

GOVERNMENT OF
THE DISTRICT OF COLUMBIA

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ZONING COMMISSION

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REGULAR PUBLIC HEARING

+ + + + +

THURSDAY

JANUARY 30, 2025

+ + + + +

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

ZONING COMMISSION MEMBERS PRESENT:

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

OFFICE OF ZONING STAFF PRESENT:

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

OFFICE OF ZONING LEGAL DIVISION STAFF PRESENT:

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

The transcript constitutes the minutes from the Regular Public Hearing held on January 30, 2025.

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

(4:00 p.m.)

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

Copies of today's meeting agenda are available on the Office of Zoning's website. Please be advised that this proceeding is being recorded by a court reporter and is also webcast live via Webex and YouTube Live. The video will be available on the Office of Zoning's website after the meeting. Accordingly, all those listening on Webex or by phone will be muted during the meeting.

For 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

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1 otherwise. If you experience difficulty accessing Webex or with
2 your telephone call-in, then please call our OZ hotline number
3 at 202-727-0789 for Webex login or call-in instructions.

4 At this time the Commission will consider any
5 preliminary matters. Does the staff have any preliminary
6 matters?

7 MS. SCHELLIN: None at this time.

8 CHAIRPERSON HOOD: Okay. What I would like to do,
9 colleagues, is to move the agenda around just a little bit. We're
10 going to start off with hearing action and hopefully the Office
11 of Planning is ready to come up now. Give them a moment and
12 we'll start off with hearing action Zoning Commission Case No.
13 24-13, The McDonalds Corporation Map Amendment at Square 5094.
14 Ms. Myers.

15 (Pause.)

16 CHAIRPERSON HOOD: Okay, there we go. Good afternoon,
17 Ms. Myers.

18 MS. MYERS: Good evening, Commissioners.

19 CHAIRPERSON HOOD: Good evening.

20 MS. MYERS: Crystal Myers with the Office of Planning.
21 The Office of Planning recommends setting down
22 McDonalds, LLC's request for a map amendment to rezone 4301 Nannie
23 Helen Burroughs Avenue, Northeast from MU-3A to MU-7B. This map
24 amendment would not be inconsistent with the comprehensive plan.
25 In the comprehensive plan the future land use map designates the

1 property for a mix of medium density commercial and medium density
2 residential uses and the generalized policy map designates the
3 property as Neighborhood Commercial Center. MU-7B is a zone that
4 permits medium density mixed use development, so it would not be
5 inconsistent with these designations.

6 The generalized policy map also identifies the property
7 as resilient focus designated area because it is within the 100-
8 year flood plain. If the property redevelops, it should adopt
9 climate adaptive solutions that contribute to the District's
10 watershed resilience.

11 OP does not recommend IZ Plus in this case. At this
12 time the Far Northeast Southeast Planning Area has a considerable
13 number of dedicated affordable units and exceeds the District's
14 target for adding to the affordable housing supply. This map
15 amendment is also not inconsistent with the 2024 Nannie Helen
16 Burroughs small area plan. Next slide, please.

17 Next slide after that. Thank you.

18 When considered through a racial equity lens, the
19 subject property is in the Far Northeast Southeast Planning Area.
20 This planning area is over 90 percent Black and African American
21 and has a median household income that is about half the median
22 income District wide. Unlike other parts of the city, in the
23 past the Far Northeast Southeast Planning Area experienced very
24 little investment.

25 In recent years this has started to change with there

1 being an increase in residential development and capital
2 improvements. In order to continue this momentum in a direction
3 desired by community members and existing business owners, a
4 series of future land use map changes were done when the
5 comprehensive plan was updated in 2021. This property's land use
6 designation was changed as part of that effort. The MU-7B zone
7 would be more in line with the land use recommendation for medium
8 density on the site. Though unlikely in the short term, in the
9 long term, this map amendment could eventually attract more
10 housing and commercial development to the site which could
11 enhance opportunities for higher quality retail and neighborhood
12 services in this community.

13 And with that I will conclude the OP testimony, but of
14 course am here for questions. Thank you.

15 CHAIRPERSON HOOD: Thank you, Ms. Myers.

16 Before I go to Commissioner Imamura, I do have one
17 question and that question is do we know of any known opposition
18 to this amendment?

19 MS. MYERS: I'm not aware of any opposition but I do
20 know that Department of Transportation is likely to perhaps
21 oppose it because of potential for a drive-through. But I know
22 in previous cases that is usually their policy.

23 CHAIRPERSON HOOD: Yeah. I know of other, yeah, that
24 was policy in that case. I think while they're similar, I don't
25 know. We'll wait to see exactly what's going on with that. Okay.

1 I don't have anything else.

2 Commissioner Imamura, any questions or comments?

3 COMMISSIONER IMAMURA: Thank you, Mr. Chairman and
4 thank you, Ms. Myers, for your report.

5 I'm in agreement and in line with the Chairman here
6 about this seems to resemble case 22-19 that we heard a while
7 back I think, and so certainly understand that it might run
8 contrary to DDOT's position for a drive-through that I remember
9 we had significant community engagement participation in that and
10 I think it created a better outcome, as the Chairman always
11 states.

12 So I'm interested in setting this down and seeing where
13 this leads, and certainly hope for a robust discussion with the
14 community on this as we had in case 22-19. So, thank you for
15 your report and the work that you do.

16 CHAIRPERSON HOOD: Okay.

17 And, Commissioner Stidham, any questions or comments?

18 COMMISSIONER STIDHAM: Thank you, Ms. Myers, for your
19 report.

20 I don't really have anything to add to what has already
21 been said, but do look forward to some robust public engagement
22 and conversations on this matter.

23 CHAIRPERSON HOOD: Okay.

24 Commissioner Wright, any questions or comments?

25 COMMISSIONER WRIGHT: No. I agree it should be set

1 down and that we should discuss it.

2 CHAIRPERSON HOOD: Vice Chair Miller?

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

4 Yeah. I too agree that it should be set down. I guess
5 since it is so similar to the case we decided in 22-19 on South
6 Dakota Avenue, Northeast, I just would be interested from OP how
7 that's working out. The drive-through there is serving the
8 community, or is it there yet?

9 CHAIRPERSON HOOD: It's still a walk-through. It
10 hasn't even started.

11 VICE CHAIRPERSON MILLER: Okay. So we don't, so there's
12 no reaction to a change because of what we did. All right. Well
13 if there is by the time we have a hearing, if you can just check
14 on that and see how it's working out. That's the only thing I
15 was interested in in particular.

16 Thank you.

17 MS. MYERS: Understood.

18 CHAIRPERSON HOOD: Okay. Colleagues, we have in front
19 of us, I would move, unless I hear otherwise, I would move that
20 we set down -- you know, I don't know if it's easy to move the
21 mouse or either to shuffle paper around -- I would move that we
22 set down Zoning Commission Case No. 24-13, and thank Ms. Myers
23 for a very well done report, and ask for a second.

24 COMMISSIONER IMAMURA: Second.

25 CHAIRPERSON HOOD: It's been moved and properly

1 seconded. Any further discussion?

2 (No response.)

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

5 MS. SCHELLIN: Sure.

6 Commissioner Hood?

7 CHAIRPERSON HOOD: Yes.

8 MS. SCHELLIN: Commissioner Imamura?

9 COMMISSIONER IMAMURA: Yes.

10 MS. SCHELLIN: Commissioner Wright?

11 COMMISSIONER WRIGHT: Yes.

12 MS. SCHELLIN: Commissioner Miller?

13 VICE CHAIRPERSON MILLER: Yes.

14 MS. SCHELLIN: Commissioner Stidham?

15 COMMISSIONER STIDHAM: Yes.

16 MS. SCHELLIN: Staff would record the vote five to zero
17 to zero to set down Zoning Commission Case No. 24-13 as a
18 contested case. Thank you.

19 CHAIRPERSON HOOD: Okay. Thank you.

20 Let's go to hearing Zoning Commission case, hearing
21 action, Zoning Commission Case No. 24-19 DC Child and Family
22 Services (DCFS), Text Amendment to Subtitle B, 100.2 definition
23 of Youth Residential Care Home.

24 Ms. Brown-Roberts.

25 MS. BROWN-ROBERTS: Good evening Mr. Chairman and

1 members of the Zoning Commission. Maxine Brown-Roberts on Zoning
2 Commission Case 24-19.

3 The DC Child and Family Service Agency, also known as
4 CFSA, submitted a request for a text amendment to Subtitle B,
5 Section 100.2 which is definition for Youth Residential Care Home
6 to specify that an individual 18 years or older or up to 20 years
7 is considered a child if that individual is in foster care. The
8 application also included a request that the Zoning Commission
9 take emergency action to adopt the proposed text amendment, set
10 the petition down for public hearing, and to authorize immediate
11 publication of the proposed rulemaking for the petition.

12 CFA's request that the zoning regulation would allow
13 youth residential care homes to house individuals up to 18 years
14 be amended to be in concert with CFA's regulations and licenser
15 of the youth residential care homes to house foster children for
16 up age 20 years. Next slide.

17 Prior to 2023, the Department of Buildings would issue
18 permits for CFA and their providers to retain foster children in
19 their facilities for up to 20 years of age. However, since 2023
20 DOB has stopped issuing permits for individuals over 18 years and
21 therefore CFSA can no longer license these facilities as one of
22 the licenser requirements is that they have a permit from DOB for
23 individuals above 18 years.

24 Currently, there are eight facilities that are licensed
25 to accept foster children in Wards 4, 5, 6 and 7. All of these

1 license have expiry dates sometime in 2025 and will need new
2 permits from DOB to accommodate individuals over 18-years-old.
3 The proposed text amendment would bring the zoning and CFA's
4 regulation in concert. Next slide.

5 The proposed text amendment by CFA is shown in the top
6 box and OP's alternative language is shown in the bottom. In
7 OP's alternative, the word children would replace individuals
8 less than 18 years of age to accommodate CFA's definition of a
9 child which includes individuals up to 20 and in the custody of
10 CFSA. Instead of using the specific reference to CFA's regulation
11 which may be subject to change and becoming consistent with that
12 stated in zoning regulation, we recommend stating that it applies
13 to children to age 20 years or in the custody of CFSA as they
14 are the only direct entity that license youth residential care
15 homes. CFSA is in agreement with the OP alternate amendment.

