

GOVERNMENT OF THE DISTRICT OF COLUMBIA

ZONING COMMISSION

VIRTUAL PUBLIC MEETING

VIA WEBEX

1597TH MEETING SESSION

THURSDAY, JULY 11, 2024

The Public Meeting of the District of Columbia Zoning Commission convened via videoconference pursuant to notice at 4:20 p.m. EDT, Anthony Hood, Chairperson, presiding.

ZONING COMMISSION MEMBERS PRESENT:

ANTHONY J. HOOD, Chairperson
ROBERT MILLER, Vice Chairperson
JOSEPH S. IMAMURA, Commissioner
TAMMY STIDHAM, Commissioner

OFFICE OF ZONING STAFF PRESENT:

SHARON SCHELLIN, Secretary
PAUL YOUNG, Data Specialist

OFFICE OF ZONING LEGAL DIVISION STAFF PRESENT:

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

This transcript serves as the minutes from the Public Meeting held on July 11, 2024.

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P R O C E E D I N G S

(4:20 p.m.)

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2
3 CHAIRPERSON HOOD: Good afternoon, ladies and
4 gentlemen. We are conveniently broadcasting this public
5 meeting by video conferencing. My name is Anthony Hood.
6 Joining us this evening are Vice Chair Miller, Commissioner
7 Stidham and Commissioner Imamura.

8 We're also joined by the Office of Zoning staff
9 Ms. Sharon Schellin and Mr. Paul Young who will be handling
10 all of our virtual operations, as well as our Office of
11 Zoning legal division, Ms. Lovick, Mr. Ritting and Mr. Liu.

12 We will ask all others to introduce themselves at
13 the appropriate time, if necessary. Copies of today's
14 meeting agenda are available on the Office of Zoning's
15 website. Please be advised that this proceeding is being
16 recorded by court reporter. It is also webcast live, Webex
17 and YouTube Live.

18 The video will be available on the Office of
19 Zoning's website after the meeting. Accordingly, all those
20 listening on Webex or by phone will be muted during the
21 meeting unless the Commission suggests otherwise.

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

1 of the hearing.

2 Again, we do. I think -- I don't think we have
3 any, but just I wanted to read that anyway. Again, we do
4 not take any public testimony at our meetings unless the
5 Commission requests someone to speak.

6 If you experience difficulty accessing Webex with
7 your phone, call in, then please call our OZ hotline number
8 202 727-0789 for Webex login or call-in instructions.

9 At this time does the staff have any preliminary
10 matters?

11 MS. SCHELLIN: No, sir.

12 Case No. 20-12A

13 CHAIRPERSON HOOD: Okay. All right, let's go
14 right with the agenda as printed.

15 First, we have our time extension case. Zoning
16 Commission case number 20-12A, Westminster Presbyterian
17 Church and Westminster Community Partners, LLC two-year
18 time extension at square 499.

19 Ms. Schellin.

20 CHAIRPERSON HOOD: Yes, sir. As you stated, they
21 are requesting a two-year time extension to extend the time
22 to get -- to file for a building permit of the approved PUD
23 until June 10th, 2026.

24 And their justification for this extension is
25 that they've been unable to obtain financing to move

1 forward with the PUD because of changes in the economic and
2 market conditions and related because of the COVID-19
3 pandemic.

4 So they are asking for this extension. We've had
5 a report from OP at Exhibit 5 recommending approval.
6 Exhibit 4, ANC 6D filed a report voting unanimously or
7 voting 8-0-0. I'm assuming that's unanimously that --
8 since they recorded zero zero to support it and they, I
9 believe, were the only parties, regardless, though, the 30-
10 day response period has expired. And this is ready for the
11 Commission to move forward. Thank you.

12 CHAIRPERSON HOOD: Thank you, Ms. Schellin.

13 We have the request for us. And I would also add
14 the applicant produced, as stated, some backup
15 documentation showing their exhaustive search of trying to
16 succeed in this project.

17 I have no objections.

18 Any further comments or questions from anyone?

19 I'm not seeing any.

20 VICE CHAIR MILLER: I agree that the good cause
21 has been demonstrated for the extension, Mr. Chairman.

22 CHAIRPERSON HOOD: Okay. Anybody else?

23 All right. So with that, I will move approval as
24 requested on Zoning Commission case number 20-12A and ask
25 for second.

1 COMMISSIONER STIDHAM: Second.

2 CHAIRPERSON HOOD: It's been moved and properly
3 seconded.

4 Any further discussion?

5 Not hearing any.

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

8 MS. SCHELLIN: Commissioner Hood?

9 CHAIRPERSON HOOD: Yes.

10 MS. SCHELLIN: Commissioner Stidham?

11 COMMISSIONER STIDHAM: Yes.

12 MS. SCHELLIN: Commissioner Miller?

13 VICE CHAIR MILLER: Yes.

14 MS. SCHELLIN: Commissioner Imamura?

15 COMMISSIONER IMAMURA: Yes.

16 MS. SCHELLIN: The vote is four to zero to one to
17 approve final action in Zoning Commission case number 20-
18 12A, the minus one being the third mayoral appointee seat
19 which is currently vacant. Thank you.

20 And we will ask the, in case I forget, the
21 applicant, I'll ask Ms. Lubbock if she wants them to
22 provide a draft order.

23 MS. LUBBOCK: I mean, they can, they don't have
24 to. I've been doing them.

25 MS. SCHELLIN: Okay. If they want to, they

1 should do so within two weeks.

2 MS. LUBBOCK: They don't have.

3 MS. SCHELLIN: Thank you.

4 Case No. 23-02

5 CHAIRPERSON HOOD: Okay. Thank you. Let's move
6 on to proposed action Zoning Commission case number 23-02,
7 Office of Planning map amendment at square 175.

8 Ms. Schellin?

9 MS. SCHELLIN: So since the Commission last had
10 this case before them, there have been some new exhibits.
11 And I'll start at Exhibit 20.

12 There's an OP supplemental report. And then at
13 exhibit 21 and 21-A, the party Black Neighbors provided
14 their response to OP's supplemental report, as well as
15 Rochelle tenants, they provided theirs at Exhibit 722 and
16 722-A.

17 Homeowners within 200 feet, another party in
18 opposition provided their response at Exhibits 723 and 723-
19 A. Then at Exhibits 724 and 724-A, there was a joint
20 motion from DCCA and homeowners within 200 feet to reopen
21 the record to have a limited scope hearing.

22 Exhibit 725, ANC-1B's resolution, and then
23 Exhibits 726, 726-A, B, C motion from Black Neighbors
24 requesting limited scope hearing also.

25 So that is -- and that's with relation to the

1 Office of Planning's supplemental report that they filed
2 and an opportunity to cross examine on this new
3 information, or what they consider new information.

4 So that's all I have. And it's ready for the
5 Commission to decide if they want to proceed with proposed
6 action and the motions that I've just presented to you.
7 Thank you.

8 CHAIRPERSON HOOD: Okay. Thank you. And,
9 colleagues, I think what I'm gonna do is try to recap. So
10 it may take me a few minutes, and I want to thank all those
11 who had a hand in doing this.

12 Our legal counsel, my colleagues, in trying to
13 recap this, we have a number of moving parts, a lot of
14 different variations of things that were going on. And for
15 the record, I'm gonna do my best to recap this.

16 So let me just start like this. This is an
17 Office of Planning deputy mayor, planning economic
18 Development U Street Fire Station contested case map
19 amendment from the MU-4 zone to the MU-10 zone.

20 Before we began the hearing -- before we begin
21 any testimony -- there was a change. The Commission
22 changed this case from a rulemaking to a contested case
23 because it had concerns about community outreach, notice,
24 and the nature of the property.

25 The Commission then re-noticed and advertised the

1 case as a contested case. The Commission, we also then we
2 had five hearings and had over 30 hours of testimony
3 involving this case.

4 The hearing reports included the Office of -- the
5 hearing report included -- hearing reports were -- the
6 hearing dates, I'm sorry, were 1/8, 1/18, 2/12 -- let me
7 just say January 8th, January 18th, February 12th, February
8 26th, and March 18th.

9 There was a considerable amount of opposition for
10 this proposal. One of the main issues that we've heard is
11 whether the proposed MU-10 zone is consistent with the
12 Comprehensive Plan, given the proximity of the proposed
13 zone to lower density/scale residential uses and zoning to
14 the north and east along V Street and to the west along
15 17th street.

