliver anything into somebody's mailbox, so  
20 I'm just wondering what the hand-deliver process was and why  
21 you're not using USPS or seeking out e-mail addresses or phone  
22 numbers. I'd be happy to help you get in touch with these folks  
23 and just trying to understand the discrepancy between your  
24 testimony and what we're hearing from our neighbors. And, also,  
25 yeah, I'm curious about the shadow study. Those are, obviously,

1 a little controversial. I'm just wondering what our vendor was  
2 that -- you know, of course, we paid with -- paid for with  
3 taxpayer dollars, so I don't see the problem releasing that  
4 information. Which software did they use, because there's a few  
5 different options; and then where's the technical summary of that  
6 shadow study? Those are I find very helpful in these matters,  
7 where it has more of a narrative description of the approach.

8           And, you know, I signed up in opposition, but,  
9 honestly, I think I actually was more undecided coming into it,  
10 because we didn't have the information from OP until recently.  
11 And, Ms. Wright, just for your kind of background, from my  
12 perspective, this is kind of what happens. OP drags their feet,  
13 puts out the actual information that we've asked for to the very  
14 last minute, and then when the neighbors get on and say, you  
15 know, we would like a reasonable time to review something, then  
16 it's kind of brushed aside and we need to move on, because, yes,  
17 this has taken a long time, but it seems to be an intentional  
18 tactic on OP's part. We've been doing this for about two years  
19 now at this point, so it happens too often, almost literally  
20 every time. And so I just want to point that out, that that has  
21 been very unhelpful and manipulative of the process. It's  
22 something that continues to erode public confidence and this  
23 project, the offices involved and the administration at large,  
24 especially now that we know about the issues with IZ across the  
25 board. That's very disappointing.

1           You know, again, I think that these setbacks make  
2 sense. I think they're the minimal of what we should be doing.  
3 The fact is we still have these, you know, little two-story  
4 rowhouses throughout our community up against a proposed, and now  
5 by right, 11-story building, so you can cut in a few feet. You  
6 know, I know there's a big deal about the 12-foot side yard.  
7 Great. That's about 10 percent of the height of the building,  
8 so it'll be helpful. Is it still a totally appropriate  
9 development proposal tweak? I'm not sure about that. Thanks so  
10 much.

11           CHAIRPERSON HOOD: Okay. Thank you, Ms. Stockland and  
12 all of the team, Ms. Feskanich, Ms. Cort, Mr. Otten, and I think  
13 I've named everybody, but thank you all for your testimony. Let's  
14 go into this. Ms. Stockland, I think you raised some very good  
15 questions, and, Mr. Otten, I know you may find this very unusual,  
16 but I think we talked about the special zones. I remember when  
17 we first did it in Georgetown, I had some concerns, and I have  
18 to recall exactly why that was not done here, so that's a question  
19 I want to ask the Office of Planning as well. But as far as --  
20 there is -- and I want to talk to my colleagues, but first, the  
21 path forward, let me hold that, and let's see if we have any  
22 questions of this panel first. And let me go to Commissioner  
23 Imamura first.

24           COMMISSIONER IMAMURA: Thank you, Mr. Chairman. I  
25 don't have any questions. I just want to -- just a couple of

1 | comments. Thank you all for continuing to stick with this  
2 | endeavor. It has been going on for a couple of years now, just  
3 | in general, and it is a pretty large undertaking, so, you can  
4 | imagine, it's difficult to contact each and every neighbor.

5 | I would encourage -- I think there's goodwill on both  
6 | sides, and so -- and I would assume or encourage others to assume  
7 | positive intent. I know, from personal experience, government  
8 | is not organized well enough to intentionally submit things late  
9 | out of manipulation or otherwise. You can imagine, they're  
10 | probably short staffed as it is, quickly trying to put something  
11 | together on time, and, inevitably, are consistently late. It's  
12 | just the nature of the work. But, certainly, government is not  
13 | organized enough to mislead the community.

14 | In fact, I would say that OP, OZ, and others -- other  
15 | agencies are stewards of the zoning regulations and, certainly,  
16 | of the city, and so I think they do their best to make decisions  
17 | that are in the best interest of the community, the city, and  
18 | try to incorporate the viewpoints and disparate views of  
19 | everyone, so -- and provide an objective and unbiased solution  
20 | here. So those are the comments that I have, Mr. Chairman.

