

GOVERNMENT OF
THE DISTRICT OF COLUMBIA

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ZONING COMMISSION

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REGULAR PUBLIC MEETING

+ + + + +

THURSDAY

MAY 8, 2025

+ + + + +

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

ZONING COMMISSION MEMBERS PRESENT:

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

OFFICE OF ZONING STAFF PRESENT:

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

OFFICE OF ZONING LEGAL DIVISION STAFF PRESENT:

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

ALSO PRESENT:

- JOSHUA MITCHUM, D.C. Office of Planning

The transcript constitutes the minutes from the Regular Public Meeting held on May 8, 2025.

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

Case No. 10-03E
H Street Retail, LLC 5

Case No. 25-01
Ward Memorial AME Church 8

Correspondence from Holland and Knight 15

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, Commissioner Imamura, and Commissioner Stidham; also by the Office of Zoning staff, Ms. Sharon Schellin and Paul Young, who will be handling all of our virtual operations, as well as our Office of Zoning Legal Division, Ms. Hillary Lovick, Mr. Jacob Ritting, and Mr. Dennis Liu. 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 -- I don't believe we have any this evening, but I'll read it anyway. 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,

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1 unless the Commission requests someone to come forward and speak.
2 If you experience difficulty accessing Webex or with your phone
3 call-in, then please call our OZ Hotline number at 202-727-0789
4 for Webex log-in or call-in instructions. At this time, I do
5 know we have a technical issue going on. Ms. Schellin, just let
6 us know when we're ready, and we'll get started.

7 (Brief pause.)

8 CHAIRPERSON HOOD: I'm sorry (indiscernible). There is
9 one hearing action. That's what happens when I go off script.
10 Thank you, Ms. Lovick.

11 MS. SCHELLIN: I'm going to contact our IT person and
12 see if he updated the link, because I'm still only seeing our
13 court reporter and one person from our office, and I think we
14 would have more attending the meeting. Mr. Young, would you
15 please check your message?

16 (Brief pause.)

17 MS. SCHELLIN: Mike is fixing the link now, so if maybe
18 we could take just a five or ten-minute break. I hate to say
19 that, but I don't know what else to do, because I'm not seeing
20 even the OP people on there. That tells me even our regulars
21 are not able to get on. So if we could just take a -- maybe a
22 five-minute break.

23 CHAIRPERSON HOOD: Let's just come back at 4:15. We'll
24 start --

25 MS. SCHELLIN: 4:15. Okay. Thank you.

1 (Brief recess while website link is corrected.)

2 CHAIRPERSON HOOD: Okay. Let's proceed. Again, thank
3 you, Ms. Schellin and the team for straightening out those
4 technical issues. All right. First on our agenda we have a
5 consent calendar item, modifications without hearings; Zoning
6 Commission Case Number 10-03E, H Street Retail, LLC, modification
7 without hearing of PUD at Square 912. Ms. Schellin.

8 MS. SCHELLIN: Sorry about that. I'm having a little
9 bit of issues here. I've got to switch screens. Just bear with
10 me. So this one, as you stated, is a request for a modification
11 without hearing, and they are requesting a couple things here;
12 the modification without hearing to the PUD, special exception
13 relief, pursuant to Subtitle H, Section 6007.1(e)(2) and Subtitle
14 X, Section 901.2. That will allow for fast-food restaurant use
15 within the existing ground floor PUD space, and, two, to change
16 Decision Number A.2 to authorize the fast-food restaurant use
17 within the existing ground floor use -- or, I'm sorry, ground
18 floor retail space.

19 There's an OP report at Exhibit 4 that recommends
20 approval associated with the request for the modification without
21 hearing and the special exception relief. And ANC 6A provided a
22 report at Exhibit 5 voting to support, six-zero-zero, as long as
23 it includes some additional language to condition A.2. And the
24 applicant provided a letter agreeing to that revised language at
25 Exhibit 6. So, other than that, I'm going to turn it over to

1 the Commission to decide how to proceed. Thank you.

2 CHAIRPERSON HOOD: Thank you, Ms. Schellin. Okay.
3 Colleagues, I want to try to move through this, as laid out by
4 counsel and others who've helped us prepare. First, does anyone
5 see that this should not be -- and I'm going to ask this -- I'm
6 going to ask two questions in one. Does anyone see that this
7 should not be moved forward without being -- moved forward as a
8 modification without hearing; any objections to that? And even
9 if that's the case, does anyone have -- feel like they need
10 additional information to decide this case, other than what's
11 already in the record. Those are two questions. And let me
12 ask -- I don't, but let me go around. Commissioner Imamura.

