

GOVERNMENT OF  
THE DISTRICT OF COLUMBIA

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ZONING COMMISSION

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REGULAR PUBLIC HEARING

+ + + + +

THURSDAY

DECEMBER 18, 2025

+ + + + +

The Public Hearing of the District of Columbia Board of Zoning convened via teleconference, pursuant to notice at 4:15 p.m. EDT, Anthony Hood, Chairperson, presiding.

ZONING COMMISSION MEMBERS PRESENT:

ANTHONY J. HOOD, Zoning Commission Chairperson  
ROBERT E. MILLER, Zoning Commission Vice Chair  
JOSEPH S. IMAMURA, Commissioner  
GWEN WRIGHT, Commissioner

OFFICE OF ZONING STAFF PRESENT;

SHARON SCHELLIN, Secretary  
PAUL YOUNG, A/V Operations

OFFICE OF ZONING LEGAL DIVISION STAFF PRESENT:

HILLARY LOVICK, Esquire  
JACOB RITTING, Esquire  
BRIAN LAMPERT, Esquire

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OFFICE OF PLANNING:

CRYSTAL MYERS  
JOEL LAWSON

ALSO PRESENT:

DAVID AVITABILE, Esquire, Goulston & Storrs

The transcript constitutes the minutes from the  
Regular Public Hearing held on December 18, 2025.

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

(4:15 p.m.)

CHAIRPERSON HOOD: Good afternoon, ladies and gentlemen. We are convening and broadcasting this public meeting by videoconferencing. My name is Anthony Hood, and I'm joined by Vice Chair Miller, Commissioner Wright, Commissioner Imamura. Also Office of Zoning staff, Ms. Sharon Shchellin and Mr. Paul Young, who will be handling all of our virtual operations, as well as our counsel Office of Zoning Legal Division, soon to join us, Ms. Hillary Lovick, Mr. Jacob Ritting, and Mr. Brian Lampert. We will ask all others to introduce themselves at the appropriate time if needed.

The contents of today's meeting agenda are available in the Office on Zoning's website. Please be advised that this procedure is being recorded by a court reporter and also webcast live via Webex and YouTube Live. The video will be available on Office of Zoning's website after the meeting. Accordingly, all those listening on Webex or by phone will be muted during the hearing. When hearing action items, the only documents before us this evening are the application, the ANC setdown report, and the Office of Planning report. All other documents in the record will be reviewed at the time of the hearing. We do not take any public testimony at our meetings unless the Commission requests someone to speak. If you are experiencing difficulty accessing Webex or with your telephone call-in, then please call our OZ

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1 hotline number at 202-727-0789 for Webex login or call-in  
2 instructions.

3           Before I go to preliminary matters, we'll give Ms.  
4 Lovick a few minutes to try to join us. So she will, because I  
5 know the first case I believe is hers, but she -- counsel is on.  
6 The other thing is at the very beginning, because I don't want  
7 to forget, I want to wish everyone a happy holiday however you  
8 celebrate and prosperous and safe New Year. I want to do that  
9 at the very beginning. We have a lot on the agenda, and I do  
10 not want to forget because we appreciate everything that  
11 everybody does and participates in the zoning process in the  
12 city, so.

13           COMMISSIONER IMAMURA: Same to you, Mr. Chairman.  
14 happy holidays.

15           CHAIRPERSON HOOD: Thank you. I will probably repeat  
16 that at the end but with everything going on it'll probably be  
17 forgotten. So I'm going to do it now. How's Ms. Lovick making  
18 out, Mr. Ritting?

19           MR. RITTING: Apparently, she's still having trouble  
20 logging on. She said it just won't load for some reason. So  
21 I'm sure she's going to keep trying and or maybe call in as an  
22 alternative.

23           CHAIRPERSON HOOD: All right. Well, I think it's okay  
24 for us to go, at least especially for the first case, I know  
25 that's hers, but I'm sure she can watch the recording. Give me

1 one second.

2 MS. SCHELLIN: I'm going to resend her the link or  
3 maybe that may help.

4 MR. YOUNG: Okay. I would suggest maybe she restart  
5 her computer.

6 MS. SCHELLIN: That's a good idea.

7 MR. RITTING: Just got another message that she said  
8 it's okay to get started with the first case, and then it didn't  
9 work when she tried to reload, but and she's going to call in by  
10 phone.

11 CHAIRPERSON HOOD: Okay. Hold on one second. I seem  
12 to have pulled up something that we did last week. Give me a  
13 minute.

14 (Pause.)

15 CHAIRPERSON HOOD: Where's Archie when you need him?  
16 But I appreciate the public being patient with us. And again,  
17 let me apologize for starting late. We had a lot and I may also  
18 mention that we had a closed meeting, which was properly  
19 advertised, and we had a lot of things to discuss, which was  
20 advertised. So we are coming out of that closed meeting.

21 Ms. Schellin, for some reason, I cannot get the agenda  
22 to open up, and that's what I need. Hold on. Let me try  
23 something. Hold on.

24 MS. SCHELLIN: I can resend it to you in Word if you'd  
25 like.

1 CHAIRPERSON HOOD: Yes. But my PDF should be working.  
2 Oh, there it is. Okay. I don't know what just happened. Okay.  
3 All right. I think we, and again, I want to apologize for some  
4 of the problems we're having.

5 So let's go to consent calendar. I believe all of us  
6 are here on this one. This is a technical correction. Zoning  
7 Commission Case No. 08-06S, Office of Planning Court Regulations.  
8 Ms. Schellin.

9 MS. SCHELLIN: Okay. So this is our consent calendar  
10 item. As you said, it is a technical correction being requested  
11 by the Office of Planning. They are, and this was is regarding  
12 the court regulations, and they are not only asking for the  
13 technical correction, they are also asking for the immediate  
14 publication of the proposed rulemaking. And this would allow  
15 court relief by special exception in the D zones. It was  
16 something that was in the prior 1958 regulations and it was an  
17 oversight that this allowance was left out in ZR16. So I'll turn  
18 this over to the Commission for consideration.

19 CHAIRPERSON HOOD: Thank you, Ms. Schellin. As we  
20 know, went through this. We had instructed the Office of Planning  
21 during our omnibus text amendments to Zoning Commission Case 25-  
22 15. OP filed a request for a technical correction to the Zoning  
23 Commission order adopted in ZR16 to amend the regulations to  
24 allow court relief by a special exception in the D zones. Office  
25 of Planning stated court relief was allowed by a special exception

1 in the D zones under the 1958 zoning regulations, and it was an  
2 oversight that it was allowable. It was not carried over to the  
3 adoption of the ZR16, and we have two items that we're basically  
4 looking at. They're asking for approval of a technical correction  
5 to add Subtitle I-207.2 and the immediate publication, as Ms.  
6 Schellin mentioned, of a proposed rulemaking.

7 So let me do it this way. I would move, first of all,  
8 does anyone believe this should not be on the consent calendar?  
9 All right. So I'll do it this way and then I'll call for  
10 discussion. All right.

11 I will move approval as noted and captioned on Zoning  
12 Commission Case No. 08-06S as requested by the Office of Planning  
13 Court Regulations, and ask for a second.

14 COMMISSIONER WRIGHT: Second.

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

17 (No response).

18 CHAIRPERSON HOOD: Okay. Not hearing any, Ms.  
19 Schellin, would you do a roll call vote, please?

20 MS. SCHELLIN: Yes, sir.

21 Commissioner Hood?

22 CHAIRPERSON HOOD: Yes.

23 MS. SCHELLIN: Commissioner Wright?

24 COMMISSIONER WRIGHT: Yes.

25 MS. SCHELLIN: Commissioner Miller?



1 VICE CHAIRPERSON MILLER: Yes.

2 MS. SCHELLIN: And Commissioner Imamura?

3 COMMISSIONER IMAMURA: Yes.

4 MS. SCHELLIN: The vote is four to zero to one to  
5 approve the technical correction and to approve immediate  
6 publication of the proposed rulemaking in Zoning Case 08-06S as  
7 in Sam, the minus one being Commissioner Stidham who is not  
8 present, not voting.

9 Thank you.

10 CHAIRPERSON HOOD: Thank you.

11 I'm going to skip 11-03 because all of us are not on  
12 it. I believe Commissioner Imamura's not on it, so we'll move  
13 that to the end. Give me one second. Let me just skip down.

14 Ms. Schellin, let me just ask. Did you get your PDF  
15 reader straight earlier today?

16 MS. SCHELLIN: I did not get a response back, but when  
17 I do, I'll send it to you.

18 CHAIRPERSON HOOD: Okay. It's taking me back to the  
19 top. Give me one second, please. Sorry. This is going to be  
20 be a long evening. Okay.

21 Next, Zoning Commission Case No. 23-08A, Wesley  
22 Theological Seminary of the United Methodist Church Campus Plan  
23 Further Processing is Square 1600.

24 Ms. Schellin.

25 MS. SCHELLIN: Yes, sir. So since the November 24th

1 hearing, the Commission left the record open for some specific  
2 requests and those came in as follows. At Exhibit 47, there's a  
3 letter from DHCD with regard to the affordable housing fund of  
4 \$10 million. They would like to have control of that and I  
5 believe they've also recommended a possible text amendment. OP  
6 has provided a supplemental report at Exhibit 48. ANC 3E provided  
7 a supplemental report, their original report at Exhibit 38A. And  
8 then the Applicant's post-hearing submission at Exhibit 50, with  
9 a response from the parties, NLC, SVWHCA, they responded at  
10 Exhibit 51. And ANC 3A provided their response at Exhibit 52.  
11 The Applicant provided their closing statement at Exhibit 53,  
12 with a draft order at Exhibit 54. And then SVNA provided their  
13 response at Exhibit 55. And this is now ready for the Commission  
14 to consider action this evening.

15 Thank you.

16 CHAIRPERSON HOOD: Thank you, Ms. Schellin, for teeing  
17 that up.

18 I did not try to read that because the goalpost has  
19 been moving quite a bit on this over the years and we have been  
20 dealing with this one. I think we have gotten to a place that I  
21 think that we can now grapple with it and I want to ask Vice  
22 Chairman Miller to start us off.

23 VICE CHAIRPERSON MILLER: Thank you, Mr. Chairman and  
24 Ms. Schellin, for teeing that up.

25 Yes, this has been a long road. Campus Plan, I think

1 originally the application was really made, I think it may have  
2 been almost four years ago and we've gone through a number of  
3 iterations due to concerns raised either by the community or the  
4 ANC in particular and by our own counsel or by us. We went  
5 through -- we had the PUD alternative at one point. Anyway, here  
6 we are at the Campus Plan and we did a text amendment along the  
7 way to facilitate the off-site housing contribution in this very  
8 unique case where university housing is being built on Wesley's  
9 campus that primarily will be serving the American University  
10 community that is literally immediately adjacent to where this  
11 housing is being built. And that raised all kinds of question  
12 of how does the inclusionary zoning apply in this type of case  
13 and whether we can even allow that kind of use. But we allowed  
14 that use. We've made that decision and we said that the  
15 inclusionary zoning could be satisfied by off-site housing  
16 contribution. We gave ourselves broad discretion in that text  
17 amendment to come up with that alternative means of meeting that  
18 housing contribution.

19 And so, I appreciate all the work that everybody has  
20 done from the outset of this case. Wesley sticking to it and  
21 trying to be responsive to ANC and community concerns throughout  
22 the process, trying to work through it and get to a point where  
23 we're at today. And since the last hearing, I want to  
24 particularly thank ANC 3E for really taking the lead in bringing  
25 together Wesley and DHCD, OP, and the councilmember from Ward 3,

1 Matt Fruman, to come up with basically a conceptual agreement  
2 that whereby Wesley increased its previous proffer of \$8 million  
3 to be provided for affordable housing in Ward 3. They increased  
4 it to \$10 million. And there seems to be general agreement on  
5 the \$10 million figure from all parties. There's differences of  
6 opinion about how much calculation of square footage that  
7 provides, but I think there's general agreement. I don't think  
8 we have to get into the weeds of the calculation or really comment  
9 on that. There's agreement on the \$10 million and that's a big  
10 thing. And I appreciate the work that 3E did to bring all those  
11 groups together with councilmembers as well. And so I'm certainly  
12 satisfied that the \$10 million is sufficient means to satisfy the  
13 affordable housing contribution in this case.

14           There also seems to be general agreement that  
15 Department of Housing and Community Development ought to be the  
16 administrator of those dollars and I agree with that as well. I  
17 think they are, for all of that whatever thoughts any agency may  
18 have, they are the agency responsible for implementing  
19 inclusionary zoning in the District and they know and they've  
20 submitted a post-hearing filing along with everybody else saying  
21 that they know how to get these dollars to produce affordable  
22 housing. And I think 3E is a priority is what the agreement was,  
23 and if that couldn't be found, then elsewhere in Ward 3. And we  
24 know that there are projects in the pipeline where those dollars  
25 could be used to not meet what particular project might be

1 required to do for their own inclusionary zoning, but would  
2 provide additional inclusionary zoning units in Ward 3 on top of  
3 whatever requirement that that particular developer might have  
4 had. Affordable housing units that wouldn't otherwise be  
5 produced in Ward 3 but for those dollars. So I'm very  
6 appreciative that there's been this agreement reached on this  
7 very contentious, very lengthy cases that we've considered over  
8 over a multi-year period and all the work that everybody's put  
9 into that.

10 I mean, there seem to be agreement between Wesley and  
11 the Applicant that the DHCD has the discretion, that we gave  
12 ourselves a broad discretion for DHCD to determine how best to  
13 use those dollars to produce that new affordable housing in Ward  
14 3 and I happen to agree with that interpretation. I'm not sure  
15 we have to really get into that at this point.

16 I appreciate that there was an agreement reached  
17 between Neighbors for a Livable Community, Spring Valley-Wesley  
18 Heights Citizens Association and Wesley, NLC SVWH -- did I get  
19 all the letters right? That Citizens who were the party in  
20 opposition throughout this process and they had come to an  
21 agreement on a security plan which they raised concerns about and  
22 involves a perimeter fence, black ornamental fence that and  
23 similar to the black ornamental fence that AU has along University  
24 Avenue. And that agreement that's been reached between the  
25 parties includes an agreement that that party in opposition will

1 not ask for reconsideration or an appeal of this case. And that's  
2 a big deal. This case has gone on in various iterations for so  
3 long that we don't want it delayed any further, especially when  
4 there seems to be a general consensus that's been arrived at  
5 here.

6 We briefly have discussed the Campus Plan and the  
7 development and the steps that have been taken to mitigate against  
8 any potential adverse impacts upon the adjacent neighborhood,  
9 whether it's all the transportation demand management conditions  
10 that DDOT worked out with the Applicant including the University  
11 Avenue access that the neighbors were concerned about, and there  
12 also was design mitigations. The height of this new university  
13 housing on Wesley Campus was pushed closer to AU and away from  
14 the neighborhood, which requires some relief, but that was a  
15 mitigation that has been provided.

16 So I'm very pleased that we're at this point today  
17 where we have final action of a Campus Plan pending before us.  
18 There may need to be further memorialization in a order in our  
19 condition drafted that the Applicant might need to provide, to  
20 take the lead on providing to memorialize this \$10 million  
21 contribution, whether it's in in a covenant requirement or  
22 whether it's -- there's standard language that has been used in  
23 other situations where there's off-site housing contributions  
24 around the City and I think it is a covenant language that's  
25 there. But the Applicant needs to provide that if it hasn't

1 already been provided and work that out with our own counsel and  
2 DHCD's counsel, but the Applicant's counsel needs to take, I  
3 think, the lead on that.

4           Anyway, I'm prepared, Mr. Chairman, I for one am  
5 prepared to approve final action today and if we need to  
6 administratively review an order that memorializes the conceptual  
7 agreement that everybody's agreed to in terms of the conflict,  
8 the dollar level of the contribution and who's administering it,  
9 I'll see what my colleagues think needs to be done on that. But  
10 I'm prepared to move today with final action and I'm pleased  
11 we're at the point that we are at this stage.

12           So I turn it back to you and I probably left a lot of  
13 stuff out. And so that's why we have all of our colleagues here  
14 to help me out on that.

15           CHAIRPERSON HOOD:    You are very kind, Vice Chair  
16 Miller, but I don't think you left much out. After four or five  
17 years, you have not left a lot out, believe me.

18           Commissioner Wright?

19           COMMISSIONER WRIGHT:  I absolutely agree with all the  
20 comments by Vice Chair Miller. Again, I have not been involved  
21 for the last four or five years, but I do understand what a  
22 complex case this has been and I really am glad that it appears  
23 that some consensus has been reached. I think the ANC has done  
24 an amazing job of advocating for their community and coming in  
25 with very detailed fact-based, data-based recommendations. And

1 I really, really appreciate the work that they have done. That's  
2 sort of the kind of analysis I'm used to and I really, really  
3 think they've done a fantastic, fantastic job.