16 This is relevant to the Commission's eventual
17 decision in this case. A second issue was relatively
18 anemic, the outreach performed by the applicant to the
19 nearby community, particularly, we've heard, the African
20 American neighbors, businesses, and churches.

21 This is relevant because community outreach and
22 engagement is one of our components of the Commission's
23 Racial Equity Tool, which is required. Part of its
24 Comprehensive Plan consistency review.

25 A third issue was the potential for indirect

1 displacement caused by rezoning, particularly for the
2 adjacent apartment building. This is relevant because
3 consideration of indirect displacement is also part of the
4 Commission's Racial Equity Tool.

5 There was also considerable opposition testimony
6 about potential consequences of the redevelopment of the
7 site. The testimony is only relevant to the extent that
8 there are Comprehensive Plan policies that are affected by
9 proposed new zones.

10 The property is DC government owned and this is
11 therefore subject to law 10-801, which requires additional
12 high-affordable housing than IZ and IZ plus requirements.

13 And the DC Council has introduced legislation
14 that would potentially mandate various requirements
15 associated with the future development of this site. This
16 is relevant because it affects relevant Comp Plan policies
17 pertaining to housing and affordable housing.

18 The MU-10 zone also requires that eight percent
19 of the lot be devoted to publicly accessible plaza, which
20 is relevant to the Comp Plan policies that related to the
21 access to open space.

22 Public safety uses are permitted uses under the
23 new zone, and the Commission is not deciding whether to
24 relocate the public safety uses or where to put them
25 temporarily if the property is redeveloped because it has

1 no authority to make those decisions.

2 The Commission has no authority to make those
3 decisions. So the considerable testimony related to those
4 issues has only, has only very limited relevance, if any.

5 Likewise, the Commission has no control over
6 future libraries or parks on the site, as a result of a
7 potential redevelopment, except the MU-10 zone would
8 require the plaza.

9 So the testimony about alternative uses on the
10 site, such as parks and libraries, has only very limited
11 relevance, if any, especially in our proceedings. But let
12 me just say, with what I'm reading, I know it's important
13 to the community, but we have a strict regulation and
14 guidelines that we have to go by.

15 The Commission also was ready to consider
16 proposed action on whether to rezone the entire site to MU-
17 10 at its May 9th public meeting. At its May 9th public
18 meeting, the Commission considered the Office of Planning
19 report, which is Exhibit 700, that presented a very brief
20 discussion of the relative merits of several alternative
21 zoning proposals for the property.

22 The Commission decided to schedule another
23 hearing to consider those proposals and other issues. The
24 Commission reconsidered that decision at its May 30th
25 public meeting after it received another report from OP,

1 which revised OP's application to just one of the
2 alternatives mentioned in the earlier report.

3 This was a reduction in the size of the proposed
4 MU-10 zoning. The reduced amendment pulled back the new
5 zoning from the lower density uses and zoning to the north
6 and east along V Street and to the west along 17th street.

7 This is the status of where we are. At the five
8 -- at the May 30th -- at the May 30th, 2024 public meeting,
9 the Commission made the following decisions. We rescinded
10 its May 9th, 2024 request for a limited scope hearing to
11 consider alternative zone options other than the proposed
12 MU-10 zone; considered and granted OP's motion to reopen
13 the record to accept a revised application that would
14 reduce the size and propose map amendment, that is the map
15 amendment to the MU-10 zone will be of a smaller size, and
16 a portion of the proposed along V and 17th Streets will
17 retain the current MU-4 zones.

18 So again, for the record, we reduced the MU-10
19 which was being proposed for the whole site, left the
20 existing zoning, and reduced the footprint of the MU-10,
21 which I think we heard loud and clear from a number of
22 neighbors, not all, but to some.

23 Requested that the Office of Planning file a
24 supplemental report including the following, a discussion
25 of why the revised proposal is not inconsistent with the

1 Comp Plan; a discussion of why the revised proposal is
2 referred to alternative zone's possibilities presented by
3 OP Exhibit 700 of the case record; request that all parties
4 now be allowed to file responses to OP supplemental report;
5 acknowledging there could still be a need for a further
6 limited scope hearing.

7 We did receive some new exhibits which was stated
8 by Mr. Schellin, but I'll reemphasize them. Office of
9 Planning Supplemental report Exhibit 720, Black Neighbors
10 of 1617 U Street's response to Office of Planning Exhibit
11 721; Addendum Exhibit 721-A; Rochelle tenant's responses to
12 Office of Planning cover letter, Exhibit 722; response to
13 exhibit 722-A; responses to the Racial Equity Tool Exhibit
14 722-B; homeowners within 200 feet of lots 826 and 827; the
15 homeowner's response to the Office of Planning report
16 Exhibit 723 addendum Exhibit 723-A.

17 We have a joint motion from the Dupont Citizens
18 Association and Homeowners to reopen the record. Exhibit
19 724; Form 150, Exhibit 724-A; and then we have the ANC-1B
20 resolution, Exhibit 725.

21 The standard of the review and I'm reading this
22 in for the record pursuant to Subtitle X 500.3, in all
23 cases, the Zoning Commission will find that the amendment
24 is not inconsistent with the Comprehensive Plan and with
25 other adopted public policies and active programs related

1 to the subject Site.

2 IZ plus standards, pursuant to Subtitle X 502.1
3 except as provided in Subtitle X 502.2, the requirements of
4 this section shall apply to a map amendment that rezones
5 the property from PDR zone to arts, CGD, MU, R, RA or RF
6 zones, from any other than a deep PDR zone to a D zone
7 without a prescribed residential FAR or from unzoned to the
8 ARCs, CGB, MU, R, RA, or RF zone and for the public, if you
9 look on the zoning site, you will see what those acronyms
10 need with what those zones are all about.

11 A map amendment, not described in paragraph A of
12 this subsection 502.1 which rezones a property from any
13 zones to a zone that allows a higher maximum FAR both
14 exclusive of the 20 percent IZ bonus density if applicable.

15 And then it goes on to talk about pursuant to
16 Subtitle X 502.2, pursuant to Subtitle X 502.3, pursuant to
17 Subtitle X 502.7.

18 Mr. Ritting, I see you have turned your camera
19 on?

20 MR. RITTING: Yes. I just wanted to add to the
21 list. I'm sure this was just an inadvertent omission on
22 your part that you also received the motion from the Black
23 Neighbors requesting a limited scope hearing at exhibit
24 726-A, 726 which included Exhibits 726 and included other
25 attachments a, b and c to add to the list of new

1 submissions.

2 Just wanted to make sure the record was clear
3 about that.

4 CHAIRPERSON HOOD: Okay. And I know that was
5 amended on the other sheet. And unfortunately, I'm using
6 the sheet that I had marked up. So thank you for helping
7 me correct that.

8 I was going to do two sheets, but, you know, and
9 anyway, I made a mistake. Okay. Thank you, Mr. Ritting.

10 All right. So again, I'm not going to go through
11 relatively statutory requirements. It has it down there on
12 the Subtitle X's, as I've already stated.

13 All right, so -- and then we have -- let me
14 summarize some of the new submissions again. The summary
15 of the Office of Planning report was Exhibit 720. The
16 revised proposal does not introduce a new zone, rather, it
17 reduces the area initially proposed to be rezoned.

18 And then we go on to retain the -- well, let me
19 read on. The revised proposal pulls the proposed MU-10
20 zone backs 80 feet parallel to V Street and 80 feet
21 parallel to 17th Street, V Street south to the center line
22 of the Seaton Street. And I mentioned that previously.

23 See if there's anything else germane. I think I
24 said quite a bit here. So I guess, unless my colleagues
25 have anything else they'd like to add, I guess I would like

1 to just open it.

2 And also the ANC submitted a resolution which I
3 mentioned, and the specifics of it are detailed in the
4 record.

5 So I guess the way I see this, we need to make a
6 couple of decisions. There was a question in comments
7 through the proceeding about other zones. I guess we
8 should consider whether we believe, and I say we, I know
9 someone may or may not, believe it needs to consider other
10 zones.

11 Is that still on the table for anybody? And I'll
12 start off with -- let me start off with Commissioner
13 Stidham first.