13 COMMISSIONER IMAMURA: I do not.

14 CHAIRPERSON HOOD: Okay. Commissioner Stidham.

15 COMMISSIONER STIDHAM: Nor do I.

16 CHAIRPERSON HOOD: And Vice Chair Miller.

17 VICE CHAIR MILLER: I agree with my colleagues.

18 CHAIRPERSON HOOD: Okay. All right. This is pretty --
19 for me is pretty straightforward, what they're asking us here,
20 request for the following, modifications to approve PUD special
21 exception relief, pursuant to Subtitle H-6007.1(e)(2) and
22 Subtitle X-901.2, to allow fast-food restaurant use within the
23 existing ground floor PUD, to change a decision from our -- which
24 was previously to authorize fast-food restaurant use within the
25 existing ground floor retail space. And basically what we're

1 | doing, we're giving a special exception in this case without a
2 | hearing. And, also, the ANC, as Ms. Schellin has already
3 | mentioned, has approved a vote in support of this application,
4 | and they have some language, which has been submitted, which I
5 | don't have any objections to including in this, if we move
6 | forward. I'll open it up for any further questions or comments.
7 | If not, I'll make a motion. Commissioner Imamura.

8 | COMMISSIONER IMAMURA: Thank you, Mr. Chairman. I'm
9 | in agreement with the ANC language and prepared to vote in support
10 | with you.

11 | CHAIRPERSON HOOD: Okay. And Commissioner Stidham.

12 | COMMISSIONER STIDHAM: I'm in agreement as well and
13 | prepared to support.

14 | CHAIRPERSON HOOD: And Vice Chair Miller.

15 | VICE CHAIR MILLER: Yes, I agree with my colleagues
16 | and -- that is the recommendation of the Office of Planning and
17 | ANC 6A.

18 | CHAIRPERSON HOOD: Okay. So, with that, I would move
19 | that we approve Zoning Commission Case Number 10-03E, H Street
20 | Retail, LLC, modification without hearing of a PUD at Square 912,
21 | and approve it, as requested, and ask for a second -- and with
22 | language from the ANC.

23 | COMMISSIONER STIDHAM: Second.

24 | CHAIRPERSON HOOD: Okay. It's been moved and properly
25 | seconded. Any further discussion?

1 (No response.)

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

4 MS. SCHELLIN: Sure. Commissioner Hood.

5 CHAIRPERSON HOOD: Yes.

6 MS. SCHELLIN: Commissioner Stidham.

7 COMMISSIONER STIDHAM: Yes.

8 MS. SCHELLIN: Commissioner Miller.

9 VICE CHAIR MILLER: Yes.

10 MS. SCHELLIN: And Commissioner Imamura.

11 COMMISSIONER IMAMURA: Yes.

12 MS. SCHELLIN: The vote is four to zero to one to
13 approve final action in Zoning Commission Case Number 10-03E with
14 the revised language, as suggested by the ANC, the minus one
15 being Commissioner Wright, who is not present. Thank you.

16 CHAIRPERSON HOOD: Okay. Thank you. Let's go on to
17 hearing action, Zoning Commission Case Number 25-01.

18 MS. LOVICK: Sorry. Sorry. Excuse me. I just want
19 to ask if the applicant would please submit a draft order, if
20 they so choose. Thank you.

21 MS. SCHELLIN: In two weeks.

22 CHAIRPERSON HOOD: Okay. Thank you. Let's go to
23 hearing action, Zoning Commission Case Number 25-01, Ward
24 Memorial AME Church, map amendment at Square 5088 and 5987. Ms.
25 Schellin.

1 MS. SCHELLIN: That's actually going to be Mr. Mitchum
2 from OP for hearing -- did you say hearing action?

3 CHAIRPERSON HOOD: Did I say -- oh, yeah, I did. I'm
4 thinking about something -- yeah, you're right. Mr. Mitchum.

5 MS. SCHELLIN: Mr. Mitchum.

6 CHAIRPERSON HOOD: Office of Planning, right. I'm
7 sorry. Thank you.

8 MR. MITCHUM: Hi. Good afternoon, Mr. Chairman and
9 members of the Commission. I'm Josh Mitchum with the Office of
10 Planning for Zoning Case -- Zoning Commission Case 25-01. Okay.
11 Next slide please. The applicant, Ward Memorial AME Church has
12 filed an application requesting a map amendment to rezone 227 and
13 241 42nd Street Northeast from RA-1 to RA-2. The map amendment
14 is intended to implement the policies and strategies recommended
15 by the Comprehensive Plan. The property is located north of
16 Benning Road Northeast and East -- (indiscernible dialogue with
17 another OP staff member off the record) -- sorry about that. The
18 property is located north of Benning Road Northeast and east of
19 Fort Mahan Park and is comprised of three lots with frontage
20 along 42nd Street Northeast. Lot 147, north of Brooke Street
21 Northeast, is currently improved with a church building, which
22 is used by the applicant as a fellowship hall. Lot 47 (sic),
23 south of Brooke Street Northeast, has been improved with a two-
24 story building that was previously used by the applicant as a
25 child development center, but currently remains vacant.