4 So I definitely support the \$10 million, support it  
5 going to DHCD, support the campus security agreement. There's  
6 also a construction management agreement, you know, some  
7 agreement about redirecting traffic away from the most nearby  
8 neighborhoods. Again, I think a lot of this has been worked out.  
9 I'm also ready to vote on final action this evening and if we  
10 need to, you know, come back and review a detailed order that  
11 adds some of these, you know, details crossing the Ts and dotting  
12 the Is, you know, we certainly can do that, but I'm assuming that  
13 the counsel for the Applicant can come up with that information,  
14 which can be reviewed and approved by our counsel, and it should  
15 be something that can happen relatively quickly.

16 So those are my only comments. I'm very excited that  
17 we're here this evening with this level of consensus.

18 CHAIRPERSON HOOD: Thank you, Commissioner Wright.

19 Commissioner Imamura?

20 COMMISSIONER IMAMURA: Thank you, Mr. Chairman.

21 I'm in general agreement with Vice Chair Miller and  
22 Commissioner Wright. I feel bad that Commissioner Wright didn't  
23 get to enjoy the four years of fun that we've had on this case.  
24 I think that I'm also in agreement with the additional two million  
25 contribution, from eight million to ten million is quite



1 significant. I'm also in agreement that DHCD is really the  
2 preferred administrator because of their experience and expertise  
3 and I'm also of the opinion that they should have wide latitude  
4 and flexibility for use of these funds as quickly and  
5 expeditiously as possible. I also have written down one word, I  
6 think, that describes these past four years and where we are  
7 today, as Vice Chair Miller said. It's been a long road, a long  
8 journey here, and as you always state, Mr. Chairman, we're always  
9 looking for a better outcome when everybody comes together. But  
10 Vice Chair Miller used the word stick-to-it-iveness, and I think  
11 that's probably true, but also compromise. So all parties have,  
12 come together. No parties have walked away out of frustration.  
13 They've continued to work together to bring everybody's interests  
14 to the table here, and I think that we've reached a good moment.

15           This is a great example too, I think, for the public.  
16 Oftentimes, they think that a lot of things that come before the  
17 Commission are fully baked or complete and stamp approval, and  
18 clearly this is not the case here. This is a long, deliberative  
19 process and I appreciate everybody's involvement and the public's  
20 participation in this. I'm as interested as Vice Chair Miller  
21 and Commissioner Wright to take final action. But again, just  
22 want to emphasize that I would like to see that maybe in the  
23 order or somehow that the DHCD has brought flexibility to use  
24 these funds.

25           And again, I just want to congratulate everybody that

1 participated in this case. So it's come a long way, and I'm glad  
2 to to bring it to closure in 2025 here.

3 CHAIRPERSON HOOD: Thank you.

4 I just would say I would agree with all the comments  
5 I've heard. I don't have a disagreement with any of them. I  
6 think that the process was the process and where we landed today,  
7 I think this is a good day. As all of you all have said, I too  
8 am ready to move forward. I don't want to talk a lot about it.  
9 We've been talking about it for a while. I think the record  
10 speaks for itself. The agreement really speaks for itself. But  
11 I will ask, it's already been asked by my colleagues that the  
12 Applicant's counsel complete what they need to do. We're  
13 delegating that even though we'll look at administratively. I  
14 think that's what the lawyer on this Commission said  
15 administratively, which I think is a great way for us to look at  
16 it. But I'm going to ask the Applicant's counsel to finish their  
17 due diligence, the wording, or whatever it takes and work with  
18 our counsel as has already been stated by my colleagues, and do  
19 the lift to give us what we need, and we will analyze it and look  
20 at it, and our counsel will put our intentions to it, and we'll  
21 go from there.

22 So I don't have a whole lot more to say. I think it's  
23 already been said. I think it's been done, but kudos to  
24 everybody, whether you're pro, con, didn't care, or whatever the  
25 case is, who knows, everybody for sticking to it. Stick-to-it-

1   iveness is the word we use sometime around here and also not  
2   giving up, as Commissioner Imamura mentioned. And now, again, I  
3   think we have an outcome. And what I think is crucial is when I  
4   see that you will not challenge it, you will not take it to court,  
5   that's big. That's pretty big. I've only seen that one other  
6   time, I think, maybe one or two other times in my tenure here on  
7   the Commission. So I'm ready to move forward as well. Great  
8   job, everyone. I know we fought through it, but we're here and  
9   let's relish the moment because that was a lot of hard work put  
10   into this, and I want to commend everyone.

11               So unless I hear any other comments, Vice Chair Miller,  
12   I would ask you to make a motion.

13               VICE CHAIRPERSON MILLER: Thank you, Mr. Chairman, and  
14   thank each of you for your comments and everyone for their work  
15   on this case. Which I would move that the Zoning Commission take  
16   final action on Zoning Commission Case No. 23-08A. That's Wesley  
17   Theological Seminary of the United Methodist Church Campus Plan  
18   Further Processing at Square 1600, and ask for a second.

19               COMMISSIONER WRIGHT: Second.

20               CHAIRPERSON HOOD: It's been moved and properly  
21   seconded. Any further discussion?

22               (No response.)

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

25               MS. SCHELLIN: Yes, sir.

1 Commissioner Miller?

2 VICE CHAIRPERSON MILLER: Yes.

3 MS. SCHELLIN: Commissioner Wright?

4 COMMISSIONER WRIGHT: Yes.

5 MS. SCHELLIN: Commissioner Hood?

6 CHAIRPERSON HOOD: Yes.

7 MS. SCHELLIN: Commissioner Imamura?

8 COMMISSIONER IMAMURA: Yes.

9 MS. SCHELLIN: The vote is four to zero to one to  
10 approve final action in Zoning Commission Case No. 23-08A as  
11 discussed on the dais, the minus one being Commissioner Stidham  
12 not present, not voting.

13 Thank you.

14 CHAIRPERSON HOOD: Okay. Thank you.

15 Let's -- oh, I think we removed time extensions. Give  
16 me a minute.

17 MS. SCHELLIN: Time extensions.

18 CHAIRPERSON HOOD: Right. Give me a minute to find it.  
19 Okay. Yeah. My computer's loading real slow. All right.

20 So time extensions, I think this is the first one.  
21 Zoning Commission Case No. 22-09A. MCF Heritage 1700 LLC, Two-  
22 Year PUD Time Extension to Square 419.

23 Ms. Schellin.

24 MS. SCHELLIN: Yes, sir. As you stated, it is a two-  
25 year time extension to extend the consolidated PUD that was

1 approved to allow for a building permit to be filed by October  
2 27, 2027. The Applicant's justification, like several you've  
3 seen recently, has been that they have been unable to obtain  
4 sufficient project financing in order to take on the additional  
5 design and engineering work. They have made good faith efforts.  
6 They've tried to continue, but it's a difficult development  
7 climate. And of course, the interest rates increasing elevated  
8 construction costs as we've heard, and in the District there's  
9 evidently a very high level of unpaid rents. So OP has provided  
10 a report recommending approval at Exhibit 5. Other than that,  
11 all of the previous prior parties have been given the requisite  
12 30 days notice but they have not provided a response to this. So  
13 it is ready to move forward if the Commission chooses to do so.

14 Thank you.

15 CHAIRPERSON HOOD: Thank you, Ms. Schellin.

16 What I'll do, colleagues, I'll make a motion and then  
17 the discussions and if we disagree will go that way. But I think  
18 for me, the merits of this case are pretty straightforward and I  
19 think they've made the case for the extension.

20 So what I would do, I would move that we approve Zoning  
21 Commission Case No. 22-09A and ask for a second.

22 VICE CHAIRPERSON MILLER: Second.

23 COMMISSIONER IMAMURA: Second.

24 CHAIRPERSON HOOD: Okay. It's been moved and properly  
25 seconded. Now, any discussion? Any discussion on this?

1 (No response.)

2 CHAIRPERSON HOOD: Okay. Not seeing any. All right.

3 Ms. Schellin, would you do a roll call vote, please?

4 MS. SCHELLIN: Okay.

5 Commissioner Hood?

6 CHAIRPERSON HOOD: Yes.

7 MS. SCHELLIN: Commissioner Miller?

8 VICE CHAIRPERSON MILLER: Yes.

9 MS. SCHELLIN: Commissioner Wright?

10 COMMISSIONER WRIGHT: Yes.

11 MS. SCHELLIN: Commissioner Imamura?

12 COMMISSIONER IMAMURA: Yes.

13 MS. SCHELLIN: The vote is four to zero to one to  
14 approve final actions on Zoning Commission Case No. 22-09A, the  
15 minus one being Commissioner Stidham, not present, not voting.  
16 If the Applicant would provide their draft order to us in two  
17 weeks, that would be great.

18 CHAIRPERSON HOOD: Thank you. I've learned from John  
19 Parsons. I did that once before like that and I tried to do that  
20 more to kind of save some, but he said never do it twice. So  
21 I'm not going to do this one twice. I'm going to call on one of  
22 my colleagues to make the motion on this one depending on what  
23 the discussion is.

24 Zoning Commission Case 22-21B, 2229 M Street LLC, Two-  
25 Year PUD Time Extension at Square 4465.

1 Ms. Schellin.

2 MS. SCHELLIN: Yes, sir.

3 Again, this is a two-year PUD time extension to file  
4 the building permit to extend that to November 10, 2027, and the  
5 Applicant's justification for this one is pretty much the same.  
6 They've been unable to obtain sufficient project financing within  
7 the required time period, but they have been issued a Letter of  
8 Commitment from DHCD for LIHTC funding in early 2026. However,  
9 the Applicant has worked diligently to move the project forward  
10 with construction, trying to pursue other financing, preparing  
11 construction drawings, et cetera. But they now need to revise  
12 the drawings per the modification that the Commission approved  
13 in Zoning Commission Order 22-21A.

14 So OP has provided a report at Exhibit 5 recommending  
15 approval. Again, the parties have been notified. The requisite  
16 30 days has run, and so no other responses from the parties. So  
17 this is ready for the Commission if you choose to move forward  
18 this evening.

19 Thank you.

20 CHAIRPERSON HOOD: Okay. Thank you.

21 I'm going to ask Commissioner Wright if she can tee  
22 that one up and carry us through that one.

23 COMMISSIONER WRIGHT: Sure. I'd be glad to.

24 I move that we approve Zoning Commission Case No. 22-  
25 21B at 2229 M Street, LLC, Two-Year PUD Time Extension at Square

1 4465. And I also want to note that it's great news that they  
2 have gotten some approvals for LIHTC funding. That's a good sign  
3 that the project hopefully will move forward.

4 COMMISSIONER IMAMURA: Second.

5 CHAIRPERSON HOOD: It's been moved and properly  
6 seconded. I think I heard Commissioner Imamura second.

7 COMMISSIONER IMAMURA: Yes.

8 CHAIRPERSON HOOD: Moved and probably seconded. Thank  
9 you. Any further discussion?

10 VICE CHAIRPERSON MILLER: I would just echo what my  
11 colleagues have said. This is a 92-unit, all affordable, all  
12 senior housing. So I too am, we're all pleased that they seem  
13 to have the low income housing tax credits lined up to facilitate  
14 this going forward. So I'm prepared to support it.

15 CHAIRPERSON HOOD: Thank you.

16 Any further discussion?

17 (No response.)

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

20 MS. SCHELLIN: Yes, sir.

21 Commissioner Wright?

22 COMMISSIONER WRIGHT: Yes.

23 MS. SCHELLIN: Commissioner Imamura?

24 COMMISSIONER IMAMURA: Yes.

25 MS. SCHELLIN: Commissioner Hood?



1 CHAIRPERSON HOOD: Yes.

2 MS. SCHELLIN: Mr. Miller?

3 VICE CHAIRPERSON MILLER: Yes.

4 MS. SCHELLIN: The vote is four to zero to one to  
5 approve final action in Zoning Commission Case No. 22-21B.  
6 Commissioner Stidham, the minus one being Commissioner Stidham  
7 not present, not voting. Again, if the Applicant could provide  
8 the draft order in two weeks, that would be great.

9 Thank you.

10 CHAIRPERSON HOOD: Thank you.

11 We're going to move to proposed action. Zoning  
12 Commission Case No. 24-11, Jemal's Schaeffer, LLC and Jemal's  
13 Bumper George, LLC, Consolidated PUD and Related Map Amendment  
14 at Square 4268.

15 Ms. Schellin.

16 MS. SCHELLIN: Yes, sir. So at the November 20th  
17 meeting the Commission, there did not seem to be a consensus  
18 among the Commissioners. So Commissioner Imamura was asked to  
19 read the record, which he will advise whether he's done that or  
20 not. And so the new exhibits that, the additional information  
21 that the Commission requested has been submitted in Exhibit 145.  
22 The Applicant provided a second post-hearing statement. ANC 5C  
23 provided their response at Exhibit 146. And that is, I believe,  
24 all I have, and I'll turn it over for the Commission to proceed.

25 Thank you.

1 CHAIRPERSON HOOD: Thank you.

2 I'm going to tee up a little bit, but I want to first  
3 find out if Commission Imamura, did you read the record?

4 MS. SCHELLIN: I'm sorry. I take that back. There was  
5 also a letter from Councilmember White that was submitted and the  
6 Applicant, of course. The parties have an opportunity to respond.  
7 It was submitted very late yesterday, but the Applicant submitted  
8 their response today and that is in the record. So you now have  
9 those two documents also. I forgot about those. I did not have  
10 it in my notes.

11 CHAIRPERSON HOOD: Okay. Great.

12 So the Applicant had the last response. That's how it  
13 works in this process. So thank you.

14 First, I just want to ask Commissioner Imamura one  
15 question I want to tee up. Commissioner Imamura, did you have  
16 time to read the record?

17 COMMISSIONER IMAMURA: Yes. Thank you, Mr. Chairman.  
18 I did read the record and watched the hearing and deliberations,  
19 all six-plus hours of it.

20 CHAIRPERSON HOOD: Thank you, Commissioner Imamura.

21 And then first of all let me, I'm going to tee it up,  
22 I'm going to come back to you first. I want to thank you for  
23 doing that. I know this time is furlough. I know you were all  
24 out and taking your time to catch up because it seems like we  
25 need a fourth person and who knows, we may need Commissioner

1 Stidham. But right now, I want to thank you for taking time to  
2 read that. The six hours, I hope you watched it during the  
3 daytime and not at night. So I'll leave it at that. So thank  
4 you for all you did in helping us to continue to make progress  
5 and do things here in the City. So I really appreciate that  
6 because I know even reading the record, people don't know, reading  
7 the record is not easy, but I want to thank you for doing that.  
8 All right.

9           So, again, in this case there were some submissions  
10 that we had that came in. The use restrictions, the proffered  
11 PUD benefits, the similar uses approved of on property with the  
12 use of FLUM designations, PDR-1 zone permits mixed use  
13 development of property. New York Avenue Vision Framework, which  
14 is not necessarily not binding. So, you know, we had a whole  
15 discussion what we're binding. PDR zoning is not inconsistent  
16 with the Comp Plan. I don't think that's an issue for us. Our  
17 PUD process has resulted in meaningful changes to the project/the  
18 PUD evaluation standards that were met and then the ANC, and I  
19 do, depends on how far we go today, if we go far. I do agree  
20 with ANC's specificity. The ANC 5C acknowledges the Applicant  
21 decisions to add chemical storage and distribution to the  
22 prohibitive use each list. So thank you.

23           But ANC also brought up a good point, which I can  
24 reconcile with and just need further clarification. The ANC  
25 requested the Commission direct the Applicant to revise the

1 chemical handling provisions to include thresholds and DOEE  
2 reviews such as chemical storage and distribution. Now this is  
3 where I fall, well, personally I fall, I'm not deliberating, I'm  
4 just mentioning that I want the ANC, if they're on, to know. I  
5 don't know, I don't have any back-up data that talks about the  
6 store containing no more than five gallons per material and twenty  
7 gallons of hazardous materials. I'd like to know is that in a  
8 handbook that I don't know about or that is accurate to the Fire  
9 Code Provision which I know the Fire Code Provisions are subject  
10 to other nuances and other things that go into effect. But  
11 anyway, on-site subject to DOEE review and certifications for  
12 each tenant prior to the issuance of the Certificate of Occupancy.  
13 That last part, but the other parts I do agree with, and let's  
14 see how we can get there. I don't think that's a heavy lift for  
15 anybody. But those are some of things that we looked at, PUD  
16 benefits, and those are some of things we looked at.