16 The proposed amendment would not be inconsistent with
17 the comprehensive plan. In the context of equity when children
18 enter foster care CFSA's priority is that they be placed with
19 relatives and if relatives are not available then CFSA will place
20 children in a family-based foster home with non-relatives. To a
21 much lesser extent, CFSA places all the children and individuals
22 in group facilities. Next slide.

23 CFA's foster care demographic shows that in 2023 the
24 total number of children in foster care was trending down but
25 trended upwards in 2024 and that individuals of 18 years are the

1 smallest segment of the population. Between 2023 and 2024 the
2 number of individuals over 18-years-old had been trending down
3 and in the last three quarters of 2024 there was a consistent 95
4 individuals over 18-years in foster care. Next slide.

5 The dashboard also shows that most of the individuals
6 in foster care of 80 percent are Black or African Americans.
7 This population has historically been underserved and the current
8 regulations could make the situation worse. The proposed text
9 amendment would not be inconsistent with the comprehensive plan
10 written elements on providing housing and community services from
11 vulnerable populations and persons with disabilities and the
12 coordination of housing and support services for vulnerable
13 populations. The proposed text amendment would not result in the
14 displacement of any tenants or residents, but would facilitate
15 the opportunity for housing for persons who need continued
16 housing and other support prior to losing their house in support.

17 Regarding community engagement, CFSA states that over
18 the past 20 years they have had a variety of community engagement
19 and outreach, particularly when a home is to be cited in a
20 community and they're also engaged with community whenever issues
21 arise and are brought to their attention. CFA is currently
22 compiling the details of their prior engagement and will do
23 additional outreach particular to this text amendment prior to
24 the public hearing if the proposal is set down.

25 In summary, OP recommends that the OP alternative text

1 amendment be set down for public hearing. The consideration of
2 emergency action and the publication of the proposed rulemaking
3 for the petition is the purview of the Zoning Commission.

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

6 CHAIRPERSON HOOD: Thank you, Ms. Brown-Roberts and
7 before I go to Commissioner Wright I do have one or two questions.

8 I am just curious, and I notice there's a request for
9 emergency, what harm would the Commission do if we don't do an
10 emergency and we go through our regular normal course which I
11 don't know how long that would take. Is there any detrimental
12 harm being done to anyone that the Office of Planning knows about?

13 MS. BROWN-ROBERTS: Not that we know about. What the
14 Applicant has conveyed to us is that, you know, they, as I stated
15 on the table all the facilities right now have an expiry date,
16 their license will expire some time in 2025. So I think that is
17 the basic problem that they're facing but it's not that, you
18 know, persons are going to be in the streets right away.

19 CHAIRPERSON HOOD: Okay.

20 MS. BROWN-ROBERTS: They're in housing.

21 CHAIRPERSON HOOD: Okay. That's my concern. I did
22 read the letter about the outreach about people been knowing
23 about it for 20 years and I don't know if that, I would consider
24 that a whole lot of outreach. But, you know, in this day and
25 time you have to kind of tell us every week because things do

1 change.

2 I'm just curious to know, I'm hoping that -- if we
3 don't, and it depends on what the Commission wants to do, but if
4 we don't do an emergency I'm just hoping that our process will
5 finish before things expire for people because we don't want
6 anybody to have any problems. So I'll leave it at that.

7 MS. BROWN-ROBERTS: Yes.

8 CHAIRPERSON HOOD: Let me go to Commissioner Wright.
9 Any questions or comments?

10 COMMISSIONER WRIGHT: Thank you.

11 I do support this text amendment. I think that the
12 language developed by OP and agreed to by the Applicant is
13 definitely the language we should go with. I also, like the
14 Chair, had some questions about whether this was truly an
15 emergency.

16 The thing that does concern me is on the chart that you
17 shared with us. There are a couple of properties that do have
18 young people up to age 21 that will expire in April and that
19 would mean if we didn't get all of our work done by then, that
20 those properties might be sort of in limbo. There might be a
21 little bit of a problem with them, and I think given that I would
22 be willing to consider this as an emergency action but I feel
23 very strongly that if we do that, that the Applicant needs to
24 take the time before we actually have a hearing on this to really
25 figure out how to do some additional outreach and to demonstrate

1 that they've done additional outreach.

2 Maybe it's with the, you know, if the only housing that
3 they have are the ones that you showed in that chart maybe it's
4 a matter of simply reaching out to the ANCs where those particular
5 homes are located, but there may be other ways to do outreach
6 that I'm just not thinking of at this moment.

7 So, No. 1, I support the concept that there needs to
8 be opportunities for housing young people who have been in the
9 foster care system up to the age of 21 and I support the idea of
10 doing it as an emergency because I don't want those few existing
11 group homes that are going to expire in April run into a timing
12 emergency. But I really, really strongly encourage and will be
13 looking for some robust community outreach so that we can
14 understand if there are concerns from the community about this
15 proposal.

16 So those are my comments.

17 CHAIRPERSON HOOD: Okay. Thank you, Commissioner
18 Wright.

19 Commissioner Imamura, any questions or comments?

20 COMMISSIONER IMAMURA: Thank you, Mr. Chairman.

21 Ms. Brown-Roberts, thank you for your report. I agree
22 with the Chairman that this should be resolved before it does
23 expire. I also agree with Commissioner Wright's approach which
24 seems reasonable, should the Commission decide to grant emergency
25 action in that we deem it appropriate here.

1 But otherwise I don't have any questions. Thank you
2 very much for responding to the questions that the Chairman and
3 Commissioner Wright have and I'm interested to hear my other
4 fellow Commissioners and what they have to say.

5 CHAIRPERSON HOOD: Thank you, Commissioner.

6 Commissioner Stidham, any questions or comments?

7 COMMISSIONER STIDHAM: Thank you, Ms. Brown-Roberts,
8 for your report.

9 I think the only comment is out of an abundance of
10 caution, I tend to agree with Commissioner Wright's approach just
11 to ensure that there is no gap for these individuals. We get
12 backed up sometimes and I just want to make sure that no one is
13 left uncovered. But other than that, nothing more from me.

14 CHAIRPERSON HOOD: Okay. Thank you.

15 Vice Chair Miller?

16 VICE CHAIRPERSON MILLER: Thank you, Mr. Chairman, and
17 thank you, Ms. Brown-Roberts, for your report and the information
18 you provided.

19 I share the comments that have been made by my
20 colleagues about this. You know, this basically seems like it's
21 bringing our zoning regulations into conformity with what the
22 policy in the District government has been in terms of the CFSA
23 regulations and the CFSA regulations are in conformance with the,
24 I think it's a 1986 Youth Residential Facilities Act that was
25 originally (indiscernible) by the Council and signed by the

1 Mayor.

2 Do we know, was there a change in that period since the
3 original '86 enactment of law, the Youth Residential Licensure
4 Facility law when the age may have changed of youth from 18 to
5 21 or has it always been -- do you happen to know whether there
6 was a change or is it just that the zoning administrators realized
7 that our regulations were out of conformance with what the
8 regulations and the law provide?

9 MS. BROWN-ROBERTS: I don't know if it, you know, if
10 there was a change before. When I spoke to the Applicant
11 representative I think it has been that way for a while. I think
12 it's just that the zoning regulations just went up to 18 because
13 in the zoning regulation in most cases we think of a child as up
14 to 18-years-old. In this case it's up to 21.

15 VICE CHAIRPERSON MILLER: And do you have any
16 information from the Department of Buildings on what action they
17 would take if we did not set it down as an emergency but did set
18 it down as a text amendment and scheduled a public hearing. Would
19 they take enforcement action upon the expiration of the, I guess
20 it might place those facilities in some legal jeopardy?

21 MS. BROWN-ROBERTS: On the chart, yeah, on the chart
22 you'll see that there are two facilities that have, that go up
23 to 18 years and I was told that they had applied to get 21 but
24 because of the regulations they could only go up to 18. So, you
25 know, they'd have to find other facilities for, you know, say the

1 one that comes up in April, they'd have to find other ways of
2 accommodating them because CFSA would not be able to license the
3 facility.

4 VICE CHAIRPERSON MILLER: Okay. So those appear to be
5 in immediate need for these facilities to be licensed properly
6 because there are 18 to 20-year-olds who need to be housed in
7 them.

8 Okay. Thank you. That's very important to know.

9 MS. BROWN-ROBERTS: Okay.

10 CHAIRPERSON HOOD: Any follow-up questions or comments?
11 Okay. Thank you, Ms. Brown-Roberts.

12 As a result of the conversation that my colleagues I
13 believe had with Ms. Brown-Roberts I was prepared to, I can tell
14 you what I was prepared to do, but now I was prepared to set it
15 down and if it got to be an emergency, I was ready to bring it
16 back and just deal with it. But I think we can just go ahead,
17 as I think Commissioner Stidham and Commissioner Wright
18 eloquently mentioned, we don't want to keep anybody uncovered.
19 I'm in support, as Commissioner Wright and I believe Commissioner
20 Stidham are and I'm sure, I think all of us are I believe,
21 especially the comments that I've heard for the 19, 20, 21-year-
22 olds, I want to make sure that nobody's uncovered. So I would
23 go ahead, and I know we don't usually just hand out emergencies
24 but I think in this time this particular case I think it warrants
25 it. If anything warrants it I think it warrants it now.