14 Any zones? Any new zones? That was what we
15 talked about?

16 COMMISSIONER STIDHAM: No. I am of the belief
17 that we do not need to consider any other zones.

18 CHAIRPERSON HOOD: Okay, thank you.

19 Commissioner Imamura?

20 COMMISSIONER IMAMURA: Thank you, Mr. Chairman.
21 I think it's pretty consistent, at least I've tried to be
22 consistent with all of our cases to consider and balance
23 height and density, and to consider all of our options what
24 might be most appropriate for urban scale, urban design,
25 pedestrian scale.

1 I say all that because I know that during the
2 course of our five hearings, or rather yeah, the five
3 hearings, I know that I expressed sort of an interest in
4 what other alternatives we might want to consider.

5 However, given the supplemental report from OP
6 and their revisions that they've made based off of -- based
7 on the opposition, the feedback from the opposition and the
8 images I think are really helpful in Exhibit 720 that
9 compare the existing MU-4 and then the original proposal
10 for MU-10 and the amended boundary is very helpful.

11 So I guess what I'm saying here is that no, I
12 don't believe that we need to consider other zones in
13 addition to the MU-10. And I have some additional
14 thoughts, but I'll hold off as we deliberate more and I'll
15 yield back and interested to hear Vice Chairman of those
16 comments.

17 CHAIRPERSON HOOD: Okay, thank you.

18 Vice Chair Miller, any comments?

19 VICE CHAIR MILLER: Thank you. Thank you, Mr.
20 Chairman.

21 Yeah, on the question of the alternative zones.
22 The Office of Planning did provide, in its April 8th post-
23 hearing report, in response to questions I and Commissioner
24 Imamura had, and maybe others, they did provide information
25 on alternative zones that might also be not inconsistent

1 with the Comp Plan policies, including the land use
2 designation.

3 In addition to the MU-10 zone that had been
4 proposed, they indicated that MU-8 and 5-A would also
5 potentially be not inconsistent. They also provided
6 information in that report on what the loss of housing and
7 affordable housing would be with those less intense zones.
8 And that was very helpful information.

9 And even though I did ask in our most recent
10 discussion of this again, for why the now proposed smaller
11 MU-10 zone reduced size would be preferable to those
12 alternatives, I think it's pretty clear on its face what
13 the answer is from their April 8th submission showing the
14 loss of the housing and affordable housing in addition to
15 the civic uses that need to be replaced and upgraded on the
16 site.

17 So I guess I'm in agreement that we don't need a,
18 if the question was do we need a limited scope or
19 additional hearing on the alternative zones, I think, with
20 the information provided on the reduced size of the
21 proposed MU-10 zone, which creates -- which creates the
22 setbacks, or some of the setbacks at least it seems, of the
23 text amendment, the companion text amendment that had been
24 -- that is also pending in case, what is that, 23-26, which
25 is not before us tonight, just the map amendment is.

1 So I don't think I need -- I don't need a
2 hearing. I think we have enough information and the
3 parties have had a chance to respond in their most recent
4 submissions to what OP is provided in each of their post-
5 hearing reports.

6 So I think we have enough information to proceed
7 on that point, Mr. Chairman.

8 CHAIRPERSON HOOD: Okay, so we will do away with
9 discussion about other zones we will deal with before us
10 today, which is the MU-4, which is existing, which is
11 really probably not even up for discussion and the new
12 part, Newt's smaller area, which now has been identified by
13 the MU-10 from the amendment to the proposal from the
14 Office of Planning.

15 Now, the next piece I want to hear from everybody
16 first. I have a position as well, we all do, on whether or
17 not we need to have a hearing on the smaller provision of
18 MU-10.

19 Remember now the way I see it, we heard the
20 bigger piece of the MU-10. Now we're reducing, and I still
21 call it as hearing from the community in those five
22 hearings that we had about reducing the footprint, which I
23 do have a concern because I don't know -- I think it's
24 going to fly in the face and maybe I want to have that
25 discussion, it's going to fly in the face of what we're

1 trying to achieve here.

2 And I get what the Black Neighbors and others are
3 saying about the affordability and luxury housing, but if
4 you reduce the footprint, then you also reduce affordable
5 housing. I was going to call a conference and I want to
6 thank, let me thank the Committee of 100. It was not case
7 specific. It was the educational piece that I went on and
8 trying to learn this stuff so we can balance it.

9 If I had my druthers, I would want to make
10 everybody happy in a perfect world, but it's not perfect.
11 So we have to try to compromise and achieve what we're
12 trying to do.

13 And I think by us reducing it, we're cutting,
14 we're not making the point for affordability. I said that
15 previously and I stand with that. But either way, we all,
16 we are, we're here.

17 So my next question to my colleagues is, and I'm
18 gonna start with you, Commissioner Imamura, do you think we
19 need to have a -- I would have to -- I would ask legal
20 counsel how to frame this, a limited scope hearing? I'm
21 nervous, scared to use that word if somebody take that out
22 of context.

23 A limited scope hearing on the proposal -- on the
24 new proposal, which we already heard in the bigger scope.
25 Now we're in the smaller scope and I'm not sure what we can

1 -- we can hear the MU-4 on a limited scope of the MU-10.

2 Do you think we should be able to give people the
3 cross examination only on the MU -- on the MU-10, which is
4 now being proposed?

5 Commissioner Imamura?

6 COMMISSIONER IMAMURA: Thank you, Mr. Chairman,
7 for the opportunity to opine on this.

8 We've heard extensive testimony about the MU-10
9 and I think OP's response, the amended boundaries, I think
10 is direct response to that feedback. I'm not -- I think
11 it's important to have public input. It's part of the
12 planning process.

13 But because of the unique, this unique case, some
14 of the nuances, I'm not inclined -- I don't think that we
15 need a limited scope here. There's some additional things
16 here about the MU-4 and the way they pulled this back.

17 I think Chairman, I think you brought up a good
18 point about the loss of affordable housing, additional
19 housing going from all MU-10 and pulling it back. So
20 clearly, I see this as a compromise.

21 And in a compromise, it's not really a win-win,
22 but I think it's a good balance on what OP originally
23 proposed modified. What I want to comment on is that about
24 the height and density.

25 So the MU-4 has a 50-foot height, I think,

1 limitation. And the MU-10, I think is (inaudible), and I
2 believe that we don't know what the design will look like,
3 but what I feel confident enough in saying is that the
4 design solution will render something that will address
5 some of the opposition that we heard about in terms of the
6 height of the MU-10.

7 And what I mean by that is architecturally, I'm
8 not certain -- I don't -- it would be a very interesting
9 looking building to go from 50 feet to 100 feet. There
10 will inevitably be some level of transition between the MU-
11 4 and MU-10.

12 What the MU-10 does allow, it allows the
13 designer/developer at least some space to make the
14 decisions they need to in order to make something that gets
15 architecturally appropriate for the area.

16 So essentially it's giving somebody a little more
17 -- a little more paper to work with, a little more space, a
18 little more room to figure out what would be appropriate
19 for that particular site.

20 It doesn't mean that it'll go immediately, I
21 think, I mean, it certainly can by matter of right, 50 feet
22 to 100 feet, but that would be really peculiar. And I
23 don't think that a designer would do that, an architect
24 would do that.

25 So I know that's a long way of coming around to

1 your question, Mr. Chairman, about whether or not we should
2 have a limited scope hearing.

3 I feel like we've had enough testimony, there's
4 enough information in the record, and I think that there's
5 a reasonable design solution that the community will still
6 have input on after the RFP.

7 And so I think for us and what we're charged with
8 and what's within our span of authority, I think that we
9 can move forward without it. But I'm open to what Vice
10 Chair Miller and Commissioner Stidham are thinking as well.

11 CHAIRPERSON HOOD: Okay. Thank you, Commissioner
12 Imamura. I would tell you, definitely help me, but I'll
13 get to others first before I say anything.

14 Commissioner Stidham?

15 COMMISSIONER STIDHAM: I know I thought about
16 this long and hard. I agree. We have had significant
17 public feedback and testimony on the MU-10. And I agree
18 with Commissioner Imamura that OP's response, by reducing
19 the size of the new area, is directly responsive to
20 everything that we heard.

21 I also agree that it gives a designer some space
22 to figure out even more appropriate design strategies to
23 additionally reduce the overall effects to the neighborhood
24 through good and proper design.