21 | Again, I think it's important that, even if you might  
22 | feel -- those who feel otherwise or differently, appreciate your  
23 | participation in this public process. That's what this is all  
24 | about, right? We're all striving to make this city a better  
25 | place to live, work, and play. And your participation is

1 | important, but it's also important to, you know, participate with  
2 | open ears, open eyes, find a middle ground. Not everyone will  
3 | receive or reach an end result that you're fully satisfied with,  
4 | and that's part of the process, it's intentional, so -- but,  
5 | again, thank you all. Mr. Chairman, that's all that I have.

6 | CHAIRPERSON HOOD: Okay. Thank you. Vice Chair Miller,  
7 | any questions or comments of this panel?

8 | VICE CHAIR MILLER: Thank you, Mr. Chairman. No  
9 | questions. I will just thank each of the panelists for their  
10 | comments and advocacy. On the inclusionary zoning comments, I  
11 | would just briefly comment that the Auditor's report did raise a  
12 | number of concerns about the implementation of inclusionary  
13 | zoning and enforcement, but -- and -- but the comment I wanted  
14 | to make is that although IZ and IZ Plus would apply to this --  
15 | to the MU-10 zoning part of this site, which would get up to 20  
16 | percent affordable housing under the IZ rules, this project is a  
17 | public -- is on a public site that is subject to the District's  
18 | public disposition law, as you all know, and that law requires,  
19 | as has been pointed out in other comments, including one by the  
20 | panelists -- one of the panelists here today, that it would  
21 | require 30 percent of more deeply affordable housing than  
22 | inclusionary zoning requires. So the site has the opportunity  
23 | to not only replace antiquated police and fire facilities, but --  
24 | and maybe other public facilities, and to provide an open plaza  
25 | and provide other mixed uses on the site, but it has the potential

1 to -- or the capacity and it will have the requirement to produce  
2 deeply affordable housing at a -- in a far greater amount and at  
3 a far deeper affordability level than IZ requires. That's just  
4 the only comment I wanted to make, to make sure that the public --  
5 I think these panelists are very aware of where that requirement,  
6 but for the public that's listening, just to be aware of that  
7 greater affordable housing requirement that will apply in this  
8 case -- in this -- on this site. Thank you, Mr. Chairman.

9 CHAIRPERSON HOOD: Thank you, Vice Chair Miller. And,  
10 Vice Chair Miller, I'm not putting you on the spot, but the  
11 Auditor's report about the IZ, did it come in with any solutions  
12 or resolutions? If you bring a problem, you should bring a  
13 resolution. Did it have some fixes to help us, if you may recall  
14 in the Auditor's report? I'm asking you that, Vice Chair. I'm  
15 not putting you on the spot. I'm just curious, because I have  
16 not read it.

17 VICE CHAIR MILLER: Yes, I think there are a number of  
18 recommendations that the -- that the Department of Housing and  
19 Community Development indicated that they would be responsive to.

20 CHAIRPERSON HOOD: Okay. I know that's not necessarily  
21 germane to us, but I would like to see that myself, so thank you,  
22 Mr. Otten, for bringing that up. Commissioner Wright, any  
23 questions or comments?

24 COMMISSIONER WRIGHT: Yeah. First of all, thank you  
25 to all of the community members. You know, I'm very interested

1 | in hearing your perspectives and your experience. One of the  
2 | things that, again, I got from reading the record of the previous  
3 | case is that these setbacks were not new ideas that came up in  
4 | the last month. They were actually discussed, even during the  
5 | map amendment. And there was a decision not to include the --  
6 | you know, to do the split zone so that one of them became -- that  
7 | had been considered became irrelevant, since the property  
8 | retained its current zoning. But the 40-foot setback and the  
9 | side yard setback were all things that have been, you know, in  
10 | the record for months. You know, I looked back and reviewed the  
11 | record, and they were -- they were there. So I'm a little, you  
12 | know, unsympathetic to the idea that this is, like, brand new  
13 | information and we need more time to consider it.

14 |           I do understand the issue about not getting the -- you  
15 | know, the sketch-up drawings about -- with the shadow studies  
16 | ahead of time, with more -- with more time. What I -- again, I  
17 | don't want to put Jennifer Steingasser on the spot, but what I  
18 | heard her say is that she actually did present the shadow studies  
19 | to some of the directly affected community members in advance,  
20 | before they were even submitted to the Zoning Commission. And  
21 | is that -- I just want to reiterate that -- is that correct?

22 |           MS. STEINGASSER: Yes, that is correct. We committed  
23 | to them that they would see them before we filed them, so we  
24 | could discuss them.