1 But let me hear from others. Anybody else have
2 anything to say about the emergency and the setback?

3 COMMISSIONER IMAMURA: I agree with you, Mr. Chairman,
4 there's an exigent need.

5 CHAIRPERSON HOOD: Okay. All right.

6 So Commissioner, all of us I believe, Vice Chair
7 Miller, you're on board too, right?

8 VICE CHAIRPERSON MILLER: Yes, I agree with you, Mr.
9 Chairman.

10 CHAIRPERSON HOOD: Okay. Great. Okay. Would somebody
11 like to make a motion?

12 COMMISSIONER WRIGHT: I can make a motion, if you'd
13 like. I move that we approve Zoning Case No. 24-19, DC Child
14 and Family Services (DCFS) Text Amendment to Subtitle B, Section
15 100.2 definition of Youth Residential Care Home with the
16 understanding that it's the language that was proposed by OP and
17 agreed to by the Applicant that would move forward, and with the
18 understanding that we are going to take this action as an
19 emergency action and that we will set the hearing for as soon as
20 it can possibly be set.

21 COMMISSIONER STIDHAM: Second.

22 CHAIRPERSON HOOD: Okay. It's been moved and properly
23 seconded. Any further discussion?

24 (No response.)

25 CHAIRPERSON HOOD: Not hearing any, Ms. Schellin, would

1 | you do a roll call vote, please?

2 | MS. SCHELLIN: Commissioner Wright?

3 | COMMISSIONER WRIGHT: Yes.

4 | MS. SCHELLIN: Commissioner Stidham?

5 | COMMISSIONER STIDHAM: Yes.

6 | MS. SCHELLIN: Commissioner Hood?

7 | CHAIRPERSON HOOD: Yes.

8 | MS. SCHELLIN: Commissioner Miller?

9 | VICE CHAIRPERSON MILLER: Yes.

10 | MS. SCHELLIN: Commissioner Imamura?

11 | COMMISSIONER IMAMURA: Yes.

12 | MS. SCHELLIN: Staff records the vote five to zero to
13 | zero to approve emergency action and setdown for Zoning
14 | Commission Case No. 24-19 and it is being setdown as a rulemaking
15 | case.

16 | Thank you.

17 | CHAIRPERSON HOOD: Thank you, Ms. Brown-Roberts.

18 | Okay. Let's go back with our original order. I think
19 | that was the last hearing action, unless I missed something.
20 | Okay. Let's go back to our modification without hearing. Ms.
21 | Schellin? I'm sorry. Zoning Commission Case No. 91-07A.
22 | Whenever you're ready, Ms. Schellin.

23 | MS. SCHELLIN: Yes, sir.

24 | This is the International Monetary Fund PUD
25 | modification without hearing at Square 120. The Applicant is

1 requesting this modification due to they're still having issues
2 from the pandemic, so they are asking that they be able to move
3 forward with this, and this is actually postponed from your
4 December 19th public meeting, and so to allow the ANC 2A who did
5 not have a full set of commissioners. However, since then they
6 still do not have a full quorum due to changes, I think since
7 the (indiscernible) I think they are going to maybe have a new
8 election. The ANC provided a letter I think to that situation
9 at Exhibit 7 which the Applicant has responded to and they would
10 like the Commission to proceed with voting on this case and will
11 leave it up to the Commission to proceed as they would like to
12 do so.

13 Thank you.

14 CHAIRPERSON HOOD: Thank you, Ms. Schellin.

15 I will just say that I know having run the election
16 this last week over the ANC I know residents, if you listen to
17 Anthony Hood, we need your ANCs, we need the volunteers.
18 Residents, please join your local ANC. We had three openings in
19 mine and we only have seven spots, so I get it, I understand it,
20 we understanding it. But we really need our ANC Commissioners
21 so, and I hope 2A is able to accomplish getting a quorum as well.
22 I think this is, when I look at what's being asked I think it's
23 de minimis and I hope the ANC agrees with this.

24 The Applicant's justification with the modification
25 because current security protocols do not allow for general

1 public access to IMF headquarters which we know nowadays the time
2 and heightened security landscape has made requirements for
3 visitors' access to IMF headquarters more stringent. We know how
4 things have changed so I think maybe a modification which I think
5 is in Zoning Commission Order No. 310 to remove condition 13
6 which requires a publicly accessible library and reading room
7 which was very amenable at the time, I think I was around for
8 some of this, and then the modified Zoning Commission Order 310A
9 to clarify that there's no requirement to provide a publicly
10 accessible visitors' center and auditorium as stated for the
11 security protocols and issues.

12 I think to me this is de minimis. I will be voting in
13 favor of this. But before I do all that, is there anyone that
14 believes this can be moved forward as a modification without a
15 hearing? Well, let me go around.

16 Commissioner Imamura?

17 COMMISSIONER IMAMURA: Thank you, Mr. Chairman.

18 I'm in agreement that this can move forward without a
19 hearing.

20 CHAIRPERSON HOOD: Okay. Commissioner Wright?

21 COMMISSIONER WRIGHT: I agree.

22 CHAIRPERSON HOOD: And Commissioner Stidham?

23 COMMISSIONER STIDHAM: I agree also.

24 CHAIRPERSON HOOD: And Vice Chair Miller?

25 VICE CHAIRPERSON MILLER: Yes, I concur.

1 CHAIRPERSON HOOD: Okay.

2 Does anyone want to add to anything that I have
3 mentioned? Okay. Not seeing anyone. Okay.

4 Commissioner Wright?

5 COMMISSIONER WRIGHT: If I could just say one thing.
6 I am going to vote in favor of this but, and I don't know if this
7 is the right time to make my comments or not, but I do have some
8 misgivings because I went back and I looked at the record when
9 this PUD was originally approved and this use was considered very
10 important. In fact, the language actually says, I'm quoting,
11 "One of the most important public amenities will be the reading
12 and exhibit room which will contain information relating to
13 international organizations and economic affairs, reference books
14 and a wide range of international and financial periodicals.
15 Also a lecture area will be available for presentations about the
16 IMF and there will be an exhibit area for exhibits on, for
17 example, money and trade."

18 And so it was not just sort of a throw away or a very
19 small comment, it was an important part of the amenity package
20 and, you know, in my druthers IMF, while I certainly understand
21 they cannot continue because of security concerns with this
22 visitors' center, that they would have proposed something to take
23 the place of it because it was a pretty big zoning change.
24 Looking back the original zoning allowed for like four FAR and
25 the building got nine FAR through the PUD process and so it was

1 a pretty big increase in zoning and the list of amenities was
2 not frankly all that robust and this was one of the ones that
3 they counted as being very important.

4 However, you know, it's hard now because there isn't a
5 community that seems to be, you know, really organized at this
6 point to advocate so I don't even know what an appropriate
7 substitute amenity would be because I think that really has to
8 come from the community, not from, you know, not from this body.

9 So I would just say, you know, I'm happy to vote for
10 this. I think it is a very old PUD. I think that probably this
11 visitors' center hasn't been actually functional for quite a
12 while given, you know, covid and other security concerns but, you
13 know, I would really encourage the folks with the IMF to talk to
14 the community as, you know, time goes by to see if there are
15 additional opportunities to really work with the community on
16 some amenities that might be funded, whether it be additional
17 upgraded landscaping or, you know, public art or, you know,
18 something that would be an additional amenity that they could
19 just talk to the community about.

20 In this case, you know, again, I'm going to vote in
21 favor of this but I do think just that we have to be pretty
22 careful about letting go of amenities that were offered up as
23 part of a PUD because the folks who got that PUD got some pretty
24 significant zoning concessions in exchange for amenities. So I
25 would just put that out there.

1 CHAIRPERSON HOOD: Thank you, Commissioner Wright.

2 I will tell you when I first looked at that I was like,
3 okay, what are they offering and I would agree with everything
4 you just said. So, you know, I could come up with some more
5 proposals about pushing it back and waiting until they get staffed
6 up but no, I don't think I want to go that far. But I do think
7 that your last comment should be so noted and I want to depend,
8 we're going to depend I believe on the Applicant to do what is
9 called a good faith in working with that ANC once they get staffed
10 up and kind of work out, as you mentioned, landscape or do
11 something in replacing that amenity.

12 Was that a motion? Do we have a motion yet? Okay.
13 All right. Well I --

14 VICE CHAIRPERSON MILLER: I just wanted to, Mr.
15 Chairman? I just wanted to make a comment that I share the views
16 that Commissioner Wright and you have expressed, Mr. Chairman,
17 and I hesitate to bring this up as it's really not part of any
18 zoning record from the previous approved PUD.

19 But I recall, and maybe my recollection might be wrong
20 from the 1980s, that there was an alley closing associated with
21 this development that went to the Council which I happened to be
22 staffing that issue at the time and there was a mediation with
23 the community about this development in connection with the alley
24 closing, not the zoning, but it's the same project I think, I
25 might be misremembering, and part of that mediation which then

1 Chairman David Clark initiated between the community and the IMF,
2 they gave a contribution to Western Presbyterian Church as I
3 recall to renovate their church building which is a few blocks
4 away in the Foggy Bottom community and provide, which enabled
5 Western Presbyterian to stay there, renovate and provide homeless
6 feeding services which they continue to provide to this day from
7 Miriam's Kitchen.

8 So I just, this really is not relevant to the issue of
9 amenities in a zoning case but I think it's the same project, it
10 did have a lot of community input at the time at the Council
11 level and there was an agreement reached which the community and
12 the city has benefited from all these years.

13 CHAIRPERSON HOOD: Thank you for that insight, Rob.
14 When you mentioned David Clark, man, you went way back. I was
15 trying to figure out where I was. I think I was in high school,
16 but anyway you really went way back. All right. So thank you
17 for bringing that to our attention. So any further discussion?
18 All right.

19 I move that we approve as noted Zoning Commission Case
20 No. 91-07A and ask for a second. 4

21 COMMISSIONER WRIGHT: Second.

22 CHAIRPERSON HOOD: It's been moved and properly
23 seconded, as captioned. Any further discussion? Not hearing,
24 Ms. Schellin, would you do a roll call vote, please?

25 (Pause.)