25 So I do feel like that is an advantage. So I

1 tend to agree that I am not feeling a need for another
2 public hearing. The public's feedback is so very
3 important, and this is a really good example of where we
4 had so much public feedback and OP was responsive to what
5 they heard and came back with a reasonable adjustment that
6 meets the goals that they were seeking while still
7 addressing the community concerns.

8 CHAIRPERSON HOOD: Thank you. I agree. And
9 thank you.

10 Vice Chair Miller?

11 VICE CHAIR MILLER: Thank you, Mr. Chairman.

12 I also agree with just about everything that
13 Commissioners Imamura and Stidham said, in terms of I think
14 we have a lot of public hearing testimony and a lot of
15 information in the record on what's before us.

16 However, I also have thought about this long and
17 hard, but I really haven't even necessarily come to a --
18 come to a decision because I'm conflicted about giving the
19 parties an opportunity to cross examine OP on the revised,
20 smaller proposal on why it does meet, which I think it
21 does.

22 And as OP says it does, it does address concerns
23 about the compatibility with the lower scale residential
24 neighborhoods to the north and west on V and 17th Streets
25 by having that retaining the 80-foot depth of the MU-4 -- a

1 MU-4 zone that's there today.

2 But I guess I don't know. I guess they are not
3 three votes for limited scope hearing at this point, but I
4 personally would be, as much as I do not want to subject
5 ourselves and the public to any more extensive redundant
6 hearing testimony, which there's been a lot of extensive
7 and redundant hearing testimony in this case, a lot of
8 information provided.

9 I guess I'm inclined to lean towards giving the
10 parties at least an opportunity to cross examine OP on the
11 smaller size of the original proposal, just to give them
12 that opportunity.

13 So that's where I would be. I think I have
14 enough information myself to make a decision in this case,
15 which I guess should be the paramount concern of whether I
16 want to need a public hearing.

17 But I think the parties or some of the parties
18 have requested that, and so I would be inclined to give --
19 they've requested a limited scope hearing both on the
20 alternative zones and on the smaller, reduced MU-10 zone.

21 We've already decided we didn't need one on the
22 alternative zones, but I would be inclined to give the
23 parties a very limited scope hearing, an opportunity for
24 cross examine and give us an opportunity to cross examine
25 OP on the smaller reduced zones, for example.

1 Not necessarily -- well, it relates to the
2 consistency with the Comprehensive Plan, which is, which is
3 our paramount standard of review here. But just on the
4 question -- well, others -- obviously, I'll leave it at
5 that for now. I'll continue my thinking after the Chairman
6 talks. Thank you.

7 CHAIRPERSON HOOD: Okay, so thank you. Thank you
8 all.

9 I really like what I heard from Commissioner
10 Imamura. And you're the design expert, I'm not. You know,
11 even though I have a Philadelphia architecture degree. But
12 I do have a question for you and I know we don't normally
13 do this. This is really a discussion.

14 I'm just, you're helping educate me. As I was
15 thinking, and anybody, as I was thinking about this, I
16 actually was leaning towards a limited scope. But I'm not
17 in line with the Vice Chair. I'm just a limited scope on
18 MU-10. But we've already heard MU-10.

19 But I also know the community wants to be heard
20 and I'm trying to figure out is this something that I'm
21 going to hear? And you've said this Commissioner Imamura,
22 quite a bit about design. I forgot how you worded design
23 solution. I forgot exactly how you word that.

24 And I think that is the perfect, perfect analogy
25 of what can be done here. But then I also think, from a

1 community side, I've never been one to just shove anything
2 down anybody's throat. And that's why I'm having problems
3 with that.

4 And I'm not sure -- I'm probably doing myself in
5 even more if we go with a limited scope hearing or doing us
6 all in if we go with a limited scope to let them cross
7 examination on the MU-10, which I think they have the right
8 to, but I'm not interested in other zones, so.

9 And where's the fifth member? I need the fifth
10 member to tell us because I really believe that I want to
11 make sure that they -- I think we have enough information
12 and I'm just wondering what I'm going to hear different
13 than what I've heard previously? And I know you all
14 probably can't answer that. That's what I -- that's what
15 I'm grappling with.

16 Commissioner Imamura, can you help me out from
17 the design perspective? And we don't have a design.

18 COMMISSIONER IMAMURA: No, we don't, Mr.
19 Chairman, but that's a great thing about it.

20 But first, I want to go back to your comment
21 about are we going to hear anything different? I think
22 that's the key. Are we going to hear anything different
23 about the MU-10?

24 And to what end will they want to continue? Will
25 there be further compromises? I see this, as Vice Chair

1 Miller brought up in Exhibit 700, OP listed out in a table,
2 the delta of the affordable housing units that are lost
3 with the other various zones that we asked them to look at.
4 It included, I think, 5A and B as well.

5 What's interesting here, and it goes back to your
6 comment, Mr. Chairman, about the loss of affordable housing
7 here, pulling MU-10 back a bit further. So I think about
8 this a little bit more. So the table that OP provided, I
9 think is actually a, what's the word I'm looking for? It's
10 an optimistic view of what might happen.

11 Because really, with the, again, with going from
12 the MU-4 50 feet to MU-10 and 100 feet, I have a high level
13 of confidence that there's a designer out there that's
14 going to go 100 feet, go additional 50 feet. It's going to
15 look incredibly strange. The community will still have
16 input.

17 This is not their last bite at the apple. My
18 point about this is that there's even going to be further
19 loss of affordable housing or housing units in general,
20 just because it's MU-4 to MU-10, that there's going to be a
21 transition space, an interstitial space there for that
22 design to evolve from 50 feet to 100 feet.

23 And I was trying to think of what might be the
24 best analogy for this. It's almost as if giving a homework
25 assignment to somebody to say, you have -- you can -- I'd

1 like a report from you within ten pages, but if you can do
2 it in eight, great.

3 So what we're giving the developer, the
4 architect, is a little bit of runway here to figure out
5 what might be the most appropriate solution. And they may
6 be bringing it in within, eventually they may hit 100 feet,
7 but I don't think they'll do it within the boundaries where
8 that zone -- the boundaries of -- the boundaries of that
9 MU-10 zone.

10 So there will be a transition space. There has
11 to be. So -- and I think to your point again, Mr.
12 Chairman, will we hear anything different about the MU-10
13 zone?

14 I'm not convinced that we will. We've heard 30
15 hours of testimony and there is something I would disagree
16 with you, Mr. Chairman, and that is that we haven't
17 allowed, or perhaps the public perception is that we
18 haven't allowed ample public input.

19 I think 30 hours and five hearings is a
20 substantial and significant example there that we have
21 allowed public input on the decision-making process here.

22 So I would disagree with anybody that says the
23 Zoning Commission does not encourage. I think quite
24 differently, we do encourage public input. We've heard a
25 lot testimony about this, a lot of points of view.

1 That's why we are where we are now and OP has
2 modified or amended their application based off of that
3 feedback. So I would be hard pressed for somebody to say
4 from the opposition that they haven't fully convinced
5 either the Zoning Commission or OP about a full MU-10.

6 I mean, the OP has pulled it back. So I would
7 hope that at least the opposition might find that a small
8 win in their corner and again, they'll have another bite at
9 the apple for public input on what this design solution
10 might be.

11 So there's still a lot of runway left to
12 influence the outcome of this. This is just really about
13 setting the canvas for what this site could potentially be.
14 And again, the heart of this, Mr. Chairman, or at least a
15 big part of this, is affordable housing, and we can achieve
16 it.

17 The opposition knows this. Everybody knows this
18 one project will not make a difference. But it's the
19 culmination of all these little moves across the city that
20 add up to helping address and mitigate our housing problem.

21 So one step at a time, one project at a time, one
22 unit at a time is helpful. And again, I just want to
23 underscore that the projected number of housing units for
24 MU-4 and MU-10 is an optimistic view.

25 I think that we probably -- it may not even

1 achieve that because there's going to need to be a
2 transition space design wise, and so regrettably, we'll
3 lose even more.

4 But I think it's going to be a really -- I have a
5 high level of confidence it's going to be a really elegant
6 design solution with public involvement and I think we're
7 setting the stage for that. I think it's important that we
8 (inaudible).