25 |           COMMISSIONER WRIGHT: So I think the only, you know,

1 perhaps additional thing that could've happened was to share them  
2 with not just the directly affected property owners, but with  
3 some of the other folks who are interested parties in the -- in  
4 the neighborhood, who were, you know, generally involved. And,  
5 you know, again, you know, I get it; you can always find someone  
6 who hasn't been contacted. You know, as much as you go out and  
7 you try to reach everyone, you can always find someone who hasn't  
8 been contacted, and I -- you know, I appreciate how difficult it  
9 is to get to everyone. But I do want to just, you know, again,  
10 sort of reiterate, these setbacks aren't new ideas. They've been  
11 out there for months and -- 'cause I went back and I looked at  
12 the record of the map amendment, and they had been discussed,  
13 again, months ago. The shadow studies maybe haven't been in the  
14 record.

15           And, you know, again, I also have the feeling like if  
16 you -- if the community is, you know, not -- is not satisfied  
17 with the work done by the Office of Planning in creating the  
18 shadow studies, you know, that's unfortunate, because that's the  
19 job of the Office of Planning is to provide that technical  
20 information, and they've provided it. And, you know, if you want  
21 to recreate it, I think that, you know, that's all well and good.  
22 Those are not difficult studies to do. With anyone who knows  
23 how to do sketch-up, those are very simple and straightforward  
24 studies to do.

25           But I think that, again, you know, it's difficult --

1 change is difficult. I used to live about two or three blocks  
2 from this site, and I know the site very, very well, and I know  
3 that change is difficult, but the map amendment has been decided.  
4 That ship has sailed. And right now I think what is before us  
5 is trying to make sure to create some parameters and some setbacks  
6 that will make the map amendment more compatible with the  
7 community. If we didn't do this zoning text amendment, as I said  
8 before, you would have a much less compatible situation with the  
9 surrounding residential structures, so if we just voted this  
10 down, you would have a much less desirable situation.

11           And, again, it may be that folks wish that, you know,  
12 it could've been an even greater setback, but I don't remember  
13 who said it -- you know, I think perhaps it was the Chair --  
14 we're trying to reach a compromise here, a middle ground where  
15 the folks who are most affected are going to get some compromise,  
16 in terms of the impact and compatibility of a potential new  
17 development that may happen on this site. And when it does come  
18 back in, if it comes back in, if it's successful in finding  
19 someone who wants to build something, I think we'll end up having  
20 another conversation about the details of that -- of that  
21 project. So I think that's all. I'm sorry. I went on too long,  
22 but those are my only comments.

23           CHAIRPERSON HOOD: Okay. Thank you. Let's see if --  
24 Commissioner Stidham, you have any -- I see you're available. Do  
25 you have any comments or questions of the panel? Did you freeze

1 up on me? You're freezing up.

2 COMMISSIONER STIDHAM: Can you hear me?

3 CHAIRPERSON HOOD: Yeah, I can hear you now, yes.

4 COMMISSIONER STIDHAM: No, I have no other questions,  
5 other than to thank everyone for their participation and your  
6 very thoughtful testimony here this evening.

7 CHAIRPERSON HOOD: Okay. Thank you. And I want -- I  
8 think I want to make this clear. While I think nobody was all  
9 happy with what was done in the previous case, if you listen to  
10 our discussions, I don't think the Commissioners -- we were all  
11 on the same page. We had to come up with what we thought was  
12 the best solution possible and try to find some middle ground.  
13 And I think this Zoning Commission, the four of us I believe at  
14 the time -- and we would have loved to have had Commissioner  
15 Wright, but that didn't happen until later -- but I can just tell  
16 you, I think the four of us did -- even though we still get  
17 criticized, I think we did very well, even though we didn't agree  
18 among ourselves, so -- but we came up with a compromise. So I  
19 just wanted to put that out there.

20 I don't necessarily have anything else. I do  
21 appreciate -- I want to say this to Ms. Stockland and to all the  
22 panel, this is a two-vote case, and that's why I wanted to talk  
23 to my colleagues. So there is time to do whatever you all think  
24 may not have gotten done in your -- and how you believe things  
25 have happened, because, you know, everybody believes something

1 different. We can read the same sentence and come out with  
2 different interpretations, but I appreciate all of you all's  
3 testimony and comments, but there is -- this is a two-vote case,  
4 and I'm not sure what's going to happen this evening. That's  
5 what I want to propose to my colleagues. But I don't have any  
6 questions for you, but I appreciate you all staying engaged.