1 CHAIRPERSON HOOD: Ms. Schellin? Did we lose you?
2 There you go. I think we lost you.
3 (Pause.)
4 CHAIRPERSON HOOD: Do you want to log off and come back
5 on or do you want me to call for the vote?
6 (Pause.)
7 CHAIRPERSON HOOD: Okay. All right. It's been moved
8 and properly seconded. Let me do a roll call vote.
9 Commissioner Hood? Yes.
10 Commissioner Wright?
11 COMMISSIONER WRIGHT: Yes.
12 CHAIRPERSON HOOD: Commissioner Imamura?
13 COMMISSIONER IMAMURA: Yes.
14 CHAIRPERSON HOOD: Commissioner Stidham?
15 COMMISSIONER STIDHAM: Yes.
16 CHAIRPERSON HOOD: And Vice Chair Miller?
17 VICE CHAIRPERSON MILLER: Yes.
18 CHAIRPERSON HOOD: This is approved with a vote five,
19 zero to zero and this has been approved. Ms. Schellin, if you
20 could just write that down until you're able to get back on.
21 All right. Let's keep right on moving.
22 MS. SCHELLIN: My screen refreshed. Can you hear me
23 now?
24 CHAIRPERSON HOOD: Yeah, I can hear you now
25 (indiscernible).

1 MS. SCHELLIN: My screen keeps freezing. Hillary said
2 she's having that issue too. Commissioner Hood?

3 CHAIRPERSON HOOD: Okay, yes. We'll do it again I
4 guess.

5 MS. SCHELLIN: Commissioner Hood?

6 CHAIRPERSON HOOD: Yes.

7 MS. SCHELLIN: Okay.

8 Commissioner Wright?

9 COMMISSIONER WRIGHT: Yes.

10 MS. SCHELLIN: Commissioner Miller?

11 VICE CHAIRPERSON MILLER: Yes.

12 MS. SCHELLIN: Commissioner Stidham?

13 COMMISSIONER STIDHAM: Yes.

14 MS. SCHELLIN: Commissioner Imamura?

15 COMMISSIONER IMAMURA: Yes.

16 MS. SCHELLIN: The vote is five to zero to zero to
17 approve final action Zoning Commission Case No. 91-07A. Thank
18 you. (Audio interference) within the next two weeks. Thank you.

19 CHAIRPERSON HOOD: While we're doing this you might
20 want to reboot because you're going in and out. But we better
21 hurry up for the rest of (indiscernible).

22 MS. SCHELLIN: Okay. We'll do next case and I'll
23 reboot.

24 CHAIRPERSON HOOD: Okay. All right. Let's go to final,
25 oh, you know what? Don't reboot yet. Don't reboot yet.

1 MS. SCHELLIN: Don't reboot?

2 CHAIRPERSON HOOD: No, don't reboot.

3 MS. SCHELLIN: Yeah. I'm going to give you the next
4 case and then I'm going to reboot.

5 CHAIRPERSON HOOD: Oh, okay, okay.

6 Our final action Zoning Commission Case No. 23-25.
7 This is the Office of Planning Text and Map Amendment to create
8 new Chevy Chase Neighborhood Mixed Use Zones.

9 Ms. Schellin.

10 MS. SCHELLIN: Just very quickly. This case was
11 deferred from the December 19th meeting also so that we could
12 have Commissioner Imamura participate and since Commissioner
13 Wright was not on this case she wanted to have all four
14 Commissioners here, and they are here.

15 Thank you.

16 CHAIRPERSON HOOD: Okay, yeah. We did not want to move
17 forward just three of us. We thought it was very important that
18 Commissioner Imamura be with us on this case. As noted,
19 Commissioner Wright is not participating on this particular case.
20 So with that I would ask Vice Chair Miller to get us started on
21 this one.

22 Thank you.

23 VICE CHAIRPERSON MILLER: Okay. Well, thank you, Mr.
24 Chairman.

25 The Zoning Commission took proposed action on this case

1 at its July 11th, 2024 meeting and I spoke extensively, as did
2 my colleagues, at that meeting and I would ask that those comments
3 be incorporated into the record of this meeting as well. I don't
4 want to be too redundant but I will recap what's happened since
5 then, some of what's happened since then to the best of my ability
6 and briefly and succinctly as I can.

7 The case was referred to NCPC and they made a finding
8 of no adverse impacts on the Federal interest. The ANC 3/4G
9 adopted a new resolution in December I believe at Exhibit 469 and
10 that, I'll just summarize it briefly. That ANC resolution stated
11 that it reaffirms the positions that it had taken in its April
12 25th resolution which was at the time of our first hearing on
13 this, if I recall, but modified it in two ways.

14 It raised the maximum allowable building height with
15 permissible penthouses and various bonuses that the ANC seeks for
16 the modified Chevy Chase 1 zone from 60 feet to 65 feet to address
17 concerns about floor loss and crowded mechanical space that OP
18 described at the April 29th Zoning Commission hearing and that
19 ANC resolution in December also adjusted its call for uniform lot
20 occupancy maximum of 60 percent to take into account the needs
21 for affordable housing incentives and the ability to create
22 conditions, continuous retail storefront along Connecticut
23 Avenue.

24 The ANC now calls for 60 percent lot occupancy for
25 residential or 75 percent with inclusionary zoning and up to 100

1 percent lot occupancy for non-residential because of the need to
2 ensure adequate open space. At the Community Center Library site
3 ANC seeks to uniform 60 percent lot occupancy maximum for that
4 site.

5 So the ANC did move in the direction of where OP and
6 the Commission was in its proposed action, however OP submitted
7 its second supplemental report at Exhibit 470 which stated that,
8 which I agree with. Let me state that at the outset. I agree
9 with the Office of Planning's response to the ANC resolution and
10 I'll get into what the OP's positions were and maybe supplement
11 them with some of my own.

12 But OP stated that, the Office of Planning stated it
13 opposed the changes suggested in the new ANC resolution because,
14 1) the OP proposal as adopted by the Zoning Commission proposed
15 action is not inconsistent with and furthered policy direction
16 of the comprehensive plan including the future land use map, the
17 generalized policy map, the citywide elements, the Rock Creek
18 West area framework and the elements and the Connecticut Avenue
19 policy area. It incorporated important land use and design
20 criteria of the Chevy Chase small area plan which had substantial
21 community input and was adopted by the Mayor and Council.

22 It furthered objectives of other important policy
23 documents including the Rock Creek West Roadmap and the 2025
24 Housing Equity Goals. Affordable housing and market rate housing
25 were the primary drivers of this Chevy Chase small area plan in

1 addition to renovating modernizing the civic site that has the
2 outmoded, outdated community center, the outdated outmoded
3 library. They need renovation and so there was an extensive
4 planning process involving community input throughout all these
5 documents that I've mentioned that called for that renovation but
6 with incentives to allow for affordable housing and market rate
7 housing and there were land use map changes made in the
8 comprehensive plan by the Council and Mayor as a result of the
9 Chevy Chase small area plan planning process.

10 So OP stated that it was opposed to, and I agree with
11 OP's statement, that it's opposed to ANC support for eliminating
12 and mixed use Chevy Chase 2 zone for the civic site and instead
13 applying the mixed use Chevy Chase 1 zone to the civic site, as
14 well as the rest of the corridor because it believed, which I
15 share this belief, that, 1) it would be less consistent with the
16 comprehensive plan and Chevy Chase small area plan direction.

17 That both, secondly, that both Chevy Chase zones had
18 mixed use for MU-4 as the base but the MU Chevy Chase 1 zone that
19 included into design related requirements specific to the
20 guidelines for the corridor which would not be appropriate for
21 the civic site while this Chevy Chase 2 zone, mixed use zone,
22 included different criteria for the civic site that would be lost
23 under a single zone approach recommended by the ANC.

24 Although OP conceded that the ANC's modified proposal
25 was generally consistent with the comprehensive plan, it

1 | believed, and I share this belief, that it would be less
2 | consistent with what the OP proposal is and with which the goals
3 | of trying to maximize affordable housing and market rate housing
4 | on the civic site and along the corridor as well as activating
5 | the corridor while having sufficient design criteria setbacks,
6 | step downs and other design criteria that would protect the
7 | adjacent residential, lower density residential neighborhoods and
8 | facilitate an activated retail corridor along the ground floor.

9 | I should also mention on that point that while we share
10 | the concern about, we share the concern about the effect on
11 | existing retail businesses in the current Chevy Chase, upper
12 | Chevy Chase, upper Connecticut Avenue area of Chevy Chase. There
13 | are great businesses there that provide neighborhood services,
14 | well not just services to the neighborhood. I go up there often
15 | to shop in those businesses.

16 | So Office of Planning, and we had testimony by Robert
17 | Gordon of the Chevy Chase, I think Business Association, at our
18 | hearing concerned about that issue. The OP's response to that
19 | was they did share the concern as well. They thought that the
20 | zoning that's proposed actually will require, which the current
21 | zoning does not require, ground floor retail along that corridor.
22 | You know, that's something for the long term and so it may not
23 | help the existing businesses necessarily relocate back into any
24 | new development that comes along, but it's important to note that
25 | the current zoning, that the proposed zoning requires ground

1 floor retail with certain design criteria to make that to activate
2 that corridor in a way it isn't even activated now. For example,
3 along the civic site which is a dark zone, dark long block, which
4 we had testimony about at our hearing where someone was concerned
5 about coming back late at night from a church event to their
6 residence south of Livingston where they had to walk by, they
7 were concerned for their public safety when walking by the civic
8 site.

9 The proposed zoning changes will activate the ground
10 floor along the entire corridor or will require activation. There
11 also are non-zoning tools which the city can and should make
12 available including rent assistance, technical assistance, lone
13 Main Street programs which Chevy Chase is part of. So there are
14 other non-zoning tools that would be available to those existing
15 businesses.

16 So I would just say that about the ANC resolution. I
17 don't know if you want me to pause here, Mr. Chairman, before I
18 go into other issues and if any of my other colleagues want to
19 comment on the ANC resolution and whether you agree or don't
20 agree with my statement that I agree with OP in opposing. I
21 appreciate the ANC making the effort to compromise its previous
22 position, but I don't believe that it accomplishes the goals that
23 are set forth in the comprehensive plan and other planning
24 documents.

25 So I don't know if we want to comment on that or you

1 want me to just keep summarizing?