17 But before I do that, before we get into too much  
18 deliberation, I want to go to Commissioner Imamura who read the  
19 record. He may have some outstanding issues, some clarifications  
20 of things he want to say, and just kind of catch up to speed and  
21 let's see how we go from there.

22 Commissioner Imamura.

23 COMMISSIONER IMAMURA: Thank you, Mr. Chairman.

24 I want to go back to a comment that you made for 23-  
25 08A that kind of got me excited. You said this is a great day.

1 And while I know 24-11 here was a long hearing, again, five hours  
2 and another hour of deliberations, and I had the luxury and  
3 privilege of watching while eating popcorn and enjoying the back  
4 and forth, the conversation.

5 What I want to say at the outset here, this is a great  
6 example of government working. You know, OP had encouraged the  
7 Applicant to go through the PUD process so that the community  
8 could have input and influence and while OP is recommending  
9 approval, which may be counter to what the ANC and other community  
10 members wish, I think it's worth noting that their efforts here  
11 to ensure the public has a chance to participate is important.

12 And I would also like to praise or compliment  
13 Commissioner Nelson. One of the comments that he made, and the  
14 start of a project is always where everybody has a shared hope  
15 and outcome while getting there might be different for everybody  
16 and how we get there. His comment that he wants the developer  
17 to be profitable too in this endeavor, I think, is really  
18 important. And so I think it's just a matter of how we get there.

19 And so looking at sort of the two prong tests here, the  
20 Comp Plan consistency or not inconsistent with the Comp Plan, I'm  
21 in agreement with Vice Chair Miller, and I think we're all in  
22 agreement really, even Commissioner Wright and the Chairman,  
23 right, that this is clearly striped PDR, and it's about aligning  
24 permitted uses here.

25 And I think that the other part of this here, what's

1 kind of exciting is the challenge here and that while the PDR  
2 does allow for mixed uses except for housing. And so here, you  
3 know, the FLUM is inherently sort of contradictory with the PDR  
4 and the high density residential. But what we do know for sure  
5 is that the FLUM PDR description says in an area striped to  
6 include PDR, development must include PDR space.

7           So for the first prong, you know, I think that I can  
8 come around on this. It's very clear to me when you look at the  
9 FLUM in this corridor that it's predominantly industrial  
10 designation, so predominantly PDR use here. Where I'm not fully  
11 convinced and I think more work needs to be done is on sort of  
12 the mitigation part of this. So certainly, I think it's been  
13 commented on by Commissioner Wright in terms of the size of this  
14 project, 183,000 square feet. This is the size of a Walmart  
15 Supercenter, I think two to three blocks, I remember, in length.  
16 As Commissioner Wright had pointed out, Vice Chair Miller had  
17 asked about 198 parking spaces. That's certainly within, and I  
18 certainly remember Mr. Hagen and the conversation, that is  
19 certainly within the regulations and their recommended number of  
20 parking spaces given the warehouse building type, whereas the use  
21 here might be different.

22           I understand too that Ms. Batties's comment about how  
23 this isn't really any different than not knowing what the  
24 commercial use might be. But what's different about that is that  
25 people can anticipate what commercial use might be, whether it's

1 a grocery store or some type of retail space. It's a little  
2 harder to imagine what light industrial might mean. Even though  
3 the Applicant provided a pretty thorough list cross-walking it  
4 with the other zone, mixed-use zone, and so over 20-some types  
5 of different types of uses. But within those types of uses,  
6 there's also subcategories of all that. So it's a little  
7 difficult for the public to kind of envision what that might be,  
8 especially for a building of this size and scale. And I know  
9 that the Applicant is really looking at this as a shell to give  
10 them the most flexibility, but I'm not fully convinced that that  
11 provides the most flexibility for this site and the intended use  
12 of mixed high density residential use here within that sort of  
13 200 foot perimeter. I wish I could have participated in the  
14 hearing to ask a few questions about why does it have to be over  
15 830 feet long of PDR space.

16 I recall OP, Ms. Steingasser, commenting that, well,  
17 if this a number of years, Mr. Chairman, you had commented on  
18 this too, the number of attempts to develop this site. And so  
19 if residential, there's no market for residential use units on  
20 this site because if there were, that would have already been  
21 developed. And certainly that's clear. And the Applicant would  
22 not have come forward with their plans had they not already sort  
23 of researched that and determined that their proposal is in the  
24 best interest to develop the site.

25 Where, again, where I need a little more help in coming

1 around is the second prong of mitigation here. It says in the  
2 Upper Northeast Area Element that it emphasizes high quality  
3 design and enhanced streetscapes. Certainly, I have looked at  
4 the architecture, it has certainly evolved. It's certainly been  
5 improved. Very clearly, there are three days (phonetic). I  
6 think one of the Commissioners had mentioned the difference in  
7 materials that are being used. However, there is not a difference  
8 in material. It is all metal paneling that appears to be  
9 different material. Certainly, one could ask what does that do  
10 to impact Heat Island effect. I certainly appreciate the fact  
11 that the path, the sidewalk went from 6 feet to 10 feet against  
12 the 830-foot long building. I think that's really important as  
13 well as the multi-use path or the bike trail. That's very  
14 important. So, in general, okay. That cross-section I think  
15 functions.

16 However, I know that the Applicant also said they  
17 thought this development would be a catalyst for the  
18 neighborhood. You could argue that but, however, I don't think  
19 that in terms of catalysts or engaging the neighborhood that it  
20 would be entirely successful with really one access point, I  
21 think, on the New York Avenue side in the lobby that had been  
22 designed or office space or showroom that had been designed.  
23 Really, it's about activating public space. That's what makes  
24 these kind of developments successful.

25 And so I recall the Applicant saying, well, they were



1 unclear, could be a pickleball court, right? What that tells me  
2 is that in this shell, the 880,000 square foot shell, that there's  
3 really no opportunity for indoor/outdoor space. They had  
4 mentioned or given examples about breweries. Those require  
5 indoor/outdoor spaces to be successful, right? All of this is  
6 in 183,000 or more gross square feet of conditioned space, which  
7 then tells me that, wow, this might be an energy hog. So looking  
8 at where's the solar panels for this? I did see in the additional  
9 renderings and perspectives they provided that we have three  
10 large green roofs. I think that's terrific. But I'm kind of  
11 curious because it does require -- in my notes here I did take  
12 this down, the framework encourages improved resilience with  
13 renewable energy. So, and I know that we're not following the  
14 framework because really this is driven by the FLUM, but it does  
15 provide some general guidance and design guidelines there I think  
16 that are certainly worthy and laudable.

17 I also want to comment before I forget about this, that  
18 the 40-foot buffer between the south part of the site and the  
19 back of the loading dock there, I appreciate the concession for  
20 that to create sort of this green space but, to me, that's  
21 insufficient. The buffer is good. However, I know in the  
22 renderings that just showed this densely planted section of trees  
23 to provide some barrier between Phase 2 on the south part of this  
24 site versus Phase 1. We all know that the under-story, you can  
25 see right through, so it really isn't a buffer at all. All it

1 is is just a green strip. And so that needs a little more  
2 thought, and perhaps maybe a landscape architect might be able  
3 to provide some additional help there.

4 I also want to mention, you know, again, going back to  
5 the flexibility for the Applicant in the zoning and PDR. I  
6 understand that that gives them some additional uses and added  
7 flexibility, but it almost tells me that it's like all chips are  
8 in for all 830 feet for this warehouse and I thought, man, that's  
9 rather -- I'm curious if the Applicant had thought about taking  
10 a more -- a different approach that might make, perhaps maybe  
11 more conservative or cautious approach instead of the entire  
12 length for the New York Avenue. What was conceived? Was there  
13 anything that was conceived that might be a smaller approach or  
14 maybe just another phase perhaps?

15 So I saw on the plans there's two phases. Phase 1 for  
16 this project, Phase 2 for the high density residential to the  
17 south. Maybe it's a multi-phase project instead to bring in  
18 residential or, you know, I understand the PDR use also allows  
19 for the commercial use with the overlap, but perhaps what I'm  
20 getting at here is that Phase 1, Phase 2 do not seem to be  
21 envisioned together in a comprehensive master plan. There are  
22 two separate developments there and it's very clear, as  
23 Commissioner Wright had pointed out, on the backside where the  
24 loading docks are, and I guess I would like some additional  
25 information why the loading docks made their way to the center

1 of the project. I guess one could argue that would provide easier  
2 access in however you divvy up the space, but I'm kind of curious,  
3 did the architect envision or at least provide some iteration  
4 where maybe instead the loading docks were emphasized on either  
5 the Montana Avenue side or Bladensburg side. And if so, why or  
6 why not? How did we get to this iteration here?

7           We are really close, I think. I'm supportive of the  
8 development of this site, like Vice Chair Miller, like Chairman  
9 Hood, and I know that Commissioner Wright also agrees with this,  
10 but we are so close. I know that Vice Chair Miller had used the  
11 phrase, right, we don't want perfect to be the enemy of good.  
12 But, right, I don't believe that you can compromise on good design  
13 and good planning. And so -- and it would be to the benefit of  
14 everyone to take another look at this. And I also, you know,  
15 certainly the parking can be worked out. I know that Commissioner  
16 Nelson had made comments about people in the neighborhood looking  
17 for places to park and the security aspects of all of that. And  
18 so I think that it just seems a little disjointed to me. I'm  
19 not convinced that it is a very nice looking warehouse building  
20 type, so I'm not yet fully convinced that it's high-quality design  
21 because a design also needs to include, you know, landscape design  
22 and public space activation.

23           And the other part of this, I guess, where I'm a little  
24 fuzzy is we went from 19 loading docks down to 12, which is pretty  
25 significant, over a third, because of some of the comments, I

1 think, from either the ANC or the community there. So a third.  
2 But that makes me wonder about the design programming for the  
3 facility here. So where did 12 come from? The Applicant easily  
4 lopped off seven loading docks, so what's the formula for 12 for  
5 183,000 square foot? I'm not sure that a Walmart Supercenter has  
6 12 loading docks, right? And so, again, just thinking about  
7 Phase 2, right, immediately to the south and certainly, I know,  
8 Mr. Chairman, you had commented and the community did too just  
9 about, you know, trucks idling, air quality, all of those things,  
10 right? Such a significant sized parking lot and such, and that's  
11 somebody else's domain. That's where government works really  
12 well. Everybody has their swim lane here. But, again, that's  
13 12 loading docks, and I'm not sure how that was never described,  
14 how they arrived at 19 or how they arrived at 12, why they were  
15 located in the center of the site and not to the edge of the  
16 site.

17 All of these things I think I would like to have a  
18 response to. I would like to see or have a response to why we  
19 haven't looked at increasing renewable energy here. I would like  
20 to see a better design solution separating Phase 1 and Phase 2  
21 with the landscape strip of 40 feet. There should be some type  
22 of berm. I did see that there was bioretention originally, and  
23 then somehow it fell out of the plan. There's no more  
24 bioretention. So I'm curious what happened to that. There are  
25 three parking lots. I'm not sure why one might be better served

1 as a bioretention area instead of bringing cars all the way to  
2 this sort of, I think, it's on the Bladensburg Avenue side. I  
3 could be wrong, but there are two parking lots that are adjacent  
4 to one another. One might be better served for a different use.

5           So, again, these are things that I would like some  
6 answers to for me to come around on this so that it's not as  
7 disjointed, there's better design. I think that I share  
8 Commissioner Wright's skepticism that the industrial use  
9 automatically for 830 feet will enliven the area and be compatible  
10 with residential use. So what does that interface look like?  
11 There should be some kind of design transition there between sort  
12 of this PDR use and residential as it's striped, right, and could  
13 be. And so, those are some answers that I would like. I certainly  
14 understand that the Applicant feels that they penciled this out  
15 and this is going to work for them, but they see the opposition,  
16 significant opposition.

17           So as a good neighbor, as they have been and they are  
18 relying on their reputation for successful projects like this or  
19 development projects, I think that they understand there needs  
20 to be some additional work to bring this across the finish line  
21 and I don't think it's a lot to ask, and I'm, again, one of the  
22 things I'd really like to know is why does it have to be 830 feet  
23 of PDR space, and how does that interface with Phase 2? There's  
24 no sort of description about that. It's very disjointed, and  
25 I've emphasized that three times now.

1           So hopefully the Applicant shares my concern. And  
2 again, I'm not in disagreement about the PDR use and application  
3 of this, so I can come around. I just need a little bit of help  
4 from the Applicant here and I think that it'll lead to a better  
5 outcome. I'm convinced it will because we've seen it happen time  
6 and again. But, again, I just want to reiterate that this is  
7 kind of exciting. I know it's a long hearing for everybody, but  
8 this is where government works at its best and everybody coming  
9 together for a better outcome as you say, Mr. Chairman, and being  
10 a good neighbor here for the Applicant to kind of address some  
11 of these issues.

12           And so, again, I'm uncomfortable with the size of this  
13 and think that there's -- we can thread the needle. The Applicant  
14 can thread the needle a little bit better here, and I don't think  
15 it's going to take a whole lot more. I'd just like to see better  
16 programming. Tell me how, you know, and we know it's going to  
17 come back because for what they've already designed as a big box  
18 space, warehouse space, they'll have to come back for a redesign.

19           So that should also temper at least some of the concerns  
20 by the community that because there's sort of this uncertainty  
21 here in terms of what those design requirements will be by  
22 whatever tenant they manage to land, it will definitely have to  
23 come back. But I think we can do a little better job in  
24 envisioning what this might be and how it's compatible with the  
25 southern part of the site. They said 11 acres and 6 more acres

1 are left. It didn't seem like there were 6 acres, right, left.  
2 Maybe there is, but I thought, wow, there's a lot of asphalt out  
3 there on the south side of this this proposed development here.

4 So with that, thank you, Mr. Chairman. I appreciate  
5 your indulgence as well as the opportunity to weigh in and share  
6 my views.

7 CHAIRPERSON HOOD: Thank you, Commissioner Imamura. I  
8 really think that what you've asked for is fair. For somebody  
9 who did not attend the hearing and has not had deliberations with  
10 us, I think that that is due to you for taking the time to even  
11 do that. Some of those questions that you asked, if you were  
12 here, if you were able to ask, but since not I'm going to ask  
13 the Applicant to work with our staff and also watch the recording  
14 because I think that Commissioner Imamura brought a spin that did  
15 not come out by the rest of us. So I think that's why it's always  
16 good to have a design professional. I'm not saying nothing  
17 against the rest of us, but that's why all of us make up the  
18 Zoning Commission. But I think some of the things that you asked  
19 for and explanations you've asked for I don't think it's a heavy  
20 lift. I think it's very considerate, and I think it would be  
21 good to be able to answer his questions in particular.

22 So with that, colleagues, because of what Commissioner  
23 Imamura has asked for, I want him to have his responses so we  
24 can deliberate. Some of those issues that he mentioned we can  
25 deliberate. I will be deliberating with him as well because I

1 want to clarify and go through some of that, but I think it's  
2 good because he brought up some things that I did not hear us  
3 even mention to a point. So I'm going to ask that we hold off  
4 our deliberations or if you have some points that you want to  
5 still, not necessarily to his point, but to the Applicant so when  
6 we get there, we will have a complete analysis of what we need  
7 to look for. So I think in all fairness to Commissioner Imamura,  
8 who we asked to read the record, and I keep saying it because  
9 that's no small feat, that we hold off on deliberations and maybe  
10 look at our -- I don't know.

11 Ms. Schellin, what we'll do, we'll do it this way.  
12 We'll go to, I think, our last meeting in January and if the  
13 Applicant is not able to get some of those responses by then,  
14 then we will move it to February. Why don't we just leave it  
15 like that unless I end up disagreeing with my colleagues.

16 And, Ms. Schellin, can we do that? We're looking  
17 forward to bringing it back in January with what he's asked for  
18 and then we'll deliberate on it. If they can't get it to us by  
19 the end of January, whenever our meeting is, then we'll just kick  
20 it to February. But I think his request and his questions are  
21 modest, and I think they are fair, and I think we owe him that,  
22 especially when he read the record. He needs to have some  
23 confidence what he's voting on. I'll leave it at that. All  
24 right.

25 Any comments, anything else you all want to add? If



1 not, I'm going to ask Ms. Schellin for some dates.