7 And, also, what I will ask is for those who still have  
8 some concern about how things were done, just -- the Office of  
9 Planning is a public agency. Just follow the Office of Planning  
10 and ask them how did they do certain things, because I can tell  
11 you, as someone -- myself of -- and my wife had to do drawings,  
12 'cause we don't have CAD, so -- and to get my permits, because  
13 if I don't get a permit in this city, you can guarantee I'll be  
14 in The Washington Post.

15 So the thing is, it's not easy, and my wife and I --  
16 she drew them, 'cause I'm not an architect, but, you know, I  
17 don't know who did their drawings or who did their shadow studies  
18 or how that's done. I do know that there's an app on the -- and  
19 I'm just saying this for the public -- I do know that -- I think  
20 the Office of Zoning has some software to where you can go on  
21 and do it. I'm not sure. Don't correct me. Call the Office of  
22 Zoning and ask them. I'm not sure what the Office of Planning  
23 did, but I can just tell you that process, at least for the  
24 homeowner, myself, was not easy, and I'm sure if you don't have  
25 that expertise and if you're not an architect or someone with

1 that skill set, as my fellow Commissioner, Commissioner Imamura,  
2 then it's hard, but you have to do that to get it done, and,  
3 luckily, my wife can sketch a lot better than I can. So, anyway,  
4 that's all I'm going to say on that. So we will -- we will take  
5 everybody down. Ms. Schellin, do we have anybody else? This is  
6 my last call.

7 MS. SCHELLIN: We have not been contacted by anyone  
8 else.

9 CHAIRPERSON HOOD: Okay. That's all I need to know.  
10 So Commissioner --

11 MS. SCHELLIN: So let me -- I mean, I want to double-  
12 check one more time to see if anybody -- yep, that's it.

13 CHAIRPERSON HOOD: Okay. All right. Colleagues,  
14 you've heard some of the concerns and you've heard some of the  
15 support. I was thinking it's a two-vote case, but I want to hear  
16 from my colleagues. I was thinking -- it's a two-vote case --  
17 do we kind of tighten up some of the issues we had or do we think  
18 it's sufficient enough in between -- if we were to take action  
19 tonight, probably favorable from what I'm hearing -- if we were  
20 to take action tonight, do you think those 30-days comment period  
21 is enough time for some of the questions that Mr. Otten mentioned,  
22 some of the questions that Ms. Stockland mentioned, and others  
23 to be able to be satisfied within that time. Let me hear from  
24 others. Commissioner Imamura.

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

1 think the record's complete and I think 30 days is ample time  
2 for them to comment and to seek the answers that they're looking  
3 for.

4 CHAIRPERSON HOOD: Okay. And Vice Chair Miller.

5 VICE CHAIR MILLER: I would concur with Commissioner  
6 Imamura.

7 CHAIRPERSON HOOD: Okay. And Commissioner Wright.

8 COMMISSIONER WRIGHT: Yes, I agree that 30 days would  
9 be very adequate.

10 COMMISSIONER IMAMURA: And Commissioner Stidham.

11 CHAIRPERSON HOOD: Okay. I see that. Commissioner  
12 Stidham.

13 COMMISSIONER STIDHAM: Yes, I agree that's sufficient  
14 time -- ample.

15 CHAIRPERSON HOOD: I was actually looking at a message.  
16 Okay. Okay. So I would ask people, you know, to not put things --  
17 I'm viewing a message -- something that's being shown  
18 inappropriate. I would ask people not to do that. I would  
19 encourage you not to do that. This is a respectful process. We  
20 run this respectful. You may disagree. I disagree with -- if I  
21 did some of the stuff that I disagree with and did stuff like  
22 that, oh, I'd be in a whole lot of -- so if you disagree with  
23 something that's being discussed in a professional manner and you  
24 have issues, turn your -- turn off the computer and just keep it  
25 among yourself. I would encourage you to do that. Let's keep --

1 let's keep this process respectful. All right. Ms. Schellin, I  
2 think that's all we have, and I heard my colleagues. Do we need  
3 to do dates or anything?

4 MS. SCHELLIN: So you want to keep the record open for  
5 30 more days to receive comments in this case; is that what you're  
6 saying?