2 CHAIRPERSON HOOD: Let us opine on a little bit of what
3 you said while you take a break. You're doing a great job --

4 VICE CHAIRPERSON MILLER: Thank you. I appreciate the
5 break.

6 CHAIRPERSON HOOD: I know you need a break. I get it.
7 So let me go to Commissioner Imamura.

8 COMMISSIONER IMAMURA: Thank you, Mr. Chairman, and
9 thank you, Vice Chair Miller, for a very thorough summary of the
10 important issues here and the crux of the issue of affordable
11 housing as well as highlighting the fact that this will bring
12 ground floor retail to this area. I also want to thank my
13 colleagues for allowing me to participate tonight and share my
14 thoughts and views on this particular case. So very grateful for
15 that opportunity.

16 Again, I align myself with the views that were
17 expressed by Vice Chair Miller. I also want to highlight, you
18 know, one of the letters that we received in support by the
19 Washington Interfaith Council. While I appreciate the fact that
20 the ANC had compromised their original position, I do think it's
21 important to highlight the fact that OP took note of the feedback
22 from the ANC and community members and reduced its initial
23 proposal for a total maximum height including the penthouse from
24 93.5 feet to 80 feet, and this was in the setdown report and I
25 think that reflects, you know, OP's willingness here to

1 accommodate those concerns.

2 And secondly, you know, the changes clearly carry out
3 the intent and the policy changes described in the comprehensive
4 plan and the small area plan for Chevy Chase, both of which were
5 informed by a substantial community input and approved by the DC
6 Council. So, as always as the Chairman says, it's a balancing
7 act and, you know, the Commission is responsible for taking into
8 consideration the needs of the entire population and so I think
9 this is the case here.

10 So, those are my comments, Mr. Chairman. I yield back.

11 CHAIRPERSON HOOD: Okay. Thank you.

12 Commissioner Stidham, anything on what we've talked
13 about thus far? Any comments?

14 COMMISSIONER STIDHAM: Just to really reiterate what
15 Commissioner Imamura said and to point out the same thing really.
16 The ANC's concerns were heard and OP did try to address, and I
17 think that in the end where OP ended is the right place to be in
18 order to ensure the things that are in place proceed.

19 So that's about it, Mr. Chairman.

20 CHAIRPERSON HOOD: Okay.

21 I want to thank all my colleagues. I would agree with
22 each and every one of my colleagues and I appreciate Imamura, us
23 holding this off because we wanted Commissioner Imamura back here
24 with us on this because this is very important and we needed his
25 input.

1 Let me also just say. One of the things that, and I'm
2 saying this to my colleagues, one of the things that I went back
3 and forth with because, as the Vice Chair mentioned I think his
4 name was Mr. Gordon, about the businesses. I don't know if you
5 recall, I was taken back by those comments and I was trying to
6 figure out because the businesses that he was talking about as
7 far as I'm concerned for that area, and I wish I had a lot of
8 them in my area, are the backbone and we do not want to do
9 anything, and I understand unpredictability, the unreadiness, but
10 I'm hoping that some process, I mean I was trying to come up with
11 imaginary stuff and I know I'm always told we have to stay where
12 we are, you know, this zoning, re-zone.

13 But I'm hoping and I'm actually saying this for OP and
14 for those who want to continue if this is approved, that we make
15 sure we look out for the small businesses because I think Mr.
16 Gordon, who's over the business group up in that area, he made a
17 very good point. They'll eventually get pushed out, but those
18 businesses like what he was talking about are the businesses that
19 are the backbone of that neighborhood and of any neighborhood.

20 So I don't know if when the RP process goes, OP if you
21 all could just say a certain amount needs to be maintained and
22 always maintaining perpetuity. I don't know what you need to do
23 but we need to make sure we protect those businesses if we move
24 forward and that's really the sticking point for me. People
25 throw all kinds of accusations at me but I tried to be fair my

1 whole career on the Zoning Commission across the board all over
2 the city.

3 But I think for this case as far as I'm concerned what
4 we're doing right now, Vice Chair, I think those businesses are
5 key. I'm not sure how we give a comfort level but all I can do
6 is ask, and I believe OP is amenable on that and I think the
7 administration here in the city is amenable. Nobody wants to see
8 those small businesses get pushed out. So I'll just leave it at
9 that.

10 Vice Chair, we'll come back to you.

11 VICE CHAIRPERSON MILLER: Thank you, Mr. Chairman, and
12 thank you colleagues for your comments.

13 Yeah. I would just reiterate that while we do recognize
14 and appreciate the hard work of the ANC and working on this case
15 throughout and coming up with a modified proposal, the modified
16 proposal still is significantly lower in height than the OP
17 proposal and the proposed action that we took and combined with
18 the lot occupancy restrictions and the setback and step down
19 proposals that are incorporated for that civic site, the ANC
20 proposed change would limit the ability to replace the existing
21 civic facilities and maybe even provide more open space and
22 provide the housing and affordable housing policies envisioned
23 in the policy and planning directives of the city for that site.

24 We're asking that site to do a lot of things and it
25 needs sufficient height and density. It has lower height and

1 density than originally proposed by OP, as Commissioner Imamura
2 pointed out, so there has been -- there was movement in both
3 directions towards compromise in this case although not everybody
4 will obviously agree with that statement.

5 Moving on to other issues. Since our proposed action
6 we did have proposed rulemaking and there were over 150 letters
7 of support and opposition filed into the record. I think our
8 record has nearly 500 exhibits in them which I've read at least
9 once or twice, it's just taking a long time. I know it's the
10 community and other stakeholders have worked hard on those
11 comments and we appreciate those comments of the proposed
12 rulemaking. They mostly reiterate the comments we received
13 during the public hearing and so I'm not going to go specifically
14 into those opposition and support comments that were additionally
15 submitted into the record.

16 I will mention a few though. There was a reiteration
17 of the belief that the case should have been setdown and heard
18 as a contested case instead of a rulemaking. We had dealt with
19 this at the beginning of the first hearing in April which we each
20 made comments on it, on that issue and determined that we had
21 the discretion to, well, because it includes a text amendment
22 that had to be a rulemaking and because the map amendment was,
23 that's part of the case, was initiated by a public agency, the
24 Office of Planning, and included multiple properties forming a
25 major corridor in the Chevy Chase neighborhood that it was clearly

1 within the criteria for a rulemaking map amendment as opposed to
2 a contested map amendment. I think we, and the Office of Zoning
3 Director, conceded that it was also eligible to be a contested
4 case map amendment for that part of the case, that it also met
5 the criteria there. But we determined that under the zoning
6 regulations, it's up to the Zoning Commission to decide how to
7 proceed when the criteria allowed it to go both ways.

8 So I'll just leave it at that. I'll just leave it at
9 that. We had the discretion and there was a lot of public input
10 at our two public hearings. The Chairman, as he always does,
11 maximizes, bends over backwards to allow public participation and
12 allows time to be exceeded even when some of his colleagues are
13 frustrated with that time limits not being kept on some of the
14 public. But there were I think almost at least ten hours of
15 public hearings and as I said, the 500 pieces of exhibits, almost
16 500 sheets of exhibits in the record so that touches on the most
17 recent ANC resolution which discussed those procedural issues and
18 the public participation.

19 I think there's been plenty of opportunity for public
20 participation. We've postponed this case different times to
21 allow for the public participation. It's been around a long
22 time. The planning concepts for this neighborhood have been
23 around a lot longer than the zoning case that's been pending here
24 which is, what, over, I don't know, it's over a year and a half
25 I guess or two years almost.

1 So there are also comments about the improper,
2 development concept involved improper transfer of use of public
3 land. That's subject to District law that's not in our purview.
4 That's the DC law 8-101, well, it's the public land disposition
5 law and that's a separate RFP process where, that goes to the
6 Mayor and Council and ensures further public participation by the
7 community and other stakeholders and allows an opportunity for
8 further requirements to be placed upon the development including
9 the statutory requirement that there be a lot more affordable
10 housing than our inclusionary zoning regulations provide at a lot
11 deeper, and a far deeper level of affordability than our
12 inclusionary zoning regulations apply, would apply. So the
13 combination of our zoning with the RFP process will facilitate
14 affordable and market rate housing which is needed throughout the
15 city and in particular in this neighborhood.

16 I think I mentioned how the Chairman maximizes public
17 participation at all of our meetings. I know that there have
18 been allegations made against him in terms of having, alleging
19 him to have bias against the neighborhood or in this case. I
20 just want to comment briefly that I fundamentally disagree with
21 that. I think the Chairman bends over backwards, as I said, to
22 maximize public participation, to treat neighborhoods throughout
23 the District equally. I think in the case of the procedural
24 issue contested versus rulemaking he cited that we were following
25 the precedent of the Barry Farm case in Ward 8 which had a map

1 and text amendment similarly associated with it and we proceeded
2 in the same fashion as we have here. So I think the, I personally
3 think that the allegations against the Chairman are unwarranted
4 and unfounded.

5 I think I'll leave it at that, Mr. Chairman. I think
6 this is a important case that facilitates, as we said, market
7 rate and affordable housing, the renovation of the civic site
8 with the modern facilities that this neighborhood deserves, like
9 all neighborhoods deserve, and that it sets, as the other
10 Commissioners have noted, the canvas for further requirement that
11 can be imposed and further relocation assistance that may be
12 necessary if there's redevelopment along the corridor.

13 So thank you for indulging me with that not so brief
14 summary.

15 CHAIRPERSON HOOD: All right. Thank you, Vice Chair
16 Miller. Let's see if we have any additional comments.

17 Commissioner Imamura?

18 COMMISSIONER IMAMURA: Thank you, Mr. Chairman.

19 By and large I agree with the comments that Vice Chair
20 Miller has made and I do enjoy using the analogy of a blank canvas
21 because it is our responsibility as a Commission to decide these
22 cases in accordance with the zoning regulations and we do that
23 at our utmost best. But I don't think I have anything further
24 to add.

25 Thank you.

1 CHAIRPERSON HOOD: And Commissioner Stidham, any
2 additional comments?

3 COMMISSIONER STIDHAM: No. I think Commissioner
4 Miller, Vice Chair Miller, covered it very well and nothing with
5 that.