2 COMMISSIONER IMAMURA: Mr. Chairman?

3 VICE CHAIRPERSON MILLER: Mr. Chairman?

4 CHAIRPERSON HOOD: Commissioner Imamura?

5 COMMISSIONER IMAMURA: I'll defer to Vice Chair Miller  
6 and then make my comment.

7 CHAIRPERSON HOOD: Okay. Vice Chair Miller.

8 VICE CHAIRPERSON MILLER: And I just wanted to thank,  
9 I join you in thanking Commissioner Imamura for your very thorough  
10 review of the hearing that we had and your very thoughtful  
11 suggestions and requests that the Applicant respond to on design  
12 issues. And I want, in addition to that response, I think the  
13 Chairman has asked for clarification. We're appreciative that  
14 the Applicant in response to ANC 5C added three more, voluntarily  
15 added three more uses that are permitted as a matter-of-right in  
16 a PDR-1 zone that it will not do the self storage, the motor  
17 vehicle repair, and then the chemical storage and distribution.  
18 But there is that dispute. They had an exception for small  
19 accessory chemical storage uses, I guess, and then the ANC had a  
20 very specific threshold which we are beyond our expertise to  
21 evaluate. But I think the Applicant maybe needs to respond to  
22 that ANC or your request, Mr. Chairman, that we get some maybe  
23 further prohibition on the chemical aspect because the  
24 environmental issues in this neighborhood have always been a long  
25 standing concern.

1           The only other thing I want to do is just remind us  
2 that they did do the PUD instead of a map amendment at OP's  
3 request in order to involve the community in the uses and the  
4 design, and they had made some design changes breaking up that  
5 very long massing with now three, reads as three buildings I  
6 think, even though they're all connected into one big building.  
7 And they did the reduction of the loading docks so there should  
8 be explanation as to, as Commissioner Imamura has asked for.  
9 But, you know, they could do a map amendment. They could withdraw  
10 the PUD today and just do a map amendment and we've acknowledged  
11 that the PDR use is not inconsistent with the Comprehensive Plan  
12 striping of PDR with the mixed use high density residential, high  
13 density commercial. And so there wouldn't be any of the  
14 voluntary, necessarily voluntary uses taken off the table. I'm  
15 glad they also put back on the table in response to I think a  
16 comment I made, they had taken metro station as a voluntarily,  
17 put that on as a prohibited use. And not that there's one planned  
18 or funded, but that wouldn't be a bad thing to have to revitalize  
19 this corridor as well. So they put that off the prohibited list.

20           But we have to be somewhat careful of what we ask for  
21 this project. This developer has tried to do revitalization of  
22 this for a very long time and the community has had its  
23 expectations raised for mixed use development that had previously  
24 been proposed. So, you know, I think it's a shame that we don't  
25 have a zone that provides more of that nuance of what PDR uses

1 could be complementary right next to a residential because it  
2 calls for all three. But the zoning that's been proposed will  
3 absolutely preclude zoning residential because that's what the  
4 PDR-1 zoning, and all of PDR zoning, prohibits residential. And  
5 I think OP needs to look at for the future, not hold up this case  
6 for that new zone to be created. But there are a lot of factors  
7 that have led to the delay here, and I think the Applicant wants  
8 to have a revitalized development of a long vacant lot and  
9 hopefully, we can get there.

10 So appreciate you all asking for that additional  
11 information. Maybe, you know, and we think there could be further  
12 design modifications, but they wouldn't have to do any of it if  
13 they just withdrew it and went for a map amendment and we wouldn't  
14 even be having these conversations or asking for information. We  
15 just would be looking at strict Comp Plan consistency and it  
16 appears to meet that first prong as you asked even though some  
17 of us think there needs to be a new zone that will allow for more  
18 appropriate residential, appropriate light industrial with  
19 residential. So sorry to delay that. I didn't want to get into  
20 the deliberations, but I just want us to be aware of all those  
21 factors as well.

22 CHAIRPERSON HOOD: Thank you. Commissioner Imamura,  
23 you wanted to opine on something, say something.

24 COMMISSIONER IMAMURA: I do. Thank you, Mr. Chairman  
25 and thank you Vice Chair Miller.

1 I think you bring up a really great point that the  
2 community, you know, it's helpful to hear and certainly the  
3 Applicant could do that, but I'm convinced and I'm kind of  
4 excited. The Applicant really wants to really help revitalize  
5 this part of the area, and they're taking the right steps here  
6 to do that and imagine how exciting this is going to be when the  
7 entire community gets behind and rallies behind the developer  
8 here because we finally reached a really great design solution  
9 that includes PDR, and maybe it's the orientation of the building,  
10 maybe it's -- you know, I think Commissioner Wright had described  
11 wasn't the intent here, but the stripe of commercial PDR and  
12 residential.

13 That's not the suggestion here, but what I'm suggesting  
14 is that perhaps it's the orientation, perhaps it's the mass,  
15 perhaps I would hope if they can come back and say, all right,  
16 you know what, we can take another crack at this and sketch this  
17 out, and this is what it might look like with some public  
18 programming to activate public space in some way that aligns with  
19 whatever tenant they might be able to secure. I think that's  
20 going to be really exciting, and I think the community will really  
21 rally with the developer here.

22 And again, they're coming in. They want to have this  
23 developed. So the right intent, I think everybody has the right  
24 intent here and we're so so close. And boy, it would be a shame  
25 to pull it and take a different path where then for sure, you

1 know, it might be kind of an uphill battle with the community  
2 here. And so better outcomes, the Chair always says this, you  
3 know, with the Good Neighbor Program and everybody coming  
4 together. We just saw that with 23-08A. So, and I don't believe  
5 it's going to take that long, as long, four years as that case  
6 did. I think it's going to be pretty quick because I think the  
7 architect knows exactly or the Applicant knows exactly what we're  
8 looking for here and unless they came back and say this just  
9 doesn't pencil out, which I don't know, that would still be really  
10 hard for me to believe. So, you know, let's just give it one  
11 more try here, a good old college try one more time, and I think  
12 we'll reach it.

13 CHAIRPERSON HOOD: All right.

14 Commissioner Wright, did you want to say anything today  
15 or you want to wait until we deliberate?

16 COMMISSIONER WRIGHT: Yes. No. I really appreciate  
17 Commissioner Imamura's comments. I think, you know, again, he  
18 is absolutely right in saying let's go back and give it one more  
19 try. I think a more nuanced solution could definitely work here  
20 and I'm very, very open to looking at additional proposals.

21 CHAIRPERSON HOOD: Thank you.

22 I would just say this, we can get into this in  
23 deliberations. It's funny, Commissioner Imamura. I didn't see  
24 it in the record, but you you keep mentioning Walmart. It may  
25 have been there somewhere, but that was proposed for that site a

1 while back, a Walmart. Was that in the record somewhere because  
2 I missed it if it was?

3 COMMISSIONER IMAMURA: No. It wasn't in the record,  
4 but the size of a Walmart Supercenter, so not just a Walmart. I  
5 was just making the comparison that for people to understand how  
6 big this really is, it's equivalent to a Walmart Supercenter.

7 CHAIRPERSON HOOD: So that was one of the things, and  
8 I don't know what kind of center, but that was one of the things  
9 I know the administration at that time was upset because they  
10 went everywhere else, and that was actually supposed to be the  
11 biggest Walmart. I don't know if was supposed to be a  
12 supercenter, but that was proposed as we mentioned and you've  
13 already captured. There's been so many things going down there  
14 and I'm not sure who, and I will talk about this when we're  
15 getting ready to deliberate, the 2050 plan. And that's why I  
16 keep saying we had the 2050 plan, we had the 2020 plan, we had  
17 the 2015 plan, the 1995 plan. At some point in time, the  
18 planning's got to stop. We got to get it done.

19 But let's just see what comes back. Let's have this  
20 deliberation. Let's have a conversation because I'm afraid that  
21 this may end up, and we said this in the hearing, like, you know,  
22 in the community does not need that. So I think you've brought  
23 some good resolve, so let's see what the Applicant comes back to.  
24 And I think it could be, as you already said, a win-win for  
25 everybody. So let's see what happens, and we will deliberate,

1 Ms. Schellin. But I'll leave it up, like, I said earlier, I  
2 think in January. When is our meeting in January? And I'm  
3 looking at my calendar so to speak.

4 MS. SCHELLIN: So the second meeting would be the 29th.

5 CHAIRPERSON HOOD: Oh.

6 MS. SCHELLIN: I believe the only party was the ANC,  
7 and so if the Applicant could provide the additional submissions  
8 by January 16th, 3 o'clock p.m., then the ANC can respond to just  
9 those submissions, nothing else, by 3:00 p.m. on the 23rd.

10 CHAIRPERSON HOOD: All right. Okay.

11 MS. SCHELLIN: And then we can put this on for the  
12 29th.

13 CHAIRPERSON HOOD: So we will start off the 29th unless  
14 unless we hear something other from the Applicant. And also,  
15 Vice Chair Miller, I want to commend you and thank you for  
16 bringing up how they can apply for this as opposed to the PUD.  
17 This Applicant chose to go the PUD route, which also gives  
18 benefits to the community, which is admirable. A lot of people  
19 would say, oh, let me just go the easy way and do this and I know  
20 they had some urging because that's just how, as Commissioner  
21 Imamura says, it's good government.

22 So, all right. Anything else on this anybody? Looking  
23 forward to a good deliberation and let's have it. Let's put that  
24 one in the parking lot, but we won't do this one for four years.  
25 No.

1 All right. Ms. Schellin, are we ready to move to the  
2 next case?

3 MS. SCHELLIN: Yes, sir.

4 CHAIRPERSON HOOD: I think the last one, Commissioner  
5 Imamura is going to be on this hearing action. We're going to  
6 do that first and then we will go to the two that he's not, I  
7 mean, so he can go unless he just wants to hang with us. I know  
8 if I was leaving, I would leave.

9 COMMISSIONER IMAMURA: Thank you, Mr. Chairman.

10 CHAIRPERSON HOOD: All right.

11 Let's go to hearing action. Zoning Commission Case No.  
12 25-14 4347 Hunt Place Holdings, LLC Map Amendment at Square 5094.

13 Ms. Myers.

14 MS. MYERS: Good evening, Commissioners. Crystal Myers  
15 from Office of Planning.

16 I think that my presentation is going to be pulled up  
17 here. All right. The Office of Planning recommends setting down  
18 Zoning Commission Case 25-14 for a public hearing. In this case,  
19 the Applicant is requesting a map amendment to rezone the property  
20 at 4347 Hunt Place Northeast from MU-3A to MU-8B. OP does not  
21 recommend IZ-Plus in this case. At this time, the Far Northeast-  
22 Southeast Planning Area has a considerable number of dedicated  
23 affordable units and exceeds the District's target for adding to  
24 the affordable housing supply. Next slide, please.

25 The subject property is the site of an existing vacant



1 commercial building. It's currently MU-3A, which is limited to  
2 a 1.0 FAR and 40 feet height. MU-8B would allow up to 5.0 FAR  
3 as a matter-of-right and 70 feet height. Originally, the  
4 Applicant asked for MU-7A zone, which is a mixed-use zone that  
5 encourages medium density development with an emphasis on  
6 residential development. But when they had meetings with the ANC  
7 7C, the ANC expressed that the community would rather see more  
8 commercial development occur at the site. So the Applicant  
9 updated their application to request the MU-8B zone, which is a  
10 higher medium density mixed use zone that allows for more  
11 commercial development. Next slide, please.

12           This map amendment would not be inconsistent with the  
13 Comprehensive Plan. In the Comprehensive Plan, the Future Land  
14 Use Map designates the property for a mix of medium density  
15 commercial and medium density residential uses. And the  
16 Generalized Policy Map designates the property as a neighborhood  
17 commercial center. MU-8B is a zone that permits medium density  
18 mixed-use development, so it would not be inconsistent with these  
19 designations. The Generalized Policy Map also identifies the  
20 property as a resilience-focused designated area because it is  
21 within the 100-year flood plain. If the property redevelops, it  
22 should adopt climate adaptive solutions that contribute to the  
23 District's watershed resilience.

24           This map amendment is also not inconsistent with the  
25 2024 Nannie Helen Burroughs Small Area Plan. When considered

1 through a racial equity lens, the subject property is in the Far  
2 Northeast-Southeast Planning Area. This planning area is over  
3 90 Black and African American and has a median household income  
4 that is about half the median income District-wide. Unlike other  
5 parts of the District, in this part the Far Northeast-Southeast  
6 Planning Area experienced very little investment. The 2021  
7 Comprehensive Plan acknowledges these challenges and calls for  
8 reinvestment in the community. As part of that effort, the land  
9 use designation for the subject property was changed to attract  
10 more development to the area. This map amendment would rezone  
11 the property to allow the type of development envisioned by the  
12 Comp Plan and by many in the community. And with that, I will  
13 conclude the OP testimony, but of course, here's the questions.

14 Thank you.

15 CHAIRPERSON HOOD: Thank you, Ms. Myers.

16 As always, a great report. Let's see. I'm looking at  
17 my colleagues. Who'd like to ask questions first if you have  
18 any? Anybody have any questions? Or if somebody wants to make  
19 a motion to set it down, whichever way you all want to go?

20 Commissioner Wright.

21 COMMISSIONER WRIGHT: Yes. Just a quick question. You  
22 know, I do understand that in terms of community outreach, that  
23 they have engaged ANC 7C, including the Chair and the Single  
24 Member District representative, and they're going to be meeting  
25 with Deanwood Citizens Association. Do we have any sense of what

1 kind of responses they've gotten? I do understand that the ANC  
2 has not submitted a report, but does it seem like the community  
3 is open to a building of this size on that corner?

4 MS. MYERS: Oh, this is just for the rezoning. So we  
5 don't know what could be done or what may be done. My  
6 understanding from the Applicant is that in their meetings with  
7 the community, it's been very encouraging to try to get as much  
8 commercial development on the site as possible for obviously for,  
9 like, job opportunities and other resources and resources in the  
10 area. But I don't think there's been very, like, much discussion  
11 about what physically it could look like, what the building could  
12 look like.

13 COMMISSIONER WRIGHT: Great. I mean, I think we should  
14 set this down, and I think that that's very appropriate. When  
15 it does come in, I am curious about the Nannie Helen Burroughs  
16 Corridor Small Area Plan and getting more information about that  
17 and what sort of the vision for that corridor is. It looks fairly  
18 low scale, and this is allowing a building up to 70 feet in  
19 height, and I just want to see, you know, how that might work  
20 with the rest of the community. So, but that I think is for the  
21 discussion when we get to actually having a hearing. I think  
22 it's very appropriate to set this down.

23 MS. MYERS: Understood. Thank you.

24 CHAIRPERSON HOOD: Okay.

25 Any other comments, any other, Commissions?

1 (No response.)

2 CHAIRPERSON HOOD: Okay. Not seeing any, Commissioner  
3 Wright, would you make a motion?

4 COMMISSIONER WRIGHT: Sure. I'd be glad to.

5 I would like to move that we set down Zoning Commission  
6 Case No. 25-14, 4347 Hunt Place Holdings, LLC, Map amendment at  
7 Square 5094.

8 COMMISSIONER IMAMURA: Second.

9 CHAIRPERSON HOOD: It's been moved and properly  
10 seconded. Any further discussion?

11 (No response.)

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

14 MS. SCHELLIN: Yes.

15 Commissioner Wright?

16 COMMISSIONER WRIGHT: Yes.

17 MS. SCHELLIN: Commissioner Imamura?

18 COMMISSIONER IMAMURA: Yes.

19 MS. SCHELLIN: Commissioner Hood?

20 CHAIRPERSON HOOD: Yes.

21 MS. SCHELLIN: Commissioner Miller?

22 VICE CHAIRPERSON MILLER: Yes.

23 MS. SCHELLIN: The vote is four to zero to one to set  
24 down Zoning Commission Case No. 25-14 as a contested case, the  
25 minus one being Commissioner Stidham, not present, not voting.

1 CHAIRPERSON HOOD: Thank you.  
2 Commissioner Imamura, I think that's it for you, right?  
3 COMMISSIONER IMAMURA: Yes, sir. It is.  
4 CHAIRPERSON HOOD: Happy holidays. Appreciate all your  
5 work.  
6 COMMISSIONER IMAMURA: All right. Thank you all. Happy  
7 holidays and hope everybody has a happy and healthy New Year as  
8 well. Thank you all.  
9 CHAIRPERSON HOOD: Thank you.  
10 COMMISSIONER IMAMURA: See you next year.  
11 CHAIRPERSON HOOD: See you next year.  
12 COMMISSIONER WRIGHT: Could we take a five minute  
13 break?  
14 CHAIRPERSON HOOD: I was going to say that. Can we go  
15 to 6 o'clock? It's a little more than five minutes?  
16 COMMISSIONER WRIGHT: Okay.  
17 CHAIRPERSON HOOD: So we're going to start off -- Vice  
18 Chair, I'd like you to start us off with the Waterfront, and I'm  
19 going to lead us through the omnibus. Okay. Thank you.  
20 VICE CHAIRPERSON MILLER: Okay.  
21 (Whereupon, there was a brief recess.)  
22 CHAIRPERSON HOOD: All right. Let me call. One second.  
23 We only have two things, right, Ms. Schellin? Two things left?  
24 Okay. All right. Okay.  
25 MS. SCHELLIN: That's correct.