7 CHAIRPERSON HOOD: No, no, no, no, no. I'm sorry. I'm  
8 sorry.

9 MS. SCHELLIN: I'm confused.

10 CHAIRPERSON HOOD: No, no, don't worry. I'm confused  
11 by -- I'm a little taken back by what I'm finding, whoever did  
12 it and put it into this -- put it on the screen for people. I  
13 didn't see it and I --

14 MS. SCHELLIN: I didn't see it, 'cause I was listening  
15 to --

16 CHAIRPERSON HOOD: Yeah, that threw me off, 'cause I  
17 can't believe people would be this -- that disrespectful, but,  
18 anyway, I'm going to leave it at that. Okay. So, Commissioners,  
19 we have a proposed action in front of us on this text amendment.  
20 Let me hear -- I would obtain a motion -- I will be voting in  
21 support. I will obtain a motion at this time from someone --  
22 anyone.

23 VICE CHAIR MILLER: Mr. Chairman, I would move that the  
24 Zoning Commission take proposed action on Case Number 23-26, text  
25 amendments to require a building height transition setback in a

1 side yard in the MU-10 zone on Square 175, as captioned and read  
2 by the Secretary, and ask for a second.

3 COMMISSIONER IMAMURA: Second.

4 CHAIRPERSON HOOD: It's been moved and properly  
5 seconded. And before I call for the motion, I see Mr. Ritting,  
6 and I know this might not be exactly the right way, but I got  
7 thrown off by the message I received. Mr. Ritting, did you want  
8 to add something?

9 MR. RITTING: Why don't you proceed with the vote and  
10 then I'll add my comment.

11 CHAIRPERSON HOOD: Okay. All right. There's a motion  
12 on the table. It's been moved and properly seconded. Any further  
13 discussion?

14 (No response.)

15 CHAIRPERSON HOOD: Ms. Schellin, would you do a roll  
16 call vote please?

17 MS. SCHELLIN: Yes, sir. Commissioner Miller.

18 VICE CHAIR MILLER: Yes.

19 MS. SCHELLIN: Commissioner Imamura.

20 COMMISSIONER IMAMURA: Yes.

21 MS. SCHELLIN: Commissioner Hood.

22 CHAIRPERSON HOOD: Yes.

23 MS. SCHELLIN: Commissioner Wright.

24 COMMISSIONER WRIGHT: Yes.

25 MS. SCHELLIN: Commissioner Stidham.

1 COMMISSIONER STIDHAM: Yes.

2 MS. SCHELLIN: I think I got everybody. That makes the  
3 vote five to zero to zero to approve a proposed action on Zoning  
4 Commission Case Number 23-26, and we will get a proposed  
5 rulemaking published as soon as we can, which will then, once  
6 it's published, reopen the record for a 30-day comment period at  
7 that time.

8 CHAIRPERSON HOOD: Okay. And that's when some of those  
9 unanswered questions in which people believe they can work with  
10 the Office of Planning and call the office and find out what they  
11 need to do to get those resolved. All right. Mr. Ritting, you  
12 have anything you wanted to add?

13 MR. RITTING: No. Ms. Schelling and you anticipated  
14 my comment and beat me to the punch.

15 CHAIRPERSON HOOD: Okay.

16 MR. RITTING: After the published -- the notice of  
17 published rulemaking is published, there will be a 30-day period  
18 for comment to address those issues.

19 CHAIRPERSON HOOD: Okay. Ms. Schellin, I'm going to  
20 call you right after I close out, because I want to address this  
21 issue that was presented to me. And I want to thank the people  
22 who sent that to me for notifying me. I can't see everything  
23 that's going on, so thank you all. I want you to know I appreciate  
24 that, 'cause we're going to run this -- I'm going to something  
25 respectful. We -- this Commission is going to be respectful.

1 We're going to be respectful of you. Be respectful of us. All  
2 right. So, with that, the Zoning Commission will meet again --  
3 and I hate to end on a bad note, so I'm not going to end on a  
4 bad note. The Zoning Commission is going to meet again -- I  
5 don't want to end on a wrong note either -- I think it's December  
6 the 9th, right, Ms. Schellin?

7 MS. SCHELLIN: (Nods head affirmatively.)

8 CHAIRPERSON HOOD: Okay. The Zoning Commission will  
9 meet again and our case is Zoning Commission Case Number 24-07,  
10 Skyland Place, LLC. And, with that, I want to thank everyone  
11 for their participation in the text amendment tonight -- in this  
12 case tonight before us, and, with that, this hearing is adjourned.  
13 Good night, everyone.

14 (Whereupon, the above-entitled matter was adjourned at  
15 5:27 p.m.)

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C E R T I F I C A T I O N

This is to certify that the foregoing transcript

In the matter of: Public Hearing in Case No. 23-26

Before: DC Zoning Commission

Date: 12-05-24

Place: Webex Videoconference

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



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Deborah B. Gauthier