6 CHAIRPERSON HOOD: Okay.

7 I too don't have a whole lot and I will tell you that,
8 and I want to (indiscernible) in all this. It does not go very
9 lightly on me, and I'm sure my colleagues as well, all the legal
10 advice I've ever gotten my whole career here about contested
11 versus rulemaking, and I will tell you I took another look at it
12 because I've heard it so many times, and I'll be frankly honest.
13 I said, now how would I do this as a contested case? I don't
14 even know where to start. Maybe I should have asked that a long
15 time ago. I know how to do it procedurally, but what am I looking
16 at?

17 So I think we are in the right context. I think the
18 legal advice that we've gotten, especially during this case and
19 other cases about this being the type of case it is, I think we
20 are perfectly -- I guess what I'm saying is we're not ready to
21 be said that (indiscernible) had mentioned that we have the right
22 to do, there are things that we look at. There are nuances of
23 how we get to making these whether it's a rulemaking or whether
24 it's a contested case. I get it and as the Vice Chair mentioned,
25 I do sometimes allow to go way over time because I want to make

1 | sure the public's heard.

2 | So I don't have anything else to say on this. I think
3 | this case is right and I would agree with everything the Vice
4 | Chair and Commissioner Imamura and Commissioner Stidham have
5 | mentioned on this case and I think the record speaks for itself,
6 | and then I'm just hoping that this works out. I'm going to vote
7 | in favor. I'm hoping that this works out just like, and I always
8 | use this when I go up and I think about it, a lot of folks did
9 | not want the Costco in Washington, D.C. Now, you can't go over,
10 | do not go over there on Saturday and Sunday because it's surely
11 | being utilized.

12 | So with that, anybody have anything else? All right.
13 | So, Vice Chair, since you did all that elaborating and took the
14 | case, we had done a lot of this previously and we appreciate you
15 | rehashing, I mean not rehashing but bringing up some of the other
16 | things that came to sight between proposed and final, could you
17 | make a motion?

18 | VICE CHAIRPERSON MILLER: Thank you, Mr. Chairman.

19 | I would move that the Zoning Commission take final
20 | action on Zoning Commission Case No. 23-25, that's the Office of
21 | Planning's Text and Map Amendments to Create New Chevy Chase
22 | Neighborhood Mixed Use Zones, and ask for a second.

23 | COMMISSIONER STIDHAM: Second.

24 | COMMISSIONER IMAMURA: Second.

25 | CHAIRPERSON HOOD: Okay. It's been moved and properly

1 seconded. Any further discussion?

2 (No response.)

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

5 MS. SCHELLIN: Commissioner Miller?

6 VICE CHAIRPERSON MILLER: Yes.

7 MS. SCHELLIN: Commissioner Imamura?

8 COMMISSIONER IMAMURA: Yes.

9 MS. SCHELLIN: Commissioner Hood?

10 CHAIRPERSON HOOD: Yes.

11 MS. SCHELLIN: Commissioner Stidham?

12 COMMISSIONER STIDHAM: Yes.

13 MS. SCHELLIN: And Commissioner Wright did not
14 participate so the vote is four to zero to one as I stated, and
15 this is to approve Zoning Commission Case No. 23-25 for final
16 action, the minus one being Commissioner Wright who did not
17 participate, so not voting.

18 Thank you.

19 CHAIRPERSON HOOD: I forgot that Commissioner Turnbull
20 told me that when I want to go back I don't have to reach for my
21 mouse, just hit the spacebar and, you know, you always remember
22 who told you to do something.

23 All right. Let's go to, we're on B, right Ms. Schellin?

24 B? Okay.

25 Zoning Commission Case No. 24-08 FC Lumber Shed, LLC

1 Text Amendment to Subtitle K, 230.4 to eliminate the term
2 limitations on office use of the second floor of building 173 in
3 The Yard's lumber shed building.

4 Ms. Schellin, if you could tee that up and then I'm
5 going to come to Commissioner Imamura first.

6 MS. SCHELLIN: Sure.

7 Yes, sir. So at the October 21st, 2024 public hearing
8 the Petitioner presented this case. This was a rulemaking case
9 of course, it was a text amendment and at the end of that hearing
10 the Commission took proposed action so this is up for final
11 action. It was referred to NCPC and they provided reports at
12 Exhibits 20 and 21 stating that the proposed amendments are not
13 inconsistent with the comp plan, nor the National Capital, it
14 wouldn't, I'm sorry, it would not adversely impact any other
15 identified Federal interests and the Notice of Proposed
16 Rulemaking was published in the D.C. Register on December 13th
17 at Exhibit 22, you can see that. And so this is ready for the
18 Commission to consider final action this evening.

19 Thank you.

20 CHAIRPERSON HOOD: Thank you, Ms. Schellin.

21 Okay. Commissioner Imamura, would you like to get us
22 started?

23 COMMISSIONER IMAMURA: Sure. Thank you, Mr. Chairman.

24 Actually, Ms. Schellin, had summarized the crux of this
25 case and it's pretty straightforward and the record is quite

1 complete. So I'm ready to vote in favor.

2 CHAIRPERSON HOOD: Okay. Thank you. Sounds good.

3 Commissioner Stidham?

4 COMMISSIONER STIDHAM: I agree with Commissioner
5 Imamura and am prepared to vote in support.

6 CHAIRPERSON HOOD: Okay. And Commissioner Wright?

7 COMMISSIONER WRIGHT: Yes. I support this application
8 as well.

9 CHAIRPERSON HOOD: And Vice Chair Miller?

10 VICE CHAIRPERSON MILLER: Yes. I think this case makes
11 a lot of sense, so I'm prepared to support it as well.

12 CHAIRPERSON HOOD: Okay. Thank you.

13 Commissioner Imamura, would you like to make a motion
14 on this one?

15 COMMISSIONER IMAMURA: So, I move that Zoning
16 Commission Case No. 24-08 FC Lumber Shed, LLC Text Amendment to
17 Subtitle K, Section 230.4 to Eliminate the Term Limitation on
18 Office Use on the Second Floor of Building 173 in The Yards
19 (Lumber Shed Building), and ask for a second.

20 CHAIRPERSON HOOD: I'll second it. It's been moved and
21 properly 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: Commissioner Imamura?

1 COMMISSIONER IMAMURA: Yes.

2 MS. SCHELLIN: Commissioner Hood?

3 CHAIRPERSON HOOD: Yes.

4 MS. SCHELLIN: Commissioner Miller?

5 VICE CHAIRPERSON MILLER: Sorry about that. Yes.

6 MS. SCHELLIN: Commissioner Wright?

7 COMMISSIONER WRIGHT: Yes.

8 MS. SCHELLIN: Commissioner Stidham?

9 COMMISSIONER STIDHAM: Yes.

10 MS. SCHELLIN: The vote is five to zero to zero to

11 approve final action Zoning Commission Case No. 24-08, and that's

12 it.

13 Thank you.

14 CHAIRPERSON HOOD: I'm going to call the first case.

15 Ms. Schellin, before I come to you, Commissioner Imamura's going

16 to say something first and then why don't you tee it up, then

17 Commissioner Wright, I'm going to come to you first.

18 All right. Next, I think this is our last case. Okay.

19 Zoning Commission Case No. 24-07 Skyland Place, LLC, Map

20 Amendment at Square 5734 and 5735. Ms. Schellin.

21 MS. SCHELLIN: Did Joe say something?

22 COMMISSIONER IMAMURA: I have not. Thank you, Ms.

23 Schellin. Thank you, Mr. Chairman.

24 I was not present for this particular case so I

25 respectfully recuse myself.

1 CHAIRPERSON HOOD: Okay.

2 Oh, I thought you, I thought he was --

3 MS. SCHELLIN: You said it and then went to me.

4 CHAIRPERSON HOOD: Yeah, but no. I thought he had
5 read, okay, all right. I got it.

6 MS. SCHELLIN: Oh, no, no, no.

7 CHAIRPERSON HOOD: I got it. Okay. I got a little
8 messed up. Okay. All right.

9 Ms. Schellin. Did I go to you? You already did it.
10 I got confused. It must be getting late. All right.

11 Commissioner Wright?

12 COMMISSIONER WRIGHT: Thank you. So this is --

13 MS. SCHELLIN: I didn't tee the case up yet.

14 CHAIRPERSON HOOD: Oh, yes.

15 COMMISSIONER WRIGHT: You want me to tee the case up?

16 MS. SCHELLIN: Yes. I didn't yet, but I will real
17 quick.

18 Just very quickly, the NCPC report at Exhibit 30 stated
19 that the proposal falls under one of their exception lists and
20 so it's exempt, and then the Applicant filed a draft order along
21 with a cover letter at Exhibits 31 and 31A. ANC 8B filed a report
22 at Exhibit 32 asking that the Commission postpone final action
23 to allow time for the newly sworn in Commissioner on January 2nd
24 be allowed to familiarize herself with the proposal, that was
25 Betty, I'm sure I'm not going to say her name right [Shippo]

1 Scippio, but the Applicant responded to that letter at Exhibits
2 33 and 33A stating that they had already met with this new
3 Commissioner prior and answered her questions and would like for
4 the Commission to move forward since the ANC had already
5 previously voted on this case. I'll turn it over to the
6 Commission.

7 Thank you.

8 CHAIRPERSON HOOD: Okay.

9 Commissioner Wright?

10 COMMISSIONER WRIGHT: Thank you.

11 So this is a very important case because it does
12 increase housing and provide affordable housing. The project is
13 being proposed by a very well regarded private non-profit
14 affordable housing developer, Enterprise.

15 The thing that I raised as a concern when we heard this
16 last and that I still have a strong concern about is not whether
17 this rezoning is in keeping with the comprehensive plan. I think
18 that it is in terms of land use, but I'm concerned about whether
19 it's in keeping with the racial equity policies in the comp plan
20 because I really am concerned about it resulting in displacement.
21 And we had a long conversation about the relocation plan when we
22 last talked about this project and I have to admit I've delved
23 into that relocation plan a bit more, and the more I delved into
24 it honestly the more concerned I have been.