1 CHAIRPERSON HOOD: Let's go to final action. Zoning  
2 Commission Case No. 11-03, Wharf Phase 3 REIT Leaseholder, LLC,  
3 PUD Modification. The second hearing Stage PUD at Square 473.  
4 I might have messed some of that up.

5 Anyway, Ms. Schellin.

6 MS. SCHELLIN: Yes, sir.

7 So at the public hearing on November 17th, the  
8 Commission asked for some additional information. So at Exhibits  
9 26 and 26A there was a submission from Amaris. And then Amaris  
10 Condo provided some follow-up comments at Exhibit 28. And then  
11 there was at Exhibit 29 the ANC 6D report where they voted to  
12 endorse Commissioner Levine's statement, which he provided at  
13 Exhibit 20. And so you have that where he does not oppose the  
14 application, but he goes on further in that exhibit. At Exhibit  
15 30, you have the Applicant's post-hearing response, and I will  
16 turn this over to the Commission to consider taking action.

17 Thank you.

18 CHAIRPERSON HOOD: Okay. We have this in front of us,  
19 and Ms. Schellin has pretty much teed it up, and we do know the  
20 conversation about the noise, the time, and I think we need to  
21 discuss all that. The noise, the security, the loading, the  
22 parking. And then ABCA, as we know, has responded to the Amaris  
23 proposed conditions in Exhibit 23, and most of that's been noted  
24 already by Ms. Schellin. So I think this is ready for our  
25 deliberations.

1           So we, first thing, we might discuss the categories one  
2 by one. We can do noise, security, loading, and parking. We'll  
3 discuss whether we agree with Amaris or the Applicant, and then  
4 we can state which conditions we'd like to impose in that order.  
5 But I'd ask Vice Chair Miller to take the lead on some of that  
6 and, you know, we'll we'll just deliberate at this point. So  
7 however you choose to do it, you don't have to do it the way I  
8 just said it or you can. It's up to you because it's so many  
9 notes.

10           Go ahead, Vice Chair Miller.

11           VICE CHAIRPERSON MILLER:     Okay.     Thank you, Mr.  
12 Chairman.

13           I appreciate all the additional submissions by the  
14 Applicant and, is it Amaris condominium or [Ameris]? The  
15 condominium.

16           CHAIRPERSON HOOD:   I thought it was Amaris.

17           VICE CHAIRPERSON MILLER:   Amaris.   Okay.

18           CHAIRPERSON HOOD:   Either one.   They know who we're  
19 talking about.

20           VICE CHAIRPERSON MILLER:   Yes.   I appreciate it.   And  
21 by the ANC. You know, this is dealing with the enclosure of that  
22 cafe space, basically to deal with weather conditions and the  
23 eating and drinking use is already a permitted use. So that's  
24 not really before us. It's the enclosure during certain times  
25 of the year probably when it's too hot or too cold or raining, I

1 guess. So, yes.

2 So and the ANC 6D essentially endorses SMD Commissioner  
3 Bruce Levine's previous comments which did not oppose the  
4 application and the ANC said in their November 20th filing that,  
5 according to Commissioner Levine, the Wharf management has taken  
6 steps to address a number of concerns of ANC 6D relating to  
7 pedestrian safety and access at the Wharf. And the ANC also  
8 notes that the sight line from Pearl Street, Southwest is another  
9 one of our concerns along with pedestrian safety and  
10 accessibility in general. So the Applicant has shown a  
11 willingness to work with the ANC going forward on any concerns  
12 about those issues.

13 In terms of the Amaris conditions on noise, security,  
14 loading, and parking, I tend to agree with the Applicant's  
15 response and I'll just go through what the Applicant stated.  
16 There were very detailed noise, security, loading, and parking  
17 conditions that the Amaris Condo was requesting. The Applicant  
18 responded that their proposed noise conditions are already  
19 addressed by the pre-existing cooperative agreement and are  
20 unnecessary, inappropriate given the conditions that come with  
21 living in a dense, vibrant, mixed use location as acknowledged  
22 by each owner of the Amaris under the Urban Conditions Disclosure  
23 which is part of that, I think, cooperative agreement. The  
24 Applicant notes that The Pavilion closes at midnight, Sunday to  
25 Thursday, and 1:00 a.m. Friday to Saturday.



1           On security, the Applicant stated that the proposed  
2 security conditions by Amaris were necessary because the security  
3 of The Pavilion. The Pavilion is this eating and drinking 40-  
4 seat -- is it 40, I think it's 40-seat cafe basically, or bar,  
5 or whatever you want to call it. The security is already  
6 addressed by the District Wharf Community Association Site  
7 Security Plan, which is coordinated with the Metropolitan Police  
8 Department as well as site specific security measures already in  
9 place for the Wharf area generally and for The Pavilion.

10           On loading, the Applicant stated that the proposed  
11 loading condition by Amaris was unnecessary because deliveries  
12 to The Pavilion will use the existing loading dock for Parcel 9,  
13 which is managed pursuant to an already Zoning Commission  
14 approved loading management plan for the second stage order for  
15 Parcel 9.

16           And on parking, the Applicant stated that the proposed  
17 parking condition appears unrelated to The Pavilion, which will  
18 have very limited seating and very limited additional parking at  
19 impacts at the Wharf beyond all the other parking impacts due to  
20 all the Wharf development.

21           So I tend to agree with the Applicant's response.  
22 Applicant did propose their own conditions regarding the  
23 operation of The Pavilion. On noise, they stated that they were  
24 proposing a condition that live music would not be permitted  
25 within The Pavilion and on loading, they would specify that the

1 deliveries to The Pavilion would utilize the same loading  
2 facilities within Parcel 9 as the associated restaurant, and so  
3 shall be subject to the same loading management plan, which is  
4 set forth as a condition in that Zoning Commission order 11-03J2,  
5 which is the second stage order that govern Parcel 9, which is  
6 the adjacent parcel. So I think the Applicant's conditions are  
7 sufficient to address legitimate issues about noise and loading.

8           So I guess I'll leave it at that, Mr. Chairman. This  
9 is kind of a de minimis project. It does, with the structure,  
10 does impact the view from, I guess, Maine Avenue or Arena Stage  
11 because I remember the hearing where the architect for Arena  
12 Stage was very concerned about having that open view to the water.  
13 They still pretty much have that -- Arena has that huge glass  
14 wall essentially and they have a beautiful view of the water and  
15 of the Wharf development that's occurred there since they helped  
16 revitalize this neighborhood back years ago.

17           So there's a lot of beautiful development down there.  
18 It's certainly more dense than before we did the whole rezoning.  
19 But it's certainly more revitalized and it seems to be working  
20 out the way that the City and the community, ANC 6D in particular,  
21 expected it to as an urban waterfront neighborhood that has both  
22 commercial residential activity around the clock almost.

23           So with that, I'm prepared to support final action  
24 today. But I welcome, colleagues, any comments you have.

25           CHAIRPERSON HOOD: Okay. Thank you.

1 Commissioner Wright?

2 COMMISSIONER WRIGHT: Thank you.

3 As I understand it, this eating and drinking  
4 establishment use is already fully permitted. The only thing  
5 that is bringing it before us is that they want to have these  
6 mesh panels that they can pull down, I think, primarily for  
7 security. I didn't get the impression that they would be pulling  
8 those panels down and having patrons sit in, you know, the  
9 darkened pavilion. And, you know, I think that having mesh panels  
10 to pull down for security makes, you know, total sense and really  
11 will only be down, I'm assuming, when the facility is closed.

12 I do understand the concerns of the nearby condo owners  
13 and residents. One thing that I think, again, many of the issues  
14 regarding, as Vice Chair Miller said, regarding security,  
15 lighting, parking, those are covered already by the overarching  
16 conditions of the Wharf development, and there is already, you  
17 know, deliveries to The Pavilion use the same loading facilities  
18 within Parcel 9 and there is a security system program within the  
19 entire developed area. You know, and so, again, I think security,  
20 loading, parking, I think those are really handled.

21 On the noise side, I do note that the Applicant said  
22 live music will not be permitted within The Pavilion. I wonder  
23 if, as proposed by the neighbors, it would make sense to also  
24 include outdoor speakers and televisions. You know, again, I  
25 think from a security standpoint, it's probably better for them

1 not to have those kinds of electronics in The Pavilion with just  
2 the mesh screens protecting them. And again, the impression I  
3 get of how this particular pavilion is going to be used as an  
4 eating and drinking establishment, I mean, it really doesn't  
5 sound like it's intended to be a sports bar with, you know, lots  
6 of big screen TVs and music blasting out over the speakers. So  
7 I think that the condition of live music will not be permitted  
8 within The Pavilion. I think we should also add no TVs or outdoor  
9 speakers.

10 But those are my only comments. I mean, I think, again,  
11 I go back to the fact that this is approved and the only issue  
12 is they want to have mesh panels that they can pull down to secure  
13 the property, you know, again, most often when it's closed. And  
14 I think that's very legitimate. So that would be my suggestion.  
15 It's just adding those two additional elements to the condition  
16 regarding noise operations. I think that's all I have to say.

17 CHAIRPERSON HOOD: Thank you.

18 Commissioner Wright, I do have a clarification. So  
19 you're saying the speakers and the televisions obviously on the  
20 outside of the establishment, they can have them on the inside,  
21 correct?

22 COMMISSIONER WRIGHT: No. No. I was saying that The  
23 Pavilion would not have any live music speakers or TVs, and it  
24 would just be a place to have tables, chairs, and whatever serving  
25 area they need to have to serve the patrons who are sitting in

1 that 40-seat area.

2 CHAIRPERSON HOOD: So I will tell you, I'm concerned  
3 about not the TVs, and I get what the gentleman who lives right  
4 across, and I don't want to get into whether they use AI to design  
5 it, we get the gist (phonetic) because he's the one who's going  
6 to be the most, they're going to be the ones most impacted, not  
7 me. So I get that. But my concern is not to have, and maybe I  
8 don't know, were there intentions to have TV, and me, I've  
9 personally never been to a bar or sit down and drink where you  
10 didn't have some kind of something else, you just sit, that's all  
11 you did. And I've never seen a bar that doesn't have a a small  
12 TV or something in there. I mean, maybe I'm also a little off  
13 what they're trying to achieve. I'm not in favor of putting that  
14 limit there. I mean, I get the live music. I agree with that.  
15 But the TV and maybe a little stereo or something, I don't know.  
16 I don't know. I just don't remember.

17 COMMISSIONER WRIGHT: I mean, I just think the area is  
18 very lively already. I mean, and there are other outdoor eating  
19 and drinking establishments throughout the Wharf area. Some are  
20 right outside of restaurants and some are, you know, somewhat  
21 freestanding. There are many outdoor eating and drinking  
22 establishments at the Wharf. I personally don't remember any of  
23 them having TVs. But again, you know, I haven't done a thorough  
24 survey of that, so I don't know.

25 CHAIRPERSON HOOD: Okay. I don't feel comfortable

1 excluding that from them. They hit a decimal level, which is  
2 D.C. law anyway. I don't know about that. I don't know. I'm  
3 trying to figure out, because I don't know about excluding. I  
4 don't know well, if I'm outnumbered, then that's fine. But Vice  
5 Chair, do you want to exclude them too?

6 VICE CHAIRPERSON MILLER: Not really. I guess if, I  
7 don't know what their intentions are either, but I guess since  
8 they opposed that Amaris condition, except for the live music,  
9 that they maybe did want to have the flexibility to have it. I  
10 don't know if it's already there or isn't. This hasn't opened  
11 up, but it's there, I think.

12 COMMISSIONER WRIGHT: No, it's there, yes.

13 VICE CHAIRPERSON MILLER: Yes. So I haven't been down  
14 there either to look carefully at whether it has, what electronic  
15 devices it may have in its area or any of the other outdoor eating  
16 and drinking establishment. There a lot going on down there.  
17 So, I mean, you wouldn't want to have the TV louder than 40 people  
18 around it can hear it. But I don't know what their intentions  
19 are. I don't know if we want to get a response specifically to  
20 that question from the Applicant. If it's already there or if  
21 it's their intention to be there and why it is or would or would  
22 not be a problem to have this condition in there. It may be,  
23 I'm not sure they specifically addressed those two conditions.

24 CHAIRPERSON HOOD: So let's do this. Let's bring the  
25 Applicant up, and let me ask Commissioner Wright. I know this

1 might not even sound right, but if we, no, it will sound right.  
2 If we put, like, a restriction on what time the TVs need to be  
3 turned off, I sound like my parents when I was growing up, what  
4 time the TV would need to be cut off and speakers or anything in  
5 there, would you be amenable to that? I'm just trying to get  
6 through this.

7 COMMISSIONER WRIGHT: Yes. I mean, I think that that  
8 would be fine but it would be, I think, really hard to enforce  
9 and would probably end up with some arguments between the  
10 neighbors and the operator. You know, if they miss the deadline  
11 by 15 minutes I'm sure the neighbors will, you know, jump on  
12 that. So, you know, I don't feel strongly about it. I mean,  
13 I'm just sort of trying to be sensitive to the fact that these  
14 people do live very close to this place where people will be  
15 eating and drinking. Just having 40 people in there eating and  
16 drinking is going to cause a certain amount of noise, you know,  
17 people talking, people laughing, you know, that kind of thing.  
18 And my again, my experience of the Wharf is that that's actually  
19 very pleasant, and it's very nice when you have that kind of  
20 liveliness.

21 I think, you know, again, the outdoor speakers would --  
22 I could see where the TV isn't as big a deal because TVs aren't  
23 that loud and frankly, in most bars, they don't even have the  
24 sound turned up. They really just have the TV running. But  
25 outdoor speakers, if they're going to be playing music or whatever

1 until midnight, I could see where the neighbors would find that,  
2 you know, annoying.

3 CHAIRPERSON HOOD: Let's do this, like we do in the  
4 hearing room, let's bring up the counsel or the Applicant, Ms.  
5 Schellin, I'm not sure who it is. Can we bring them up and make  
6 them a panelist? I just see myself sitting there without a TV.  
7 I'd probably go to the next place.

8 MS. SCHELLIN: We have Mr. Avitabile available.

9 CHAIRPERSON HOOD: Oh, Mr. Avitabile. Okay.

10 Mr. Avitabile, you've heard the discussion. First of  
11 all, good evening. If you could identify yourself and you've  
12 heard our discussion, so I'll turn it over to you and kind of  
13 let us know, give us a reading.

14 MR. AVITABLE: Thank you very much, Chairman Hood, and  
15 good evening Commissioners. David Avitabile with Goulston &  
16 Storrs, land use counsel for the Applicant here. And I have  
17 indeed listened to the discussion as well as the previous two and  
18 a half hours. You have a long session today. This is taking me  
19 back to old days of being there until midnight down at 441.

20 So I hear Commissioner Wright's concern. I think a  
21 couple of things. One, as I understand it, the establishment  
22 does have speakers and televisions. They're expressly discussed  
23 in the settlement agreement with the ANC. And the settlement  
24 agreement also addresses the hours of operation and says, you  
25 know, the establishment as a whole closes at midnight during the



1 week and 1:00 a.m. on weekend nights, and says the hours of  
2 recorded music can exceed those hours of operation.

3           And then specifically in the noise section of the  
4 cooperative agreement, it says, you know, that the noise can't  
5 be felt in residential premises, you know, in accordance with the  
6 Code. It expressly says here the Applicant shall take reasonable  
7 measures to ensure that the music, noise, and vibration from the  
8 establishment are not audible in a residence with its windows and  
9 doors closed. The speakers in the summer, you know, I should  
10 add the outdoor seating for the restaurant also has speakers. I  
11 think it's a testament to actually how loud. They're not that  
12 you don't necessarily notice them when you're walking by. They  
13 are directed inwards towards the people who are there and that's  
14 what this provision says. You know, any speakers used in  
15 connection with amplified or recorded music, including those  
16 speakers for the summer garden, summer gardens, or the outdoor  
17 bar cafe, shall be directed inward and not be directed towards  
18 any operable doors or windows in the premises, and music produced  
19 by any sound recording shall comply with D.C. noise laws. And  
20 then the Applicant shall be entitled to have not more than two  
21 televisions in the outdoor cafe. So I think --

22           COMMISSIONER WRIGHT: So just I want to clarify. This  
23 agreement that you are now quoting from is an agreement for all  
24 outdoor bars and restaurants throughout the Wharf?