9 CHAIRPERSON HOOD: Let me continue with that
10 conversation. I appreciate everything I just heard and I'm
11 still kind of trying to -- I'm trying to get over this
12 uncomfortableness and people don't realize we think about
13 this stuff all the time and try to come up with the best
14 outcome.

15 To your point, and you're not on the stand, I'm
16 not on the stand, we just having a, what they call it, a
17 dialogue here. When I said community output, they have not
18 commented and that I still don't -- I still don't get it.

19 What I see in record, the community feels like
20 they have not commented on what we had before us and they
21 actually haven't, but they comment on a bigger piece and
22 what we got before us.

23 And I might be sounding redundant because I'm
24 struggling with this. What we have before us is what a
25 number of them presented. And then on the other side of

1 the coin, there are a lot of people who support what we had
2 to begin with.

3 So you know, I would like to make everybody
4 happy. That's always been my goal. I would love for
5 everybody to be happy. And whatever the case is, everybody
6 get their way.

7 But unfortunately, it doesn't work that way. And
8 even in my everyday of life, it doesn't -- it doesn't go
9 that way. And I heard the Vice Chair, I'm just trying to
10 figure out how do I give them the opportunity to do that
11 versus not slight the people who are in support what we had
12 previously. And you're helping me get there. Maybe this
13 is the answer, what we have here before us tonight.

14 You know, I don't know.

15 COMMISSIONER STIDHAM: If I could, Chairman,
16 maybe this might help.

17 I mean, by pulling it back, we are now, OP is now
18 preserving all of the things that those in opposition were
19 speaking to. They really do to the neighborhood character,
20 to shade, to concerns about too large of a structure here,
21 whatever that ends up being. But yet it's still meeting
22 the needs of what we were trying to achieve, what OP was
23 trying to achieve.

24 And I think, I can't imagine that there is
25 anything that we would hear differently by pulling back the

1 boundary. I just thought there was something else that
2 could come up. But we've heard so much. I just can't
3 imagine what more we would hear that is any different than
4 what we have already really heard, because this is
5 responsive to what we've heard.

6 VICE CHAIR MILLER: I agree that it is responsive
7 to a lot of the public hearing testimony and opposition and
8 our own concerns about the transition between the lower
9 scale adjacent residential properties.

10 And so, and I think, you know, I think this is a,
11 Ms. Schellin, and you can chime in. I think the map
12 amendment is a two-vote case. So there would be an
13 opportunity for after we take proposed action on this
14 proposal that's before us for people to comment again
15 before us in addition to all the public participation that
16 will occur throughout the RFI.

17 MS. SCHELLIN: It is -- I'm sorry, I just want to
18 say it is a two-vote case, but it's not a rulemaking case.
19 So --

20 VICE CHAIR MILLER: Oh, so there's --

21 MS. SCHELLIN: There is no --

22 VICE CHAIR MILLER: There's no public on that?

23 MS. SCHELLIN: Right. There's no public comment
24 period, correct. Not on this one.

25 VICE CHAIR MILLER: Sorry, I apologize for that

1 misstatement then. Okay. There will be a lot of
2 opportunity for public comment throughout the RFP process
3 and at the Council and mayor level to get to the design
4 solution with the canvas, as Commissioner Imamura said,
5 that we painted in terms of the permissible.

6 But I think we've, with the scaled back proposal,
7 it does address the most major concern about the
8 compatibility with the adjacent lower scale residential
9 neighborhoods.

10 So I guess that's all I'd say at this point. It
11 looks to me like the text amendment with the setbacks based
12 on OP's statements might go away if we take action on the
13 proposed action.

14 That's a question I would have asked OP in any
15 limited scope hearing whether the text amendments are
16 necessary to get to that design solution that Commissioner
17 Imamura is referring to.

18 And I agree that a good architect would design
19 transition between 50-foot permission and 90-foot
20 permission and so that the building looks cohesive and
21 aesthetically pleasing and functions to accomplish what it
22 needs to accomplish. All that being said, I guess that's
23 all I have to say at this point.

24 CHAIRPERSON HOOD: Okay. So I think -- I think
25 we've exhausted everything and I'm hearing that I would

1 rather deliberate upon, even though we basically already
2 have, and this not being inconsistent, I know I didn't
3 think the other was inconsistent because what we were
4 trying to achieve was affordable housing.

5 And I want to go on record, like I keep saying, I
6 believe what we have here today, we've done ourselves in,
7 and I'm talking about the community, all of us. We were
8 pushing for affordable housing. And I think they were
9 thinking that if a lower density was going to help get the
10 affordable housing, I just don't see it because the call,
11 and again, thanks to Committee 100 for me, the call that I
12 had nothing to do with this case, it was just talking in
13 general in New York, don't, rezoning does not always
14 present affordable housing. That was the topic. And these
15 were the so-called experts.

16 And me being able to hear that conversation, it's
17 very helpful. I think as what we have here is a win-win.
18 I think we're not getting, as Commissioner Imamura has
19 mentioned, a design solution, and I appreciate that. But I
20 think we're not going to get as much affordable housing.
21 And I think it's flying exactly in the face of what we're
22 trying to do.

23 Well, I think I'm ready to go ahead and vote and
24 support this application the way it's presented. No more
25 cross examination. I just think that we're doing ourselves

1 in.

2 We could do a lot more opportunities for the
3 community and for people who look like me, to be able to
4 stay there. And that's what I'm hoping -- I got faith in
5 this city because the city always rises to the occasion
6 that they'll make that happen, even though we're losing a
7 few units.

8 But I think that at least it also is responsive
9 to the many hours of testimony we've heard. So unless
10 someone else has anything else to say?

11 Commissioner Stidham, did I see you raise your
12 hand?

13 COMMISSIONER STIDHAM: No.

14 CHAIRPERSON HOOD: Oh, all right. So I don't
15 know, Mr. Ritting, anything else I need to talk about on
16 this case? Other than anything else?

17 MR. RITTING: If I'm understanding things
18 correctly, the Commission has decided, by consensus, not to
19 hold an additional hearing on additional zones and not to
20 hold an additional hearing on the smaller MU-10 proposal?

21 Effectively, that's a denial of the two motions
22 by the opposition parties for those hearings. So if you
23 want to consider proposed action, I think it's prime to do
24 that. And there's nothing else you need to consider before
25 you hold that deliberation.

1 CHAIRPERSON HOOD: Are we all on the same page?
2 Anybody disagree with Mr. Ritting said?

3 All right. Would somebody like to make a motion
4 for, is this a two-vote case?

5 VICE CHAIR MILLER: Before we make a motion I
6 just want to say something positive.

7 CHAIRPERSON HOOD: Go ahead. Yeah, okay.

8 VICE CHAIR MILLER: And what we're about to vote
9 on the proposed MU-10 zone, smaller as it is, accommodating
10 the transition to the adjacent lower scale neighborhoods
11 does permit the maximum amount of flexibility, in terms of
12 height and density, to achieve the housing goals that
13 are -- the affordable housing goals that are in the
14 Comprehensive Plan and retain, upgrade, replace the fire
15 and police facilities on the site, and requires as a part
16 of the MU-10 zoning, eight percent, I believe, of the area
17 to be a public plaza or open space, and because of its
18 height and density, maximizes the potential for
19 neighborhood serving retail uses along this, what is
20 designated on the Comp Plan as a main street mixed use
21 corridor along U Street.

22 So there are a lot of objectives and people want
23 civic -- other civic uses added to the site, library or
24 other open -- additional open space that they want the
25 parking for both the public and for the civic public,

1 governmental users there.

2 I think the zone, that's proposed before us,
3 reduced as it is to accommodate compatibility with the
4 adjacent neighborhood, accomplishes a multiple number of
5 goals that are set forth in the Comprehensive Plan for the
6 site and it can be further refined in the RFP process, that
7 is, before the mayor and the Council, which will have
8 extensive public participation

9 That's my positive statement after all of our
10 concerns that were expressed.

11 CHAIRPERSON HOOD: Okay. And I also, I'm glad,
12 Vice Chair, you end on a positive note. But you know, I'm
13 hoping that, as this evolves and keeps going, that the
14 community and the government will work together to achieve
15 what we're trying to accomplish.