25 So I want to just quote a few things from that

1 relocation plan. The gist of it is, and these are quotes from
2 the plan, is that, "Phase I of the redevelopment plan requires a
3 select number of residents to temporarily move into on-site
4 vacant units located on undeveloped side of the property. This
5 select number of residents, along with most remaining residents,
6 will be permitted to move into the new completed multi-family I
7 building or senior house. Phase II will commence. Once Phase
8 II is completed, the remainder of residents will be permitted to
9 return to the new completed multi-family II building."

10 But, again, and I'm continuing to quote from the plan,
11 "Phase I replaced 68 existing units with 240 multi-family units.
12 Ahead of the start date for construction, all residents living
13 in units designed as Phase I, and again that's 68 units, will be
14 temporarily relocated to another location on the property or to
15 a similarly sized off-site unit located close to Skyland. Once
16 Phase I is complete, and it's lease ready, the remaining residents
17 will be moved to the new redeveloped units."

18 And it, again, goes into detail about how the 68 units
19 will be temporarily relocated on-site and talks about which
20 buildings those would be specifically and goes into a great deal
21 of detail.

22 My concern is that we were told during the meeting that
23 the vacancy rate is very low and 68 units, if you looked at the
24 whole existing site of 240 units is about 30 percent of the site.
25 So there would have to be, you know, if you were looking at the

1 whole site there would have to be a vacancy of 30 percent to move
2 the 68 units on-site. But it's actually worse than that because
3 you're in the first phase removing those 68 units so you really
4 only have about 170/180. So it's almost that you would need a
5 50 percent vacancy rate to move the 68 units in Phase I elsewhere
6 on the site.

7 So I just, I don't think it's realistic that they're
8 going to be able to move 68 units on-site even if they stopped
9 leasing units today to build up the vacancy rate and create the
10 opportunity to relocate. Now, there may be properties that they
11 have in mind that are nearby Skyland that Enterprise has access
12 to, but their relocation plan really only mentions that in
13 passing. The relocation plan states in multiple locations that
14 the first phase of 68 units will be relocated on-site and I just
15 don't think that is realistic.

16 So I do worry about displacement in this particular
17 project and I do understand that we aren't looking at a project,
18 we're looking at a re-zoning and that the goal is to make sure
19 the re-zoning is in line with the comprehensive plan and I think
20 the increase in density is definitely in line with the
21 comprehensive plan.

22 But the comprehensive plan also talks directly about
23 racial equity and concerns about displacement and I think that
24 this re-zoning and the project that would ensue from it based
25 upon the plan that's been developed by the Applicant would be

1 very, very difficult to not end up resulting in displacement.

2 So I mean I think I would like to approve this project.
3 I think the increased density is in line with the comprehensive
4 plan, but I think that there needs to be additional work done to
5 figure out how to address the relocation and the displacement.
6 It's not enough to write the words on paper and say we have a
7 relocation plan if that relocation plan is really almost
8 impossible to implement. You'd have to have 50 percent vacancy
9 on the remaining part of the site in order to move people on-
10 site.

11 So those are my concerns. I, again, you know, we heard
12 this project in detail. I have utmost respect for Enterprise.
13 I think they do excellent work in the affordable housing realm.
14 This Applicant is, you know, a very strong Applicant. But I
15 think in this particular case they need to take another long hard
16 look at how they would be able to implement this without creating
17 displacement and with an eye to, again, racial equity.

18 So those are my thoughts. I may be, again, in the
19 minority here because I know we've been I think fairly positive
20 about the land use aspects of this project and I am too. I think
21 the density is appropriate. I'm just very concerned about
22 displacement.

23 CHAIRPERSON HOOD: Okay. Thank you, Commissioner
24 Wright.

25 Vice Chair Miller, any questions or comments?

1 VICE CHAIRPERSON MILLER: Thank you, Mr. Chairman.
2 Sorry, I was going back and looking at the record, reviewing the
3 record which I don't have a separate screen to do that so I wasn't
4 on screen.

5 I appreciate Commissioner Wright's concerns and I think
6 maybe we should give the Applicant another opportunity to provide
7 more details with Enterprise of how the relocation and where the
8 off-site relocation would be or demonstrate how the on-site
9 relocation could be accomplished despite Commissioner Wright's
10 very persuasive analysis of that issue.

11 It's difficult because it is a map amendment, and as
12 Commissioner Wright said, the proposed zoning is consistent with
13 the comprehensive plan land use designations and would facilitate
14 the redevelopment of this, what is it, 86-year-old property built
15 in 1939 that needs to be replaced? And people need to have
16 quality affordable housing. So it is a map amendment before us.
17 It's not a project. It would facilitate the redevelopment which
18 needs to happen because of the condition, the quality of the
19 existing housing.

20 So maybe we, perhaps we should give the Applicant
21 another opportunity to engage with the ANC which has submitted
22 its letter of opposition, 8B, and provide more information to us
23 and the ANC about the relocation plan. Not sure I have any
24 additional thoughts at this point, Mr. Chairman.

25 CHAIRPERSON HOOD: Okay. Thank you.

1 Commissioner Stidham?

2 COMMISSIONER STIDHAM: Thank you.

3 I appreciate the comments of my fellow Commissioners
4 related to the concern with displacement and I too am concerned
5 with displacement. But the project in front of us is a map
6 amendment and they have a plan and as they begin to implement
7 the plan, you know, they have assurances that they will work to
8 ensure there isn't any displacement either by putting people on-
9 site or finding locations for them.

10 I feel like this, I mean this building I think was
11 built in 1939. Is that really quality low income housing? Is
12 that really what we want to see? Don't we want to see something
13 better for residents? So that's sort of where I am on this.

14 CHAIRPERSON HOOD: So actually maybe I should have went
15 first because I really don't know what to do, and I'm being
16 frankly honest. Maybe I should have just cut my screen off.

17 I too, Vice Chair and fellow colleagues, started
18 looking at what Ms. Brown had mentioned about a potential off-
19 site relocation and while I have not done all the math and the
20 works as Commissioner Wright has done, and Commissioner Wright
21 is very well respected in this area and, you know, from especially
22 a planning perspective and other areas, but if it's not going to
23 work, then why start it.

24 So I'm kind of, even though I know this is final I kind
25 of wanted to go back and want them to fine tune and explain a

1 little more how it's going to work, even though -- one of the
2 things it does say it is too early in the process to confirm
3 availability. So maybe they believe, Enterprise believes, that
4 there's going to be some availability at some point because I'm
5 reading this statement that they made. Our plan is to avoid
6 relocation residents to off-site locations. But it goes to
7 Commissioner Wright's point. You don't have enough housing, give
8 me a second, I'm getting a lot of.

9 Okay. So I'm being told, can you all hear me clearly?
10 Okay. Hold on a sec.

11 VICE CHAIRPERSON MILLER: Yes.

12 CHAIRPERSON HOOD: Okay. Hold on a sec. I can't hear
13 things clearly.

14 MS. SCHELLIN: She needs to reboot. I had to and so
15 she's co-host. She can reboot now that I'm (indiscernible).

16 CHAIRPERSON HOOD: Oh, so you can hear me clearly?

17 MS. SCHELLIN: I can now. I had to reboot so now she
18 can reboot. We're co-hosts.

19 CHAIRPERSON HOOD: Okay. At this time nobody can hear
20 me clearly? Oh, okay. I was about to say good, but anyway.

21 VICE CHAIRPERSON MILLER: We each could hear you and I
22 think (indiscernible).

23 MS. SCHELLIN: Yeah, we could hear you just fine. Yes.

24 CHAIRPERSON HOOD: Okay. All right.

25 So I guess, because I wanted, you know, I'm always

1 about this relocation. I always want to make sure it works and
2 one of my colleagues has done all the leg work and I want to
3 thank Commissioner Wright, and she doesn't believe it's going to
4 work and I hear what Commissioner Stidham was saying but also I
5 would fall in line with you, Vice Chair Miller. Let's send it
6 back to them. Let them explain. Not that it's going to change,
7 Commissioner Wright, but I need a comfort level too because, as
8 you mentioned, even though we're not talking about a project,
9 relocation is part of the comprehensive plan and which we have
10 to deal with.

11 So I think that's what we'll do. We can do that on
12 the short turn, short turn around. I'm not sure, Ms. Schellin,
13 what all they need to do but they need to at least give us, some
14 of us a comfort level. I'm not sure if you even want to get to
15 Commissioner Wright, but you may, the Applicant may, but they
16 really need to be explicit and give us some numbers or give us a
17 reality relocation plan and I'm not trying to insult you. But
18 the leg work has been done. We don't believe it'll work, but I
19 do take into consideration currently it's too early in the process
20 to confirm availability for any off-site relocation because
21 vacancies change over time.

22 COMMISSIONER STIDHAM: Chairman Hood?

23 CHAIRPERSON HOOD: Yes.

24 COMMISSIONER STIDHAM: To that end the Applicant states
25 that their relocation plan is designed to ensure that no existing

1 residents of the Skyland Terrace Apartments are displaced during
2 the future development of the property. I guess that is where
3 they need to focus any additional information to us how they
4 would ensure that they are housed on-site and not displaced.

5 CHAIRPERSON HOOD: Thank you very much because I was
6 getting ready to start rambling. So I appreciate that. Thank
7 you.

8 All right. So, Ms. Schellin, can we, how much, can you
9 ask them how much time they need or?

10 MS. SCHELLIN: Well, we don't have enough time I don't
11 think in order for the ANC to respond by our next meeting but I
12 think that we can work it out for our second meeting in February
13 if you'd like.

14 CHAIRPERSON HOOD: I think --

15 MS. SCHELLIN: Because their attorney is not on. So
16 I'd like to give them two weeks and then the ANC for the regs,
17 any party rather, has seven days to file a response. So we could
18 put that at, and of course if the Applicant ends up submitting a
19 letter saying they want more time we can always accommodate that.
20 You guys always have and I'll take that to the Chairman if they
21 do that.