25           MR. AVITABLE: No. This is just the specific

1 cooperative agreement for Philippe Chow's operations, which  
2 include both the restaurant that sits in the ground floor of the  
3 Amaris and then Merchants Marina, which is the outdoor bar cafe  
4 because they're the same operator.

5 COMMISSIONER WRIGHT: Okay.

6 MR. AVITABLE: But so this governs it and I do think  
7 it is the challenge we have sometimes where different bodies sort  
8 of look at the same sorts of things. But I think here, and  
9 typically when we have alcohol licensed establishments, ABCA  
10 really does often govern them. They're in the right place.  
11 They're often very tied to the specific user as opposed to zoning,  
12 which is sort of more to the property of the use. So it maybe  
13 makes more sense. They've already looked at this and determined  
14 it's okay. And also, these agreements get revisited, so maybe  
15 that's the the best way to do it.

16 COMMISSIONER WRIGHT: Yes. No, no, no. I mean, I  
17 withdraw my suggestion. I did not know that there was that level  
18 of an existing agreement on the issue of TVs and outdoor speakers.  
19 It sounds like it's been discussed in detail, and there is an  
20 existing agreement and I don't want to deviate from that existing  
21 agreement. I did not realize that the agreement covered that all  
22 in such, you know, excruciating detail.

23 MR. AVITABLE: I didn't realize it until I started  
24 reading it as you were discussing it, but It is in there. So  
25 I'm glad it's covered.

1 COMMISSIONER WRIGHT: Yes. And so I'm happy to have  
2 it just be live music. I take away my suggestion.

3 MR. AVITABLE: Thank you. And thank you for letting  
4 me come up and speak. I know it's unusual.

5 VICE CHAIRPERSON MILLER: And I think it's a great  
6 point you made that ABCA, I'm used to saying something else, ABCA  
7 will have, I mean, these licenses come up for renewal every three  
8 years. I don't know how much they're into their existing license,  
9 but it's going to come up and the neighbors get a lot of input  
10 and imposition of conditions or changing conditions as a result  
11 of conditions on the ground. So I think that is an appropriate  
12 place for it to be dealt with. And I appreciate that existing  
13 agreement, settlement agreement does cover it.

14 CHAIRPERSON HOOD: Thank you, Mr. Avitabile.

15 Well, I would love to mess with my friend, the Chair  
16 of the ABCA Board and we trump them I think, as you mentioned,  
17 they deal with that. So I think that's the best thing to do. So  
18 we'll leave it at that, and thank you Commissioner Wright for  
19 bringing it up, and we'll get through that. So thank you, Mr.  
20 Avitabile. All right.

21 I think with the response to Commissioner Wright, I  
22 almost said Commissioner Avitabile, Commissioner Wright, I think  
23 it must be getting late in time. So I think we are ready to move  
24 unless I hear something different, and I would ask Vice Chair  
25 Miller to make the motion.

1 VICE CHAIRPERSON MILLER: Okay. Thank you, Mr.  
2 Chairman.

3 I would move that the Zoning Commission take final  
4 action on Zoning Commission Case No. 11-03 and Wharf Phase 3 REIT  
5 Leaseholder, LLC PUD Modification with a hearing of 2nd Stage PUD  
6 at Square 473 with the conditions that the Applicant has agreed  
7 to and that we've discussed, and ask for a second.

8 COMMISSIONER WRIGHT: Second.

9 CHAIRPERSON HOOD: It's been moved and properly  
10 seconded. Any further discussion? And I just wanted to note  
11 that I'm going to show the community Commissioner Wright bringing  
12 that up shows that we tried to -- we definitely listen to the  
13 community, but I think it's covered. So I'm wanted to just put  
14 that out there. So any further discussion?

15 (No response.)

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

18 MS. SCHELLIN: Commissioner Miller?

19 VICE CHAIRPERSON MILLER: Yes.

20 MS. SCHELLIN: Commissioner Wright?

21 COMMISSIONER WRIGHT: Yes.

22 MS. SCHELLIN: Commissioner Hood?

23 CHAIRPERSON HOOD: Yes.

24 MS. SCHELLIN: And the vote would be three to zero to  
25 two to approve final action Zoning Commission Case No. 11-03N,

1 and the minus two being Commissioners Stidham and Imamura, who  
2 did not participate, so not present, not voting.

3 CHAIRPERSON HOOD: Thank you.

4 We're going to kind of take our time with this last  
5 case, I think this is our last thing on our agenda for tonight.  
6 I'm going to be looking at the Office of Planning supplemental  
7 report, and I'm going to go through them just like they are, the  
8 ones that we have kind of agreed upon. I'm going to go right  
9 on. But if you want me to, stop me, or if I miss something, stop  
10 me. Okay? All right.

11 This is the, oh, let me let me call it first. Hold on  
12 one second. One second. And I thank everyone for their patience  
13 on us moving everything around. We're trying to accommodate a  
14 number of things tonight. Zoning Commission Case No. 25-12 Office  
15 of Planning Omnibus Text Amendment to Modify and Clarify Various  
16 Provisions of 11-DCMR.

17 Ms. Schellin.

18 MS. SCHELLIN: Yes, sir.

19 As far as this case, a new report at Exhibit 142, OP  
20 submitted a supplemental report dated December 11th. The report  
21 lists all 24 topics in order, and so you have that before you.  
22 And I will turn it over for the Commission to consider proposed  
23 action.

24 Thank you.

25 CHAIRPERSON HOOD: All right. Thank you.

1           Let me ask you. Did we take proposals on some of these  
2 already?

3           MS. SCHELLIN: Yes.

4           CHAIRPERSON HOOD: Okay. So I'm don't need to do that.  
5 I'm just going with the guidance given.

6           VICE CHAIRPERSON MILLER: On half of them, on about 12  
7 of them, 12 of the 24, I think.

8           CHAIRPERSON HOOD: Okay.

9           VICE CHAIRPERSON MILLER: But then they're all listed  
10 in the OP report.

11          CHAIRPERSON HOOD: Yes.

12          VICE CHAIRPERSON MILLER: Yes. They all, whether we  
13 approve them or not, and they say what we did.

14          CHAIRPERSON HOOD: Okay. I'm going to go through all  
15 of them and the ones we approved I'm just going to run the rough  
16 them. Okay.

17          Let's go to the text amendments. No. 1. We did the  
18 zone boundary line for a split zone lot Subtitle A-207. Office  
19 of Planning proposed to clarify and amend the regulations  
20 pertaining to the zoning of split zone lots to provide more  
21 clarity and consistency and interpretation in application. At  
22 the November 25th, 2025 public meeting, the Zoning Commission  
23 requested OP provide a modified language that would incorporate  
24 a suggested change for the trigger date from ZR58 to ZR16 and  
25 proposed new title on subtitle C-1601.1, retaining the review

1 criteria contained in existing A-207.2(c) to be renumbered C-  
2 1601.2.

3 And then we have the revised text before us. I don't  
4 think, do I need to read all that? I don't think so. Are we  
5 good? I think the changes, as you see, are in red and underlined  
6 with the date September 6, 2016, and the extension should have  
7 no adverse effects upon the present character and future  
8 development of the neighborhood.

9 VICE CHAIRPERSON MILLER: I support the proposed tax  
10 amendment with the revised change that we or one of us suggested  
11 with on the trigger date to be ZR16 rather than ZR58.

12 CHAIRPERSON HOOD: Okay. Let's take our time. I'm  
13 going to slow down. I don't know if Commissioner Wright, if you,  
14 you might have proposed this.

15 COMMISSIONER WRIGHT: Too many pieces of paper. Yes.  
16 I had suggested we keep the word density and they, I believe,  
17 have (audio interference).

18 CHAIRPERSON HOOD: Yes.

19 COMMISSIONER WRIGHT: And then that we had a little  
20 more language that we, again, I'm sorry. I have too many pieces  
21 of paper.

22 CHAIRPERSON HOOD: Sorry. Take your time.

23 COMMISSIONER WRIGHT: That we keep the language about  
24 no adverse effect, that we deal with the trigger date. And then  
25 I think, if I'm not mistaken, there was some language that the

1 Office of Planning felt needed to be added by IZ.

2 CHAIRPERSON HOOD: Let's bring, is Mr. Lawson --

3 COMMISSIONER WRIGHT: Or is that the next, or that may  
4 be the next one. Yes. I'm trying to look at my notes from when  
5 we talked about the last time.

6 VICE CHAIRPERSON MILLER: I think that is the next one.

7 CHAIRPERSON HOOD: Well, let's bring Mr. Lawson up. He  
8 might be able to hit us, and this is nothing unusual. We may  
9 have some -- he might be able to answer quicker for us about  
10 submitted though we did look --

11 COMMISSIONER WRIGHT: Yes. The IZ one is the next one,  
12 so.

13 CHAIRPERSON HOOD: The next one?

14 COMMISSIONER WRIGHT: Yes.

15 CHAIRPERSON HOOD: So you're fine with this one?

16 COMMISSIONER WRIGHT: Yes. I'm fine with it.

17 CHAIRPERSON HOOD: So we all agree, let the record  
18 reflect we all agree with this with what's come back to us for  
19 No. 1.

20 VICE CHAIRPERSON MILLER: Are we going to approve each  
21 of them individually, or?

22 CHAIRPERSON HOOD: Let me ask Mr. Ritting.

23 VICE CHAIRPERSON MILLER: Whatever, I just don't know  
24 what we're going to --

25 MR. RITTING: No, we don't need to approve them



1 individually. Last time you voted them at the end and I think  
2 that's appropriate here too.

3 CHAIRPERSON HOOD: Okay. All right. Thank you. All  
4 right.

5 Let's go to No. 2. Zoning Administrator, flexibility  
6 Subtitle A-304 and Y-702. OP proposes to amend and clarify Zoning  
7 Administrator flexibility for review of permit plans for  
8 development subject to BZA order. Quite a bit to read. You see  
9 the changes on the 304.2. Deviations not to exceed 2 percent of  
10 the area requirements governing minimum lot area, maximum  
11 percentage of lot occupancy, minimum percentage of pervious  
12 surface, and the area standards of courts. And then it goes down  
13 to a change to not exceed 2 percent in height, percentage of lot  
14 occupancy, and gross floor area on any building.

15 And then I think this goes to what Commissioner Wright.  
16 Again, I'm going to ask Mr. Lawson. Let's bring Mr. Lawson up,  
17 please. He'll probably get to it quicker than me.

18 Change of principal use. What's been changed,  
19 notwithstanding paragraph 1 of the subsection, where the project  
20 at the time of the building permit application is subject to  
21 inclusionary zoning or inclusionary zoning bonus density or a  
22 modification pursuant to Subtitle C. It must comply with Subtitle  
23 C, Chapter 10, and they took out inclusionary zoning set aside  
24 and must be maintained.

25 Does that sound familiar with your request,

1 Commissioner Wright? You're on mute.

2 COMMISSIONER WRIGHT: I don't think we requested the  
3 information about inclusionary zoning. I think that's something  
4 that the Office of Planning found that it was an additional  
5 clarification that they felt would be appropriate.

6 CHAIRPERSON HOOD: Okay. I thought, you know, I think  
7 you said the next one was something you requested. Do you see  
8 it? Or no?

9 COMMISSIONER WRIGHT: No. I think this, we're still  
10 at No. 2.

11 CHAIRPERSON HOOD: Right.

12 COMMISSIONER WRIGHT: And I think there was some text  
13 from Goulston & Storrs that has been incorporated about the  
14 pervious surface that's in 304.2(a) and the flexibility in  
15 304.5(a), and then the Office of Planning added the 304.10(d)  
16 clarification about the inclusionary zoning because they felt  
17 that was just a clarification that needed to be there, and I'm  
18 fine with all of that.

19 CHAIRPERSON HOOD: Okay. Okay.

20 I just wanted to make sure we hit the ones where we had  
21 concern. All right. So thank you. Let's keep moving.

22 Light Pole. I'm not going to read all that. As we  
23 know, as a result the amendment has been withdrawn from the  
24 omnibus text amendment case. I will tell you the BZA has been  
25 looking forward to us grappling and dealing with this. I'm not

1 sure if it's going to come back, but I do know that they wanted  
2 us to deal with this if we're going to deal with it because I  
3 think they were holding off a case for that. Okay.

4 Let's go to Balconies and Gross Floor Area, Subtitle  
5 B. Again, the Commission took proposed action. We've already  
6 dealt with that.

7 Let's go to Balconies and Lot Occupancy, Subtitle B-  
8 312. OP proposes to exempt open balconies of maximum depth of  
9 eight feet from lot occupancy. At the November 25th, 2025, public  
10 meeting the Zoning Commission requested that OP provide amended  
11 language that will remove the RF-1 zone from this lot occupancy  
12 exemption by further amending proposed new Subtitle B-312.4(I)  
13 due to concerns raised about the potential impact of privacy.

14 Let's go to (i), and (i) says except for the RF zones.  
15 And if anybody needs an explanation, Mr. Lawson has now joined  
16 us, but I know we were concerned about the RF zones as some of  
17 the testimony we have gotten. Are we fine with that or we need  
18 more explanation other than Anthony Hood's explanation?

19 COMMISSIONER WRIGHT: No.

20 CHAIRPERSON HOOD: Okay. Okay. Fine. Okay. All  
21 right. So we all agree on that one?

22 VICE CHAIRPERSON MILLER: And we're going to keep the  
23 exception for the RF zones for this particular proposal?

24 CHAIRPERSON HOOD: Right.

25 VICE CHAIRPERSON MILLER: Even --

1 CHAIRPERSON HOOD: Except for the RF, RFs are not  
2 included.

3 VICE CHAIRPERSON MILLER: Oh, okay. All right. Okay.  
4 I'm fine. I'm fine with going with that.

5 CHAIRPERSON HOOD: Mr. Lawson, if I mischaracterize  
6 what you all are proposing, please just turn your light on. Turn  
7 your camera on, not your light, because I can't see your light  
8 but turn your camera on. Okay.

9 Ground Level Decks and Lot Occupancy Subtitle D-312.  
10 Office of Planning proposed to add flexibility for the provisions  
11 of uncovered decks off the main level of the house by exempting  
12 200 square feet of deck from lot occupancy calculations.

13 Going down into what's in red, which is on the next  
14 page. Uncovered stairs, landings no larger in size than required  
15 by the building code and wheelchair ramps or accessibility lifts  
16 that serve the main floor.

17 And Mr. Lawson, I think this is something that we  
18 requested. Do we need additional information, colleagues, or do  
19 I need to slow down?

20 VICE CHAIRPERSON MILLER: I'm okay to approve it as  
21 with the revised language that OP suggested regarding to address  
22 a landing size that can be exempted from lot occupancy. So I'm  
23 fine with approving it as suggested to be revised by OP.

24 CHAIRPERSON HOOD: Mr. Lawson, do you want to explain?  
25 I'm not sure. Commissioner Wright, are you okay? You need a

1 little explanation from Mr. Lawson?

2 COMMISSIONER WRIGHT: You know, I think it's fine. I  
3 am, again, my notes from when we discussed this, all of the cases  
4 are in a completely different order than the way they are in this  
5 memo. So I am shuffling through and trying to find my notes on  
6 each case and make sure that I know what we said. But I am, you  
7 know, I'm having trouble keeping up with that, and I'm just going  
8 to have to trust that the the Office of Planning responded to  
9 the questions. I wish that the report was in the same order that  
10 we had received the previous report because it's very confusing  
11 for me right now.

12 CHAIRPERSON HOOD: So here's what I want to do. When  
13 I call what's in the blue, 30-foot, like, the next one. 30-Foot  
14 Lot Frontage for Subdivision for Apartment Buildings, Subtitle  
15 C-303. Let me know when you've found it in your notes. We'll  
16 just take our time and do that.

17 COMMISSIONER WRIGHT: Well, that's a good one because  
18 I actually had understood that that was one of the ones that we  
19 had put in group 4 saying that we thought it should be deferred.  
20 So I'm interested in understanding, and again I'm going to look  
21 through what's in the current memo. We had discussed removing  
22 it from the omnibus and I actually had not remembered that we  
23 asked for a more narrowed solution.

24 CHAIRPERSON HOOD: Let me read into it. Let me read  
25 into what they wrote us back.

1 "OP proposed to clarify regulation which requires 30-  
2 foot frontage for any subdivision for an apartment building. At  
3 the November 25th, 2025, public meeting, the Zoning Commission  
4 expressed concerns regarding aspects of the proposal and  
5 initially discussed its removal from the omnibus amendment for  
6 further study and potential separate text amendment case to be  
7 filed by OP. After further discussion, the Commission requested  
8 that OP provide a refined and narrowed proposal to remove the  
9 potential problematic aspects raised by the Commission members  
10 and members of the public, specifically the potential ability to  
11 use the subdivision's process to create new flag lots through a  
12 lot consolidation, which is technically referred to as a  
13 subdivision action.