16 Because, as Commissioner Imamura mentioned,
17 there's a whole lot of other work that can be done with
18 more of a consensus and close the gap. And I'll leave it
19 at that. I've said enough on that. I live here, too.
20 I'll see what's -- either I'm going to be a very happy guy
21 in years to come or I'm going to be a very disappointed --
22 we're going to be a very disappointed Commission, but I
23 believe.

24 I believe I know the city. I believe we're going
25 to be very happy, all of us, including the people in

1 opposition. I hope. That's hope. I'm optimistic.

2 All right. Would somebody like to make a motion
3 on this?

4 COMMISSIONER IMAMURA: I would encourage Vice
5 Chair Miller. He's up for -- his positive note, I think is
6 a great way to lead into the (inaudible), if he's so
7 inclined.

8 You're on mute, Vice Chair Miller.

9 VICE CHAIR MILLER: Sorry. Thank you. I think I
10 wanted to be on mute. So I would move that the Zoning
11 Commission take proposed action on case number 23-02, the
12 Office of Planning's revised map amendment at square 175.
13 And ask for a second.

14 COMMISSIONER IMAMURA: Second.

15 COMMISSIONER STIDHAM: Second.

16 CHAIRPERSON HOOD: It's been moved and probably
17 second twice.

18 Any further discussion?

19 VICE CHAIR MILLER: I have a question. I realize
20 this is public site that will have the higher set aside
21 than the affordable housing that IZ requires and a deeper
22 affordability level than IZ requires, but can I just ask
23 our staff, was the recommendation from OP that it be
24 designated for IZ plus or not for this particular property?

25 I don't think it was, but I just -- I didn't know

1 if I needed to include that in the motion, if that was part
2 of the proposal.

3 MS. SCHELLIN: I don't think it is for IZ plus,
4 but I believe because it's district property, the RFP, it
5 requires a larger --

6 VICE CHAIR MILLER: Well, that I knew, but I just
7 didn't know (crosstalk) --

8 MS. SCHELLIN: Yeah. So I don't think it -- the
9 IZ plus --

10 COMMISSIONER STIDHAM: I think it is.

11 MS. SCHELLIN: Oh, it is?

12 COMMISSIONER STIDHAM: It's automatically -- it
13 automatically applies because it's increasing the density,
14 like under, under X 502.1B. So it automatically applies,
15 but obviously, in the situation, it's going to be a higher
16 amount of affordability because of that DC law.

17 MR. RITTING: Yes. And the Office of Planning
18 recommended that it was appropriate for IZ plus.

19 MS. SCHELLIN: Okay.

20 VICE CHAIR MILLER: That was the answer to my
21 question. So I will note (crosstalk) --

22 MR. RITTING: There's been considerable
23 intervening information so I can understand why it's gotten
24 lost. But that was the recommendation when it was set
25 down.

1 VICE CHAIR MILLER: I move that the proposed
2 revised map amendment at square 175 with the IZ plus
3 designation noted on the map. Thank you. And ask for a
4 second.

5 MS. SCHELLIN: I had Joe as seconding since
6 Stidham seconded the first one.

7 CHAIRPERSON HOOD: All right. That's fine. So
8 it's been moved and properly seconded.

9 Any further discussion?

10 Not hearing any, Ms. Schellin, will you do a roll
11 call vote, please.

12 MS. SCHELLIN: Sure.

13 Commissioner Miller?

14 VICE CHAIR MILLER: Yes.

15 MS. SCHELLIN: Commissioner Imamura?

16 COMMISSIONER IMAMURA: Yes.

17 MS. SCHELLIN: Commissioner Hood?

18 CHAIRPERSON HOOD: Yes.

19 MS. SCHELLIN: And then that's everybody, right?

20 So then we have the vote four to zero to one.

21 COMMISSIONER IMAMURA: Commissioner didn't vote.

22 COMMISSIONER STIDHAM: I didn't vote.

23 MS. SCHELLIN: Oh, I'm sorry. I mentioned your
24 name and then didn't call on you. I'm sorry.

25 Commissioner Stidham?

1 COMMISSIONER STIDHAM: Yes.

2 MS. SCHELLIN: So the vote is four to zero to
3 one. So minus one being the third mayoral appointee seat.
4 And this is proposed action so we will refer it over to
5 NCPD for a 30-day comment period.

6 CHAIRPERSON HOOD: So I'm just going to ask for
7 three minutes. Let's take a three minute and start
8 thinking about the next case. Let's get this one out and
9 move to the next one. So let's take three minutes meeting.

10 MS. SCHELLIN: Okay.

11 (Whereupon, at 5:21 p.m., a short break was
12 taken.)

13 Case No. 23-25

14 CHAIRPERSON HOOD: All right. Okay. So Zoning
15 Commission case number 23-25, Office of Planning text and
16 map amendments to create new Chevy Chase neighborhood mixed
17 use zones.

18 Ms. Schellin.

19 MS. SCHELLIN: Yes, sir. This case too is up for
20 proposed action and the new exhibits, since you last saw
21 this case at Exhibit 297, you have the OP supplemental
22 report; Exhibit 298 is a letter from the SMD and this case
23 is ready for the Commission to proceed with its
24 consideration of proposed action. Thank you.

25 CHAIRPERSON HOOD: Okay, again, unfortunately, if

1 you all bear with me, I'm going to try to tee this one up.
2 While it's not as much as the previous case, it will be
3 quite a bit.

4 Okay. This is the Office of Planning Chevy Chase
5 text and map amendment to create the Chevy Chase
6 neighborhood zone uses zones in the NMU-4/CC-1 and NMU-
7 4/CC-2 map and Chevy Chase. So map new zones on properties
8 generally fronting Connecticut Avenue Northwest between
9 Chevy Chase Circle Northwest and Livingston Street
10 Northwest and to rezone the RF-1, a small number of
11 properties fronting side streets, specifically McKinley and
12 Morrison Streets currently zone R-2/R-1B.

13 The Office of Planning stated and reported at the
14 hearing that it brought the case because, one, the proposed
15 text and map amendments are not inconsistent with the 2021
16 Comp Plan, including the proposed building density height
17 and use as indicated on the FLUM.

18 With the guidelines and description within the
19 Chevy Chase small area plan and with the objectives of the
20 Rock Creek west roadmap. The Comp Plan maps and text
21 provide a clear and definite set of related policy
22 objectives in support of the proposed zoning, in
23 particular, the very strong policy language to provide
24 housing and affordable housing and the policy language to
25 preserve open space for the community.

1 The current proposal would allow both. The
2 proposed zoning text and map amendment will permit the
3 provisions of new zoning and affordable housing along this
4 portion of Connecticut Avenue Northwest. Excuse me.

5 The proposal would also encourage the expansion
6 of neighborhood retail uses and establish a suit of
7 building setbacks -- step backs and design guidelines to
8 ensure an active and welcoming streetscape along
9 Connecticut Avenue and to lessen potential impacts on the
10 adjacent residential uses.

11 Now, the day before the hearing, ANC-4/4-G
12 submitted a resolution that stated it would support an
13 alternative proposal that provided and it stated in that
14 report it supports the proposed framework of the NMU/4-CCR
15 and the RF-1 zones, but concludes that the maximum
16 allowable height would with permissible penthouses and
17 various height bonuses for the NMU/4 CC-1 zone of 70 feet
18 and lot occupancy of 60 percent for residential of 75
19 percent with affordable housing unlimited for non-
20 residential area house out size and would permit our
21 development that is out of scale with the current
22 commercial corridor.

23 The Zoning Commission was asked by the ANC-4/4G
24 to reduce the maximum allowable height of 60 feet and call
25 for a uniform lot occupancy maximum of 60 percent and

1 reserve judgment on the proposed maximum floor area ratio
2 side yard requirements inclusive by reference of the
3 district parking minimums and maximums.

4 While the ANC recognized that OP has made changes
5 to the proposal for the NMU-4 and CC-2 zone covering the
6 community center library site, it believes that the 80-foot
7 proposed building height maximum with penthouse bonuses
8 could result in a building or buildings out of scale with
9 the rest of the commercial corridor.

10 Now, the -- therefore, it asked the Commission to
11 eliminate the NMU-4/CC-2 zone and apply to NMU-4/CC-1 as
12 opposed to the two, provisions modified as above by the
13 entire upper Connecticut Avenue commercial corridor,
14 including the community center library site.