22 COMMISSIONER WRIGHT: One thing I would mention, Ms.
23 Schellin, is I may have to, I have a conflict on February 6th so
24 if we could do it --

25 MS. SCHELLIN: I said the second meeting so it wouldn't

1 be until February 27th.

2 COMMISSIONER WRIGHT: Oh, okay. Okay.

3 MS. SCHELLIN: Yes.

4 COMMISSIONER WRIGHT: I thought by second meeting it
5 was like February 6th.

6 MS. SCHELLIN: Oh, no. Way down, second meeting.

7 COMMISSIONER WRIGHT: Okay.

8 MS. SCHELLIN: So they would have until 3 p.m., February
9 13th, that's the Applicant and then all parties which I believe
10 in this case there is only one, the ANC, would have seven days
11 to file a response if they choose to do so, 3 p.m., on the 20th
12 of February and we can put this on for the second meeting which
13 is February 27th for consideration, and as I said, if the
14 Applicant thinks that they need more time they can always submit
15 a letter asking for that and I will submit it to the Chairman to
16 rule on.

17 Thank you.

18 CHAIRPERSON HOOD: Thank you.

19 I think this may work out for us so I'm not going to
20 ask Commissioner Imamura to read the record. I wouldn't do that
21 to him unless he just wants to, but let's kind of, let's see what
22 comes back and if it get to, if we get to another, we still like
23 we're divided he may have to do it. But I think hopefully we
24 won't get to that.

25 All right. Okay. Let me, we do have two more cases.

1 I think I misspoke earlier. Did I? Don't we have time, did we
2 do the time extensions? Oh, all right. Let me, it closed up.
3 I'm sorry. Give me one second.

4 VICE CHAIRPERSON MILLER: While you're looking for
5 that, Mr. Chairman, I just wanted to, on the last case, I just
6 wanted to say that the, our action to postpone is actually
7 consistent with what the ANC in their final paragraph asks us to
8 do to allow the parties more time to do their due diligence and
9 maybe come to some kind of addressing of the concerns.

10 CHAIRPERSON HOOD: Okay. Thank you for bringing that
11 up. So really we got two birds with one stone. Thank you.

12 All right. We do have two time extension cases and I
13 think that'll be it for today. Let me go to the first time
14 extension. Zoning Commission Case No. 17-21C As You Like It,
15 LLC, one year time extension a first stage PUD at Square 498.

16 I'm going to go to Ms. Schellin to tee up and I'm going
17 to come to you, Commissioner Imamura, if you don't mind. Ms.
18 Schellin.

19 (Pause.)

20 CHAIRPERSON HOOD: Ms. Schellin? All right. Well, I
21 don't want to tee it up and then she's going to come on and tee
22 it up again. Can you all hear me? You all can hear me? Ms.
23 Schellin?

24 (Pause.)

25 CHAIRPERSON HOOD: We got bad connections going on.

1 Can you hear me? Okay. Yeah. Why don't you tee (indiscernible).

2 MS. SCHELLIN: Now you can hear me. Okay. The first
3 time extension?

4 CHAIRPERSON HOOD: Yes.

5 MS. SCHELLIN: Yes. So this one As You Like it, the
6 Applicant has stated that they continue to have issues due to the
7 pandemic, and the performing arts community, elevated
8 construction costs and so the Applicant has concluded that this
9 project is no longer feasible and so it's made it difficult,
10 they've made the difficult decision to sell the project, I'm
11 sorry, sell the property and the buyer is thinking about a row
12 house, by-right row house development and so they would like the
13 time extension to look at the validity of the PUD during the
14 pendency of this sales contract. And at Exhibit 5 OP recommended
15 approval. ANC 6D at Exhibit 4 supported this by a vote of six
16 to zero to two and that's all I have for you on this one.

17 Thank you.

18 CHAIRPERSON HOOD: Okay. You actually teed that up
19 really good. I don't if Commissioner Imamura or any of us have
20 anything to add but I still will do it.

21 Commissioner Imamura? I know I don't.

22 COMMISSIONER IMAMURA: Thank you, Mr. Chairman.

23 Nothing really more to add other than to follow on from
24 what Ms. Schellin said, that the person or individual buying the
25 property there envisions about 17 row houses there and I think

1 just further to emphasize that OP recommends approval and that
2 DDOT doesn't seem to have any concerns either with the time
3 extension.

4 So I'm prepared to vote in support. This is pretty
5 straightforward.

6 CHAIRPERSON HOOD: Okay.

7 Let me do, does anybody else have any additional
8 comments?

9 (No response.)

10 CHAIRPERSON HOOD: Okay. Not seeing any.

11 Commissioner Imamura, could you make a motion, please?

12 COMMISSIONER IMAMURA: Yes, I can, Mr. Chairman. I
13 should also add that ANC 6D was also in support of the time
14 extension.

15 So I move that the Zoning Commission approve a one-
16 year time extension for Zoning Case No. 17-21C, As You Like It,
17 LLC, one-year time extension of a first stage PUD at Square 498,
18 and ask for a second.

19 COMMISSIONER STIDHAM: Second.

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

22 (Pause.)

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

25 MS. SCHELLIN: Yes, sir.

1 Commissioner Imamura?

2 COMMISSIONER IMAMURA: Yes.

3 MS. SCHELLIN: Commissioner Stidham?

4 COMMISSIONER STIDHAM: Yes.

5 MS. SCHELLIN: 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: The vote is five to zero to zero to
12 approve final action Zoning Commission Case No. 17-21C. And
13 we'll ask the Applicant to provide a draft order within two weeks.

14 Thank you.

15 CHAIRPERSON HOOD: All right.

16 Let's go to Zoning Commission Case No. 06-10I, the
17 Morris and Gwendolyn Cafritz Foundation, two-year time extension
18 of first stage PUD at Square 3766 and 3767.

19 Ms. Schellin.

20 MS. SCHELLIN: Yes, sir.

21 On this case they are asking for an extension of time
22 that will extend the time from December 31st, 2024 to December
23 31st, 2026. So it's a two-year time extension that will allow
24 the Applicant time to review and potentially revise and finalize
25 a new time line, development time line for the second stage

1 applications for Block C and D and a mix of uses that will better
2 reflect the current and expected climate changes that, or
3 economic climate that's going on right now and of course all the
4 high price construction costs.

5 So at Exhibit, let me find out what that exhibit number
6 is. I know OP has submitted a report in support at Exhibit 4
7 and then ANCs 5A and 4B, nor the Lamond-Riggs Citizens Association
8 have filed responses, however, the 30 day requisite time period
9 for them to do so has passed so the Commission can proceed with
10 action on this if they choose to do so.

11 Thank you.

12 CHAIRPERSON HOOD: Thank you, Ms. Schellin.

13 I believe, have we done the waiver already? The waiver
14 for the second time extension. Have I done that or --

15 MS. SCHELLIN: They, let me see. Did they file the
16 second one? Let's see.

17 CHAIRPERSON HOOD: Yes.

18 MS. SCHELLIN: Oh, yes. At Exhibit 5, I'm sorry. They
19 did ask for a waiver request from 705.5 so they do need that
20 which allows a two time extension that limits the second one to
21 more than one year. So they do need that also.

22 CHAIRPERSON HOOD: Okay.

23 As Ms. Schellin has already teed up, I don't need to
24 rehash it. I think it's as noted and we have not heard anything
25 from ANC 5A, 4B or LRCA. Give me one second.

1 COMMISSIONER WRIGHT: Was that a motion? If so, I'll
2 second it.

3 CHAIRPERSON HOOD: I was getting ready to make it.
4 Some times I get notes of things that I may have missed and that
5 was not that one this time.

6 So I would move, I would also move the waiver from Z-
7 705.5 and also move the request as captioned, and ask for a
8 second. That's the motion.

9 COMMISSIONER WRIGHT: Second.

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

12 (No response.)

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

15 MS. SCHELLIN: Yes, sir.

16 Commissioner Hood?

17 CHAIRPERSON HOOD: Yes.

18 MS. SCHELLIN: Commissioner Wright?

19 COMMISSIONER WRIGHT: Yes.

20 MS. SCHELLIN: Commissioner Miller?

21 VICE CHAIRPERSON MILLER: Yes.

22 MS. SCHELLIN: Commissioner Imamura?

23 COMMISSIONER IMAMURA: Yes.

24 MS. SCHELLIN: Commissioner Stidham?

25 COMMISSIONER STIDHAM: Yes.

1 MS. SCHELLIN: The vote is five to zero to zero to
2 approve final action in Zoning Commission Case No. 06-10I, and
3 I'll ask the Applicant to also provide a draft order within two
4 weeks on this case.

5 Thank you.

6 (Pause.)

7 CHAIRPERSON HOOD: That sounded good to myself.

8 Ms. Schellin, do we have anything else before us?

9 MS. SCHELLIN: No, but I thought my computer went out
10 again when you did that.

11 CHAIRPERSON HOOD: Thought I was --

12 MS. SCHELLIN: We've had so much (indiscernible)
13 tonight I was like, oh, my gosh, can't hear anything again.

14 CHAIRPERSON HOOD: Okay. So let me just say this.

15 The Zoning Commission meet again February 3rd on Zoning
16 Commission Case 07-26G, 899 Lodging Group, LLC. I believe that's
17 correct. Okay. With that, I want to thank my colleagues for
18 all the work that's been put in, the residents and everyone, all
19 our staff, all our staffs. You know who you are, OP, everybody,
20 OZ. Since I started naming OP, OZ, OZLB, everybody, all my
21 colleagues for being prepared and doing this meeting.

22 So with that, this meeting is adjourned. Thanks
23 everybody. Have a great weekend.

24 (Whereupon, the above-entitled matter went off the
25 record at 5:45 p.m.)

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

This is to certify that the foregoing transcript

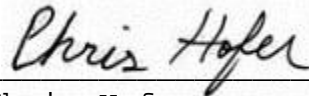
In the matter of: Public Hearing

Before: District of Columbia Zoning Commission

Date: 01/30/25

Place: Webex videoconferencing

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



Chris Hofer