14 This is currently possible for any consolidation of  
15 lots, which would meet the lot frontage requirement. The  
16 provision does not currently address flag lots. While OP feels  
17 this would be an infrequent and unlikely scenario, OP concurs  
18 that the lot form shown in the illustrations from an ANC  
19 Commission would not be consistent with the neighborhood or  
20 streetscape character.

21 However, in discussions with DOB staff, an acceptable  
22 solution to specifically addressing this concern was not  
23 apparent. Any potential wording generally created more and  
24 potentially broader issues than they would address. As such, OP  
25 is proposing to narrow the scope of this amendment to retain the

1 existing language, maintain the requirements of 30-foot frontage,  
2 but to provide a special exception review process which would  
3 address issues such as privacy, light, air, streetscape character  
4 associated with proposal and provisions. While this would not  
5 address Comp Plan language to lessen regulatory burdens or to  
6 encourage new infill development, it would reduce that burden  
7 somewhat and provide for a more appropriate relief mechanism than  
8 current requirement which would be for variance relief."

9 It'll probably be better for Anthony Hood next time to  
10 just call on Mr. Lawson. Because all of that, I confused myself.

11 Mr. Lawson, could you come up, please?

12 VICE CHAIRPERSON MILLER: You read that very well, Mr.  
13 Chairman.

14 CHAIRPERSON HOOD: Yes. That was the last one. So,  
15 Mr. Lawson, can you kind of give us a snapshot explanation of  
16 what what was done here, please. Even though I read all that.

17 MR. LAWSON: Of course, Chairman Hood, and good  
18 evening. And you did a great job of trying to really read out a  
19 relatively complicated bit of text there.

20 Essentially, what our reading of the last meeting was  
21 that the Commission was very uncomfortable with particularly some  
22 of the scenarios that were raised by some ANC Commission members,  
23 that this could facilitate. Frankly, it's the kind of a  
24 subdivision that would be permitted by-right right now except for  
25 the 30-foot frontage requirement. We talked about it

1 extensively, oh, sorry, so, you know, as you went on further in  
2 your discussions, you said, well, maybe OP would want to take  
3 another look at this and come back to us, and then we can decide  
4 what we want to do with it.

5           So we did take another look at the provision. We worked  
6 a lot with the Department of Building staff to try to come up  
7 with language that specifically addressed, you know, a  
8 consolidation of lots that would create a flag lot that might be,  
9 you know, offensive to the neighborhood character. We came up  
10 with different scenarios, different examples of language, and  
11 none of them worked. It's just too fine grained and too detailed  
12 an issue for zoning to really address well.

13           So in the end, we said maybe this will need further  
14 discussion and refinement at some point in the future. But for  
15 now, we'll just leave the provision the way it is. In other  
16 words, a lot, even one that's going through consolidation or any  
17 lot that's going through any kind of a subdivision, would have  
18 to provide that 30 foot of frontage, but we've established a  
19 special exception or we're proposing to establish a special  
20 exception process if somebody wishes to get relief from that  
21 provision. That special exception process would allow for  
22 community and ANC as well as OP and BZA review of the potential  
23 impacts of that subdivision and to assess whether or not in that  
24 particular case the project would have negative impacts on  
25 privacy or streetscape character or light and air.



1           So that's where this came from.    You know, the  
2 alternative obviously available to you tonight -- my apologies,  
3 I have a bit of a cold, so I'm kind of stumbling a bit -- your  
4 other alternative tonight would be to take what was maybe your  
5 first course of action at the last meeting, which is just to do  
6 nothing to this provision.   In other words, have it withdrawn  
7 from the omnibus.

8           CHAIRPERSON HOOD:   And so we can leave it as is, or we  
9 can have it withdrawn.

10          Mr. Ritting?

11          MR. RITTING:   Yes.   I popped up because Commissioner  
12 Wright mentioned that these are in a different order than the way  
13 they're presented at the special public meeting and if you -- if  
14 you'll remember, these were sort of ordered at the from the  
15 easiest to get to a yes to the hardest, this was the second to  
16 the bottom one.   So if you're following along that's where it is  
17 in those notes and it's I understand difficult to take these out  
18 of, in a different order.   So I just wanted to mention that.  
19 It's helpful.

20          COMMISSIONER WRIGHT:   Yes.   Thank you.

21          CHAIRPERSON HOOD:    So let me, before I go to  
22 Commissioner Wright, I'm fine where it is.   I'm fine with what's  
23 being proposed to us and have to take another discovery as we  
24 forward because I think this is already existing.   Right, Mr.  
25 Lawson?

1 MR. LAWSON: I'm sorry, Mr. Chair?

2 CHAIRPERSON HOOD: I was saying this is already  
3 existing. You just basically put back what was already there,  
4 right?

5 MR. LAWSON: No. The section on allowing relief by  
6 special exception would be new. Otherwise, it's there. Yes.

7 COMMISSIONER WRIGHT: Yes. I do not support the  
8 allowing it by special exception. I mean, I do understand these  
9 are rare circumstances but, you know, I think, again, it's sort  
10 of saying, well, maybe you can do a flag lot if you go through  
11 the special exception process. I think the 30-foot frontage is  
12 a good standard and I think we should just leave it as is and  
13 not make this part of the omnibus.

14 CHAIRPERSON HOOD: Okay. Vice Chair Miller? I mean,  
15 it doesn't matter. All it takes is one of us not to agree on  
16 something.

17 VICE CHAIRPERSON MILLER: Right. Mr. Lawson, I don't  
18 know if you know off the top of your head how many cases, was  
19 this in the category of where there were BZA cases that were  
20 approved and so, without a concern, or is this not in that  
21 category? I kind of do support the special exception process,  
22 but if one of us is not ready to go forward, I think it's fine  
23 to not go forward with the proposal. Do you remember how many?  
24 What led to this proposal to begin with? It was a burdensome,  
25 unnecessary?

1 MR. LAWSON: Yes. There were a few cases like this.  
2 Not very many, you know, and I honestly don't have at my  
3 fingertips just how many or how contentious they may have been.  
4 It's not something that's particularly common, but it is  
5 something that we can take back and take another look at if we  
6 think it's necessary to bring forward more kind of comprehensive  
7 review in a single case before you.

8 VICE CHAIRPERSON MILLER: I think that makes sense, the  
9 information. Commissioner Wright, I assume you would think that  
10 makes sense.

11 COMMISSIONER WRIGHT: I agree.

12 CHAIRPERSON HOOD: Okay. So let me ask this. Are we  
13 scrapping this? I'm asking what is the process for this? Are  
14 we scrapping and waiting for OP to bring it back or what is OP  
15 recommending? Do we just scrap this now?

16 MR. LAWSON: Well, obviously, we would continue to  
17 recommend that you approve it. But if you're not inclined to  
18 approve it, then I think that you would be withdrawing it from  
19 the omnibus case.

20 CHAIRPERSON HOOD: Okay. So let's withdraw it from the  
21 omnibus case, but I would ask Office of Planning let's revisit  
22 this. Well, I don't know why I'm telling you, but I hope the  
23 Office of Planning will revisit this unless you want to stick on  
24 for another year. That's possible. We'd love to have you. But  
25 let's just put that on the Office of Planning's list. Okay? All

1 right. Hold tight, Mr. Lawson. I'm coming right back to you.

2 Let's go to Green Area Ratio. We've already taken care  
3 of that.

4 Pre-ZR-16 Approved Vehicle Parking Requirements. We  
5 took care of that.

6 Now the next one I'm going to, this is Priority Corridor  
7 Metrobus Route Update, Subtitle C-702. I'm just going to read  
8 what the Office of Planning proposed. Office of Planning proposed  
9 to "Amend the Priority Corridor Network Metrobus Routes  
10 provisions of the zoning regulations for clarity and consistency  
11 with current WMATA High Frequency Bus Corridors."

12 And I think one of the ANCs wanted to add, I think,  
13 Rhode Island Avenue, might have been 14th Street. Additionally,  
14 include 14th Street, Rhode Island Avenue, and Independence  
15 Avenue. "OP had consulted with DDOT prior to the hearing and  
16 agreed that for clarity and consistency, the zoning should  
17 utilize the High Frequency Bus Corridor routes as determined by  
18 WMATA."

19 Let me open it for my colleagues. Do we have anything  
20 else that we wanted to see or not see and then it was lost, at  
21 least opine again?

22 VICE CHAIRPERSON MILLER: Well, I think OP, I mean, I  
23 I thought we should, because of the ANC testimony, that we should  
24 add the additional corridors that they thought should be eligible  
25 for reduced parking requirements. OP points out that most of

1 these corridors that we were going to add or the ANC suggested  
2 we add are already covered by proximity to other metro or High  
3 Frequency bus corridor exemption areas. And so it doesn't seem  
4 that it's quite as necessary. It seems like a lot of the  
5 corridors, much of the corridors that were being proposed are  
6 already eligible for the same parking reduction. So I'm okay  
7 with OP's original proposal, but I certainly am open to hearing  
8 other comments.

9 CHAIRPERSON HOOD: I too am okay with what's been  
10 proposed. I hear what especially Rhode Island Avenue took me  
11 some time and thought, but I'm going with WMATA and they are the  
12 stewards of it. So I'm going to leave it at that, and they know  
13 how their bus routes run. We know what those are on Rhode Island  
14 Avenue. I agree. But I also think that there's some merit to  
15 what's being proposed, especially I'm just focusing on Rhode  
16 Island Avenue, but others have been mentioned.

17 Commissioner Wright?

18 COMMISSIONER WRIGHT: Yes. I'm fine with going with  
19 what are the acknowledged routes. I understand there may be some  
20 other routes that might meet the criteria, but I don't think  
21 within the context of what we're doing right now, we can, you  
22 know, we can add those in. I think we should go with what are  
23 the acknowledged routes.

24 CHAIRPERSON HOOD: Okay. Thank you. So we will approve  
25 that.

1           Let's move right on up to No. 11. Garage Door Height  
2 and Setback, Subtitle C-711. We have already taken care of that  
3 one.

4           Service Parking Screening along Alley, Subtitle C-714.  
5 We have already taken care of that one.

6           Penthouse Habitable Space Affordable Housing  
7 Contribution, Subtitle C-1507. We have already taken care of  
8 that one.

9           And now the next one is IZ Opt-In Provisions for R2,  
10 R3, and RF zones, Subtitle C-1001, D-201, E-201. Office of  
11 Planning proposed to remove a current requirement for special  
12 exceptions, a review for the opting into IZ in the R2, R3, and  
13 RF zones. At the November 25th, 2025, public meeting the Zoning  
14 Commission accepted proposed language, but instructed OP to --  
15 instructed just seems like a hard word -- ask OP to include an  
16 additional clarification to C-1002.2 to remove language that  
17 would no longer be relevant as proposed by the Office of Attorney  
18 General and OAG staff. And you see they took out to provide that  
19 voluntary inclusionary development, and they only utilize these  
20 modifications because that's been been taken out.

21           Well, how do we feel, colleagues, on that? We good?

22           VICE CHAIRPERSON MILLER: I'm fine with the original  
23 proposal with that revised clarification which OAG suggested  
24 since it doesn't, it's really a technical conforming kind of an  
25 amendment. So I'm fine with it.

1 CHAIRPERSON HOOD: Okay. Commissioner Wright?

2 COMMISSIONER WRIGHT: Yes. I'm also fine with it.

3 CHAIRPERSON HOOD: Now this next one is pretty long.  
4 I'm going to read some of it, but I'm going to ask Mr. Lawson to  
5 kind of come up and give us the snapshot of it on what's been  
6 done and we can follow him. So if I read it, we'll be here until  
7 12 o'clock tonight. So anyway.

8 Relief from Front Setback Requirement Subtitle D-5201  
9 and E-5201. OP proposed to amend the Subtitle D (R zones) and E  
10 (RF zones) Special Exception Provisions to include Front Setback.

11 "At the November 25th, 2025, public meeting, the Zoning  
12 Commission requested," I like that word requested, "that OP  
13 examine additional special exception criteria language addressing  
14 streetscape character and neighborhood pattern to augment  
15 existing special exception language."

16 Mr. Lawson, could you tell us what you did a lot quicker  
17 than I can?

18 MR. LAWSON: Sure. I'll try.

19 So we continued to look at this language again,  
20 discussed it with DOB and discussed it with my staff here and  
21 for the most part, we felt that the language of the provision  
22 itself, you know, really addressed the whole issue of streetscape  
23 character, as well as we really could in the zoning regulations.  
24 We did, however, identify, another issue that is purely a  
25 clarification in the regulations which has to do with how you

1 measure the front setback requirement, particularly for semi-  
2 detached and detached houses.

3           In Subtitle B, which are the rules of measurement for  
4 for front setback relief, there's a provision that says that for  
5 a semi-detached or attached building, you can't basically go  
6 forward of a building that you're attached to. So it's actually  
7 much more restrictive than the method of measurement for a row  
8 of detached houses. But that little clarification in the rules  
9 of measurement really was getting lost. We found that in the  
10 discussions, and in fact even in our own analysis, it was just  
11 getting lost. And so we're proposing to add that language  
12 directly into the zoning regulations themselves so that it's  
13 right up front and so that people understand, you know, what the  
14 front setback would be in these different scenarios.

15           And so that's the change that's proposed, for example,  
16 in Subtitle D as 206.3 in the regulations. So if it's for a row  
17 or semi-detached building, the front setback shall be provided  
18 that is no further forward or further back than the building  
19 facade of one of the immediate adjoining buildings. Again, so  
20 it's just a little bit more restrictive. We repeat that, of  
21 course, in Subtitle E as well.

22           The change that we're proposing to the special  
23 exception review is to Subtitle 5201.4(d). We felt that it would  
24 be helpful to have applicants provide some additional information  
25 with their application, and that has to do with both existing and



1 proposed plans as opposed to just plans, so that we and the ANC  
2 neighbors can really understand the difference as well as  
3 photographic evidence of the overall streetscape character. So  
4 the applicant is both addressing that and providing that  
5 information to the Board of Zoning Adjustment with their original  
6 application.

7 CHAIRPERSON HOOD: Okay. Thank you, Mr. Lawson.

8 Vice Chair Miller, are you okay with what we heard?

9 VICE CHAIRPERSON MILLER: Yes. I am okay with the  
10 proposal as revised by OP.

11 CHAIRPERSON HOOD: Okay. And are you ready,  
12 Commissioner Wright?

13 COMMISSIONER WRIGHT: Yes. I am ready. I do  
14 understand. We had a funny discussion about, you know, fluff and  
15 whether, you know, the criteria is fluff, and I'm a big fan of  
16 fluff. You know, I think that the language shall not  
17 substantially visually intrude upon the character, scale, and  
18 pattern of houses along the street or alley frontage is not bad.  
19 But I think adding you know, again, and I do see this particularly  
20 as an issue with detached residential buildings, the front  
21 setback needs to be within the range of existing front setbacks  
22 on the same side of the street. Again, meaning that when, and I  
23 hope I'm understanding this correctly, is that when an  
24 application comes in, they have to look at all of the houses on  
25 the block and understand what the existing front setbacks are,

1 and it has to be within the range of those existing front  
2 setbacks. Meaning, they can't go further forward than the  
3 existing houses on the block.

4 Is that I guess, Mr. Lawson, is that what you're getting  
5 at? Is that your goal?

6 MR. LAWSON: That's what the current regulation  
7 requires, and it's both that the new front facade can't be further  
8 forward or further back than the other houses on the block face.  
9 So it sets both a minimum and a maximum that you can be set back  
10 from the front lot line.

11 COMMISSIONER WRIGHT: Okay. And where is that stated?

12 MR. LAWSON: That's the actual requirement. So that  
13 would be, for example (indiscernible) --

14 COMMISSIONER WRIGHT: 315.1(a) and (b)?

15 MR. LAWSON: 206.2 is where that's stated.

16 COMMISSIONER WRIGHT: I also see the more detailed  
17 language right above that in your report in 315.1(a) and (b), but  
18 that's only for semi-detached and row houses, right?

19 MR. LAWSON: Well, the language that's in 315.1, that's  
20 the rules of measurement, so that's from Subtitle B. And so this  
21 is, the rules of measurement kind of establish how you measure  
22 the front setback. This one's a little bit different, and then  
23 it gets into a lot of detail. Some of the rules of measurement  
24 are much more general than this one. The two kind of work  
25 together. So you're required to provide a setback within the

1 range that the zone establishes, and then you establish that --  
2 you establish how to measure that using the rules of measurement  
3 in Subtitle B.