15 ANC also favors the showing of the same amount of
16 more green open spaces in the upper Connecticut Avenue
17 commercial corridor. The ANC recognizes the continuing
18 need for vehicle transportation, especially among the
19 community's substantial population of post 65 residents and
20 those of all ages who are disabled.

21 It asks the Zoning Commission to ensure adequate
22 parking lot entirely from the upper Connecticut Avenue
23 corridor, among other things requiring that any parking
24 lost to the development in the proposed RF-1 zones be
25 replaced.

1 Reading all that, I know we won't remember all
2 that, but I'm reading it into the record basically. So at
3 the -- some of the things, some of the notes that we have
4 concluded with at the beginning of the first hearing, the
5 Commission addressed the issue and I think this is very
6 important.

7 At the beginning of the first hearing the
8 Commission addressed the issue of whether this case should
9 be a rulemaking or contested case. The Commission
10 confirmed that it should continue as a rulemaking because
11 it included a text amendment which must be heard as a
12 rulemaking, and because the map amendment portion of the
13 case was initiated by a public agency and includes multiple
14 properties forming a major commercial district, and so
15 squarely fits within the criteria for a rulemaking map
16 amendment under the zoning regulation regulations under
17 Subtitle Z 201.78.

18 So that's how we got to where we were in the
19 rulemaking. And I know that there was some opposition even
20 to that point. And I can tell you that the Commission, we
21 thought long and hard about whether we want to make that
22 change.

23 And I think precedent, even before I got here,
24 applies with how the Commission has had practice and not
25 disenfranchising anyone and their rights to be able to

1 participate in the process because they were able to
2 testify.

3 Okay, so some of the concerns I think we need to
4 address, concerns about the effects of amendments on the
5 health of the commercial district, including testimony from
6 Robert, Mr. Robert Gordon, who represented the Chevy Chase
7 Business Association, which I think was very critical.

8 And I know OP responded about the upzoning, and I
9 do know OP had responded, and they agreed with him. And
10 there's some other tools. I believe that they said that in
11 place to help protect that. I will continue to, as we
12 talking this out, I want to make sure that Mr. Gordon and
13 all those businesses have the protection they need so they
14 can exist.

15 I don't think this city has ever been inclined to
16 run businesses out the city and we try to keep them in the
17 city. Concerns about effective additional height and
18 density on the community character and livability, and then
19 the belief that the up zoning would not adequately address
20 or solve the affordable housing problem.

21 And that's that. That's not just, as we know,
22 not just a local issue, that's a nationwide issue, and it's
23 different views, different discussions. But here in DC, I
24 believe if we all work together, we can get to that
25 affordable housing issue.

1 So what I'd like to do at this time is to ask
2 Vice Chair Miller to kind of lead us through the
3 discussion, if you don't mind. Or do you have any
4 questions or comments? I'll lead us. Do you have any
5 questions or comments?

6 VICE CHAIR MILLER: Thank you, Mr. Chairman. I
7 think you summarized a lot of the points especially the
8 important points associated with where we are in the
9 process of this text and map amendment and what the
10 proposal is and how it addresses concerns that have been
11 raised.

12 I'll be brief. I think this has been a long
13 process. There was a -- there's the Rock Creek -- Rock
14 Creek West area element of the Comprehensive Plan, which
15 has a number of strong policies encouraging the provision
16 of housing and affordable housing in Rock Creek West.

17 There was the Chevy Chase small area planning
18 process, which did occur during COVID but there was a lot
19 of community outreach associated with that, both initiated
20 by OP offices planning and by ANC and community
21 stakeholders.

22 And that small area plan led to land use map
23 amendments by the Council. I believe that the proposed
24 zoning text and map amendments, as you've said, Mr.
25 Chairman, are not inconsistent with the Comp Plan,

1 including the building height, density and uses as
2 indicated on the future land use map, and with all the
3 housing, affordable housing policies that are encouraged
4 and promoted in the Chevy Chase small area plan and the
5 Rock Creek west roadmap.

6 The Office of Planning, in their most recent
7 supplemental report, I appreciate them providing that
8 information, July 1st, Exhibit Number 297, they addressed
9 some of the concerns we -- questions that were raised by us
10 and by the public, including potential impacts on retail
11 and office use along the corridor.

12 They've said that the, you know, that is, that
13 obviously would be a concern. Office use citywide is a
14 problem that the zoning amendment is not going to address.
15 It's not designed to address.

16 In terms of the retail, the retail that's
17 available in Chevy Chase town center or the Village,
18 whatever you want to call it, it's very attractive and
19 they're very neighborhood serving. And we want to continue
20 -- we don't want to do anything that would jeopardize the
21 continuation of those uses.

22 And I think the proposed zoning, which requires
23 ground floor retail uses, will help to accomplish that. In
24 addition to the non-zoning tools that are called for in the
25 Chevy Chase Small Area Plan, whether it's technical

1 assistance, grant assistance, helping Chevy Chase Main
2 Street accomplish the goals that they're seeking.

3 There are a number of tools that the city has in
4 its toolbox that are outside of zoning that can activate,
5 continue the activation, and increase the activation on
6 this corridor because we had testimony that it's kind of a
7 dead zone at night, the civic site, because nothing's going
8 on there at night.

9 And someone who was walking back from the church
10 at Chevy Chase Circle to their residence was actually
11 concerned for their public safety because they walk by an
12 extensive block of darkness, essentially, nothing going on
13 there.

14 So hopefully, that -- it will become a mixed-use
15 site with a strong component of affordable and market rate
16 housing as well, both of which are needed in the city and
17 in this neighborhood in particular.

18 The Office of Planning also provided information
19 on the potential loss of housing with the -- the ANC
20 proposal that they came back with on a split vote, four to
21 three. And then they wanted to try to get a compromise to
22 get something that would have had more consensus in the
23 community.

24 Unfortunately, with this case, there just is not
25 that consensus within the community. And the ANC is split.

1 The community is split, and maybe we're going to be split,
2 I don't know, because we haven't discussed this until
3 today.

4 But the ANC's latest proposal, which reduced the
5 height substantially along the entire, both zone one and
6 zone two, it would cut in half the amount of housing that
7 would be permitted on the civic center site.

8 That's a pretty big, significant reduction in
9 housing. Significant -- a 50 percent reduction in
10 affordable -- almost 50 percent reduction in affordable
11 housing as well.

12 And I think with the design guidelines and the
13 setbacks and the specialized setbacks and step backs that
14 are in this -- in the text amendment, I think they will
15 provide the transition, like in the previous case, the
16 transition that's needed to the scale of both the
17 residences that are toward the back of the civic center
18 site and I think there are also setbacks or step backs that
19 are provided on the front facade as well to make it a more
20 livable, walkable neighborhood use for the neighbors to be
21 able to utilize.

22 We need to replace the community center with an
23 upgraded center and we need to have a new library there
24 finally, for this neighborhood that deserves it, like all
25 the neighborhoods in the city.

1 And I think that the specially designed zoning
2 for this site accomplishes that. There is an RFP process
3 that's ongoing with the mayor and the Council, and the
4 community will have further opportunity to impose
5 requirements, that we can't necessarily impose, that would
6 be, that would be provided for on the civic center site.

7 But we know that it's because it's a public site
8 that the affordable housing -- that the affordable housing
9 set aside is much greater than the inclusionary zoning
10 would require and much deeper affordable levels than our
11 inclusive zoning would require.

12 And to extent there need to be further guarantees
13 of that, the public can work with their elected
14 representatives on the RFP process that they get to
15 participate in.

16 So I think, you know, in general, I'm very
17 supportive of this proposal going forward. I think it
18 accomplishes, it's consistent with -- it's not inconsistent
19 with the Comprehensive Plan, and it supports, strongly
20 supports policies, particularly the housing and affordable
21 housing policies, the Comprehensive Plan, while upgrading
22 and replacing the civic uses that are on the site and
23 perhaps having additional open space as well, that people
24 get to enjoy.

25 So I'll turn it back to you Mr. Chairman.

1 CHAIRPERSON HOOD: Thank you, Vice Chair Miller,
2 with a well done outlay of what's actually happening, and
3 we appreciate you teeing it up and getting it ready for the
4 rest of us.

5 Let me go to Commissioner Imamura first or
6 second.

7 COMMISSIONER IMAMURA: Thank you, Mr. Chairman.
8 I echo your comments that Vice Chair Miller did an
9 excellent job summarizing both the issues as well as the
10 opportunities as an experienced attorney would.

11 I'm not sure that I have anything more to add.
12 I align myself with Vice Chair Miller's comments. I would
13 only add that I appreciate the visuals, the illustrations
14 that OP provided in their report with the sections that
15 provided a comparison with their proposal and the ANC's
16 proposal.

17 Similarly to the previous case, we're providing a
18 canvas for what could be. That doesn't mean it may, you
19 know, take full -- I guess what I'm trying to say is it's a
20 canvas, but the form of what the architecture will be has
21 yet to be decided.

22 Again, there will be public opportunity for
23 public input to influence the design outcome, design
24 decisions. And I think in general, sometimes people see
25 these section drawings as sort of what might be called sort

1 of a block and stacking plan and assume that that's what
2 it'll look like.

3 But that's just sort of the boundaries of what it
4 might look like, it won't necessarily fill out to that
5 extent. As Vice Chair Miller had commented earlier, a good
6 architect will certainly take into consideration the
7 surrounding context and neighborhood input feedback.

8 It is an iterative process, so certainly
9 appreciate the community sensitivity to the height density.
10 And I think the other comment I wanted to make and
11 underscore Vice Chair Miller's comment about activating --
12 the importance of activating public space and programming
13 to achieve better public safety, more eyes on the
14 streetscape and public realm is important and beneficial.

15 So activating this corridor commercial space,
16 commercial retail and mixed-use housing (inaudible), I
17 think is critically important for everybody's benefits and
18 wellbeing.

19 So I don't think I have anything more to add.
20 Vice Chair Miller pretty much summed it up.

21 CHAIRPERSON HOOD: Okay, thank you Commissioner
22 Imamura.

23 Commissioner Stidham?

24 I think you're on mute.

25 COMMISSIONER STIDHAM: Sorry, I don't have much

1 to add. I think between Commissioner Miller and
2 Commissioner Imamura, they did a really good job of
3 covering all of the pieces of this.

4 You know, OP again has listened to the
5 opposition. They made adjustments and what is on the table
6 is a good solution. So I am in support of moving this
7 forward.

8 CHAIRPERSON HOOD: Okay.

9 VICE CHAIR MILLER: Chairman?

10 CHAIRPERSON HOOD: Yes? Go right ahead.

11 VICE CHAIR MILLER: I was going to follow up on
12 Commissioner Imam Morris and Stidham's comments, with which
13 I agree.

14 One of the changes that Commissioner Stidham
15 referred to that OP made as a result of community input
16 from the original proposal was going from an MU-5A height
17 and density standards, to MU-4, which was a substantial
18 reduction.

19 But it was trying to meet the concerns about the
20 livability and the scale that some of the opposition had
21 raised. And so the height and density has been reduced
22 from the original proposal. And the setbacks and step
23 backs have been increased from the original proposal.

24 They were there in the original proposal, the
25 setbacks and setbacks and the design guidelines, but

1 they've been increased since the original proposal. And I
2 just wanted to make that point, that OP has been
3 responsive, and I think this proposal is responsive to
4 community concerns.

5 CHAIRPERSON HOOD: And thank you.

6 Thank all my colleagues. I agree with
7 everything. The only point that I, again, I know is
8 alluded to previously, but I want to make sure what really
9 concerned me about this case, this text zoning, this new
10 zoning was the issue, I guess I want to get straight to Mr.
11 Gordon and I do appreciate Office of Planning's response.

12 And it basically goes as OP and I think it was
13 alluded to. OP responds by acknowledging that this is
14 true, but the proposed regulations include a provision
15 requiring ground floor retail space in any new building,
16 which is not required in the current zone, and could, over
17 the long term, provide relocation opportunities.

18 The response also mentions that other government
19 programs are available to mitigate the risk. I'm hoping
20 that -- I'm gonna take it verbatim. I'm hoping that if Mr.
21 Gordon and those business choose you, they'll find a space
22 right where they are.

23 I don't know how to say it goes back to the
24 design solution. I don't know how that's gonna be done or
25 what's gonna be done, but I really think it's important

1 that Mr. Gordon and his and the teams out there who are
2 smaller businesses are able to maintain and stay in that
3 community if they choose.

4 So I'm really hoping that is the case. And I
5 want Mr. Gordon to know for me, and I'm sure my colleagues,
6 I really took that to heart what he mentioned, and I
7 appreciate him bringing that to light with this -- what's
8 being proposed here in front of us.

9 All right. I don't have anything else. I think
10 that everyone has already teed it up and I think is ready
11 to move forward. Again, thank the community as well for
12 coming to this conclusion.

13 We had some in opposition, some in support, some
14 who were unsure, you get all of it. All that, including
15 us. All that you get a better outcome. So with somebody,
16 Vice Chair, you did such an excellent job teeing it up, you
17 want to make the motion or anything else to add?

18 VICE CHAIR MILLER: I'd be happy to make a
19 motion, Mr. Chairman, that the Zoning Commission take
20 proposed action on Zoning Commission case number 23-25.
21 That's proposed zoning text and map amendments to create
22 and map -- create and map a new Chevy Chase neighborhood
23 mixed use zones NMU-4/CC-1 and NMU/CC-2, and I guess
24 there's also another portion that's RF-1. I don't have
25 that in front of me.

1 But the 23-25 I propose that we take proposed
2 action on. I move that we take proposed action on that and
3 ask for a second.

4 COMMISSIONER STIDHAM: Second.

5 CHAIRPERSON HOOD: It has been moved and properly
6 second.

7 Any further discussion?

8 Not seeing or hearing anything, Ms. Schellin,
9 would you do a roll call vote, please?

10 MS. SCHELLIN: Commissioner Miller?

11 VICE CHAIR MILLER: Yes.

12 MS. SCHELLIN: Commissioner Stidham?

13 COMMISSIONER STIDHAM: Yes.

14 MS. SCHELLIN: Commissioner Hood?

15 CHAIRPERSON HOOD: Yes.

16 MS. SCHELLIN: Commissioner Imamura?

17 COMMISSIONER IMAMURA: Yes.

18 MS. SCHELLIN: The vote is four to zero to one to
19 take proposed action on case number 23-25 and this one,
20 Commissioner Miller, will have a 30-day comment period
21 because it's a rulemaking case.

22 VICE CHAIR MILLER: Thank you.

23 CHAIRPERSON HOOD: All right. Do we have
24 anything else, Ms. Schellin?

25 MS. SCHELLIN: Okay. So I want to clarify.

1 That's 30 days after the proposed rulemaking is published
2 in the DC register. So from that Friday it's published the
3 30-day clock starts ticking. Thank you.

4 And nothing else, Chairman Hood.

5 CHAIRPERSON HOOD: Okay, thank you.

6 I want to thank everybody. These two cases that
7 we had here, well, we had three, but two of them were very
8 difficult. We put a lot of time into it. I want to thank
9 the community and I want to thank all the government
10 agencies who helped prepare us, and especially our Office
11 of Zoning Legal Division, which really helped us get ready,
12 our staff and all who been fielding a lot of the calls, a
13 lot of the complaints.

14 But we were put here, this Commission, Ms.
15 Stidham, Commissioner Imamura, and Vice Chair Miller, we
16 were put here for a time such as this. I think we, while
17 we may not always agree, we come to a better outcome with
18 the dialogue.

19 And I really appreciated the dialogue we had on
20 the first case, and the second one, but the exchange we
21 had, because I think we came up with a good outcome. And I
22 hope that the citizens, especially in that area, appreciate
23 it.

24 So thank you, my colleagues as well, for
25 everything you all have done to get us to this point.

1 Now, the good news is we'll be meeting again July
2 the 15th, I believe, at 4:00 p.m. on the same platforms.
3 Zoning Commission case number 24-02, it's the WAMATA case
4 at 4:00 p.m.

5 With that, this meeting's adjourned, you all have
6 a great weekend.

7 VICE CHAIR MILLER: You too.

8 (Whereupon, the meeting was adjourned at 6:01
9 p.m.)

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This is to certify that the foregoing transcript

In the matter of: Public Meeting

Before: DC Zoning Commission

Date: 7-11-2024

Place: Teleconference

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



Gary Euell