4           There's a lot of duplication in this case between the  
5 two. That's not always the case. For example, for building  
6 height, the zone might say you're allowed 40 feet, and then the  
7 rules of measurement in Subtitle B will go into great detail of  
8 how you measure that 40 feet, where you measure from, where you  
9 measure to, all that kind of stuff. In this case, the two are  
10 actually pretty similar.

11           COMMISSIONER WRIGHT: Okay. And you also have, again  
12 I'm sorry, I'm still going through all of this and making sure I  
13 understand it completely. You have on page 12 of the report,  
14 you have this additional language that talks about the Applicant  
15 shall use graphical representation such as existing and proposed  
16 plans, elevation, section drawings, as well as photographs  
17 including ones demonstrating the overall streetscape and pattern  
18 and character. So I think that's very helpful as well. Just  
19 make sure that I am following everything along here.

20           Yes. I think it's fine. You know, I mean, in my time  
21 on the Board of Zoning Adjustment, I've actually found more  
22 guidance rather than less guidance to be helpful. And I think  
23 that, you know, in many ways it's also helpful for the applicants  
24 because there is less room for interpretation. So, and the front  
25 setback issue is very important. I mean, it can really change a

1 community drastically if there are buildings that violate, you  
2 know, the overall streetscape pattern. So but I think it's fine.  
3 So thank you. Yes, it sounds good.

4 CHAIRPERSON HOOD: Okay. So we will move forward, and  
5 and let me just say this about my word fluff. You have to  
6 minimize, most people don't come back at me with fluff. I'm  
7 going to to find another word for you, Commissioner Wright.

8 So let's go No. 16. Accessory Building Area in R and  
9 RF zones, Subtitle D-5003 and E-5003. OP proposes to increase  
10 the maximum footprint permitted for an accessory building in the  
11 R and RF zones. And I know we can go down -- and I'll bring Mr.  
12 Lawson back in. We basically talked about certain feet. I think  
13 we landed at 650, but I thought we had already agreed to 650.  
14 But anyway.

15 MR. LAWSON: Yes, Mr. Chair. You have agreed to the  
16 650 and that's what we've incorporated into the text now.

17 CHAIRPERSON HOOD: Okay.

18 MR. LAWSON: We originally proposed something a little  
19 bit less than that, so.

20 CHAIRPERSON HOOD: Less than that. So we went to 650.  
21 And I think, Vice Chair, you took the lead on that. You're fine,  
22 I'm sure you find with the 650?

23 VICE CHAIRPERSON MILLER: Yes. In the 30-some cases,  
24 the average square foot of those buildings that were all approved  
25 by, I think, almost all, if not all, approved by BZA with ANC

1 support, and no neighborhood objection. The average was at least  
2 600 feet, I mean, I think it was 700 feet actually. But 650 is  
3 definitely an improvement that will reduce BZA, an unnecessary  
4 BZA relief mechanism that's there now and provide more of these  
5 units that we want to encourage.

6 CHAIRPERSON HOOD: Okay. Commissioner Wright?

7 COMMISSIONER WRIGHT: Yes. I'm fine with 650, and  
8 that's in the single-family zones. I think in the townhouse or  
9 rowhouse zones, it's 450, correct?

10 MR. LAWSON: Yes. That's correct.

11 COMMISSIONER WRIGHT: Yes. No, that's fine.

12 VICE CHAIRPERSON MILLER: Four-fifty currently, but it  
13 goes, it's being proposed --

14 COMMISSIONER WRIGHT: No. It's keeping at 450, at  
15 least in what we discussed in November. It was 650 in the R-1  
16 and R-2 zones. OP had, I think, suggested, like, 600. We went  
17 to 650, if I'm not mistaken --

18 CHAIRPERSON HOOD: Right.

19 COMMISSIONER WRIGHT: -- and well, let's see if that's  
20 correct. What is --

21 CHAIRPERSON HOOD: Mr. Lawson, could you help us? I  
22 don't remember.

23 MR. LAWSON: Yes. I'm sorry. I may have misheard. So  
24 in the RF zones, we had proposed 550.

25 COMMISSIONER WRIGHT: Yes.

1 MR. LAWSON: And you did not request that we take  
2 another look at that.

3 COMMISSIONER WRIGHT: Right. Right. Yes. So 550 for  
4 the RF zones and 650 for the R-1 and R-2 zones.

5 MR. LAWSON: That's correct.

6 CHAIRPERSON HOOD: All right. Are we all good on that?

7 VICE CHAIRPERSON MILLER: Yes.

8 COMMISSIONER WRIGHT: Uh-huh.

9 CHAIRPERSON HOOD: Okay. Let's go to 17.

10 Accessory Building Side and Rear Setbacks, R zones,  
11 Subtitle D-5004 and 5201. "OP proposes to establish a minimum  
12 side and rear setback requirement for necessary buildings in the  
13 R zones. At the November 25th, 2025, public meeting, the Zoning  
14 Commission requested OP make any additional modification or  
15 clarifications arising from other recently approved text  
16 amendments, principally the rear yard text amendments of Case 24-  
17 20 with respect to the setback requirement for an accessory  
18 building in our zones. OP did not identify any additional  
19 clarifications needed for this text amendment, and the Commission  
20 did not request any other changes to the proposal." And I will  
21 not read the rest of this. "If the Commission wishes OP to add,  
22 it would be a simple amendment to exempt the R-3 zones for the  
23 side yard setback requirement." So I just read last sentence.

24 Ms. Lawson, you want to add some clarity to that for  
25 me, please, for us?

1 MR. LAWSON: Yes. Just very quickly, in conversations  
2 again with DOB staff, they just kind of noted that you had decided  
3 to not require a side setback in the RF zones because the lots  
4 are relatively narrow, and it could be restrictive. They brought  
5 up to me that the R-3 zones also allow, you know, rowhouse  
6 development on relatively small lots. Twenty feet wide is what  
7 the regulations require. And so they suggested that I raise this  
8 with the Commission just to make sure that you're comfortable  
9 with continuing the original proposal, which is to require the  
10 setback in the R-3 zone or if you wanted us to remove that  
11 requirement in the R-3 zone as well as the RF zone.

12 CHAIRPERSON HOOD: Vice Chair Miller?

13 VICE CHAIRPERSON MILLER: I think it makes sense to  
14 remove the requirement in the R-3 zone as well as the RF zone.  
15 So I'm good with your recommendation as revised.

16 COMMISSIONER WRIGHT: I agree.

17 CHAIRPERSON HOOD: Commissioner Wright? Okay.

18 COMMISSIONER WRIGHT: Yes. I agree.

19 CHAIRPERSON HOOD: Sounds good. Okay. Well, we all  
20 agree on that.

21 Now, Mr. Lawson, stand by for this long one. Anyway.

22 Accessory Apartment in the RF, RA and MU Zones Subtitle  
23 F-201, G-201, U-201, 210, 410, 501. OP proposed to clarify that  
24 an accessory apartment is not a permitted use in the RF, RA, and  
25 MU zones. At the November 25th, 2025, public meeting, the Zoning

1 Commission requested OP provide alternate wording for these  
2 provisions. In these zones, which allow two or more units an  
3 accessory apartment and defined in the regulations, it is not  
4 permitted use, but this does not restrict an owner or property  
5 in the zones from having a rental unit or adding a second  
6 principal unit if they wish. It goes on and, Mr. Lawson, if you  
7 can come back and give us some clarity and kind of expedite on  
8 what we've done.

9 MR. LAWSON: Yes. I think that, you know, again, we  
10 were just trying to make the language consistent across all the  
11 zones that currently allow two or more units and make it clear  
12 to people to avoid some of the confusion that's being raised  
13 about the addition, of how they can add another unit on their  
14 property. I think the Commission understood what we were trying  
15 to do, but really questioned the language that we had proposed,  
16 and it sounded overly restrictive. It sounded like we were trying  
17 to prevent people from adding units on their property when  
18 actually an accessory unit is a much more restricted use than a  
19 second principal unit on the property, which the RF, RA and MU  
20 zones all would allow.

21 So we proposed to add the language that you can see  
22 there. For example, under E, it would read accessory apartments  
23 shall not be permitted in the RF zone. That's existing language  
24 in the zoning regulations right now. But we would add instead  
25 principal dwelling units are permitted pursuant to and then



1 noting the relevant subtitles of the regulations so that people  
2 understand that something that's called as defined in the  
3 regulations, defined as an accessory unit, would not be what  
4 they'd be building. What they'd be adding instead would be just  
5 another dwelling unit on their property, a much less restricted  
6 use for them.

7 So that's where we're at. And that, of course, gets  
8 repeated a number of times both in Subtitles E, F, and G, and  
9 then, again, in subtitle, you know, further on, so.

10 CHAIRPERSON HOOD: Okay. Thank you.

11 Vice Chair Miller?

12 VICE CHAIRPERSON MILLER: I appreciate OP consulting  
13 with DOB to come up with language responsive to our discussion  
14 that to, as Commissioner Wright said, just have a more positive  
15 statement. It tells what the alternative is that you're already  
16 allowed to do in that zone that is less restrictive since it was  
17 providing -- the language was somewhat confusing. But so I think  
18 the clarification, the positive language you came up with is an  
19 important clarification that avoids confusion as people are  
20 reading through the zoning regulations. So I support the proposal  
21 as revised, which I think is responsive to what we discussed.

22 COMMISSIONER WRIGHT: I agree.

23 CHAIRPERSON HOOD: Okay. Commissioner Wright, I'm  
24 sorry. I couldn't get my mute off. Okay. So Commissioner Wright  
25 agrees. All right.

1           So I'm at No. 19 now. New Dwelling in an Accessory  
2 Building in RF Zone Subtitle U-301. Office of Planning proposes  
3 to remove the existing requirements that an accessory building  
4 must be in existence for five years before a dwelling unit is  
5 permitted within it. An expansion of an accessory building for  
6 residents being permitted only by special exception.

7           At the November 25th, 2025, public meeting Zoning  
8 Commission took proposed action to approve this item. The  
9 Commission noted that the need to coordinate any approval of this  
10 access-related text to the corresponding text amendment for alley  
11 lots under consideration of Case No. 25-06.

12           I think we've already dealt with that, so I think we're  
13 all fine, correct? Okay.

14           Now I'm going to call all these in block because when  
15 I look at it, it looks like we've already dealt with the last  
16 ones to save us time. But for the record, I just want to call  
17 them off, and we've already voted on these or already accepted  
18 these.

19           Align Zone Descriptions with Comp Plan Classification  
20 Subtitle G-108.

21           Penthouse Height Limit in MU/CAP Zones Subtitle G-403.

22           Window Separation Criteria in MU and D Zones Subtitle  
23 G-207.14 and I-205.5.

24           Redundant Building Form Language Subtitle U-201, and;  
25 Designated Uses in Neighborhood Mixed Use Zones

1 Subtitle H-6001.

2 And we have already made our decisions on those. So I  
3 think what we need now unless I hear something different from Mr.  
4 Lawson, a motion overall on everything that we did here tonight  
5 on the ones we accepted. I'm sure staff's been keeping the ones  
6 we accepted and the ones we tossed, or whatever we did with them.

7 So can we make a motion? Somebody make a motion on  
8 what what our actions have been tonight?

9 MR. RITTING: I can make a suggestion. I've been  
10 following along. It appears that the Commission is adopting the  
11 OP recommendations in the supplemental report for all of the  
12 cases save for one, and that one case is sub-Case No. 7, which  
13 the Commission is not going to go forward on. And let me read  
14 the action to that sub-case.

15 That is the 30-foot frontage for subdivisions for  
16 apartment buildings, Subtitle C, Section 303. And so the  
17 Commission is not going forward with the OP recommendation in  
18 that sub-case with the understanding that it will be withdrawn  
19 by the Office of Planning.

20 CHAIRPERSON HOOD: Yes. We don't have much choice.

21 MR. RITTING: So the motion would be to accept the  
22 recommendations in the OP report with the exception of that case,  
23 which they're not going to move forward on and will be withdrawn.

24 VICE CHAIRPERSON MILLER: So moved.

25 COMMISSIONER WRIGHT: Second.

1 CHAIRPERSON HOOD: Okay. It's been moved properly  
2 seconded. Mr. Lawson, did you have something, did you want to  
3 add something?

4 MR. LAWSON: I, and I'm not sure. Mr. Ritting can  
5 comment on this, whether you need to take some specific action  
6 regarding your direction that you gave us tonight. oh, sorry.  
7 Your request that you gave us tonight regarding accessory  
8 buildings in the R-3 zone and the setback, which was not part of  
9 our text, but you asked us to add that to the text.

10 MR. RITTING: I assume that's a friendly amendment and  
11 I agree.

12 VICE CHAIRPERSON MILLER: Yes.

13 COMMISSIONER WRIGHT: Yes.

14 VICE CHAIRPERSON MILLER: Thank you.

15 CHAIRPERSON HOOD: So we will accept the friendly  
16 amendment which is made by all of us. I don't know if we can  
17 accept it from the Office of Planning as friendly amendment.  
18 We've never seen that done. But anyway, we will accept that. We  
19 will accept what Mr. Lawson said as a friendly amendment.

20 So Vice Chair, did you make a motion?

21 VICE CHAIRPERSON MILLER: I did and Commissioner Wright  
22 seconded it, so.

23 CHAIRPERSON HOOD: Okay.

24 It's been moved and properly seconded, and we will  
25 give, for the record, Commissioner Wright accepted the

1 conversation and she made that in our order as we proceed as a  
2 friendly amendment. So it's moved and properly seconded. Any  
3 further discussion?

4 (No response.)

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

7 MS. SCHELLIN: Yes.

8 Commissioner Miller?

9 VICE CHAIRPERSON MILLER: Yes.

10 MS. SCHELLIN: Commissioner Wright?

11 COMMISSIONER WRIGHT: Yes.

12 MS. SCHELLIN: Commissioner Hood?

13 CHAIRPERSON HOOD: Yes.

14 MS. SCHELLIN: Staff records the vote three to zero to  
15 two to approve proposed action as stated and recommended in the  
16 Office of Planning's report except for Item No. 7, and as  
17 discussed on the dais this evening in Case No. 25-12, the minus  
18 two being Commissioners Imamura and Stidham, not present, not  
19 voting.

20 Thank you.

21 CHAIRPERSON HOOD: And, Ms. Schellin, do we have  
22 anything else before us?

23 MS. SCHELLIN: No, sir.

24 CHAIRPERSON HOOD: I'm going to ask Mr. Lawson to come  
25 back up. Mr. Lawson, when is your last meeting? It was probably,

1 but seize the moment is what my wife always tells me. When is  
2 your last meeting with us?

3 MR. LAWSON: My last meeting actually is just winding  
4 up right now. This will be my last meeting. I will have a couple  
5 of hearings, I think, in January.

6 CHAIRPERSON HOOD: Okay. I usually do something, but  
7 you have a couple of hearings. We will, Ms. Schellin, let's work  
8 out a hearing and before we get started, I would like to us to  
9 say a few things about Mr. Lawson, who I've worked with for many  
10 years and all of us have, and he's done a fabulous job in the  
11 City, but I'm going to save that for that day. So just get ready  
12 for that, Mr. Lawson, and we will go from there.

13 MR. LAWSON: I'll prepare.

14 CHAIRPERSON HOOD: Okay. And I will say more stuff  
15 later. So all right.

16 I want everyone to have a great holiday and a safe  
17 holiday and a happy New Year. We will not meet again anymore  
18 until January the 5th, and that's Zoning Commission Case No. 25-  
19 08 on these same platforms.

20 Commissioner Wright, did you have, oh, your hand. I  
21 thought your hand was up. All right. All right. Anybody else  
22 have anything else?

23 MR. LAWSON: Just best wishes for the holiday season  
24 to everybody from the Office of Planning to everybody out there  
25 in TV land as well.

1 VICE CHAIRPERSON MILLER: Right. To you and everyone.

2 COMMISSIONER WRIGHT: Yes.

3 CHAIRPERSON HOOD: All right. Happy holidays,  
4 everybody. Thanks for all you do.

5 With that, this meeting is now adjourned.

6 (Whereupon, the above-entitled matter went off the  
7 record at 7:25 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

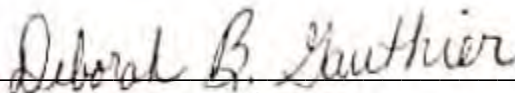
In the matter of: Public Hearing

Before: DC ZC

Date: 12-18-25

Place: Via Videoconferencing

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

  
\_\_\_\_\_  
Deborah Gauthier