1 Next slide please. The Future Land Use Map designates
2 the property for residential moderate-density uses. The
3 Generalized Property Map places the property into the
4 Neighborhood Enhancement Area in the north and the Neighborhood
5 Conservation Area in the south policy areas. The proposed RA-2
6 rezoning would not be inconsistent with the FLUM and GPM
7 designations, as the RA-2 zone allows for more density and,
8 subsequently, more potential for the production of affordable
9 housing units, while conserving an overall residential
10 neighborhood character.

11 Next slide please. When viewed through a racial equity
12 lens, the proposal, on balance, would not be inconsistent with
13 the Comprehensive Plan policies of the Far Northeast/Southeast
14 Planning Area element in which the property is located within.
15 According to 2019 to 2023 disaggregated ACS data, the Planning
16 Area is majority Black and has a higher percentage of cost-burden
17 households compared to the Districtwide averages. The project
18 advances policies related to racial equity, as it will promote
19 more affordable housing options for the residents of the Planning
20 Area. The December 2024 housing equity update from the Deputy
21 Mayor for Planning and Economic Development indicates that the
22 Planning Area has greatly exceeded its target amount, and,
23 therefore, OP is not recommending IZ Plus standards be applied
24 to the subject application due to the large amount of existing
25 affordable housing already available.

1 In conclusion, the Office of Planning recommends that
2 the proposed map amendment be set down for public hearing. Thank
3 you, Mr. Chairman and members of the Commission, and I am happy
4 to answer any questions. Thank you.

5 CHAIRPERSON HOOD: Thank you, Mr. Mitchum. Mr.
6 Mitchum, is this your first time here or you've been here before?

7 MR. MITCHUM: It is my first time, sir, for the Zoning
8 Commission.

9 CHAIRPERSON HOOD: Okay. I think maybe Mr. Lawson was
10 going to introduce you, but, anyway, let me just say welcome to
11 the District of Columbia -- welcome to the District of Columbia
12 Zoning Commission, and we're looking forward to working with you
13 and we'll take it at that, so welcome.

14 MR. MITCHUM: Thank you so much.

15 CHAIRPERSON HOOD: And it might not always be a welcome,
16 but I wanted to welcome you this time. So, anyway, you get the
17 joke. All right. Let's see if we have any questions for Mr.
18 Mitchum. Let me start with -- who am I supposed to --
19 Commissioner Imamura.

20 COMMISSIONER IMAMURA: Thank you, Mr. Chairman. Mr.
21 Mitchum, I'd like to echo Chairman Hood's welcome, and you handled
22 that like a seasoned pro, so thank you for your report. We often
23 ask at setdown if there's any community opposition or any
24 opposition that you're aware of.

25 MR. MITCHUM: At this time, OP has not received any

1 | letters or notes of opposition to the project.

2 | COMMISSIONER IMAMURA: Okay. This seems pretty modest
3 | to me, and I'm interested to find out more, and I think I'm of
4 | the opinion that the Commission should set this down, but I don't
5 | have any further questions. Appreciate the time you spent to
6 | prepare your report and deliver it this afternoon. And, Mr.
7 | Chairman, I yield back.

8 | CHAIRPERSON HOOD: Thank you, Commissioner Imamura.
9 | Commissioner Stidham, you have any questions or comments?

10 | COMMISSIONER STIDHAM: No questions or comments, but
11 | echo the welcome, and you did a great job and thank you for your
12 | report.

13 | CHAIRPERSON HOOD: And Vice Chair Miller.

14 | COMMISSIONER STIDHAM: Oh, and I'm ready to set down.
15 | I'm sorry.

16 | CHAIRPERSON HOOD: Okay. All right. Okay. All right.
17 | Commissioner -- Vice Chair Miller.

18 | VICE CHAIR MILLER: Thank you, Mr. Chairman, and thank
19 | you, Mr. Mitchum, and I join my colleagues in welcoming you and
20 | thanking you -- welcoming you to the Zoning Commission and
21 | thanking you for your very comprehensive report and presentation
22 | today. And I am prepared to set this down, because I think it
23 | is more consistent with the Comprehensive Plan -- the proposed
24 | zoning of RA-2 is more consistent with the Comprehensive Plan
25 | than the existing RA-1 zoning, but I look forward to also hearing

1 about community outreach, especially to ANC 7F I think it is, so
2 thank you.

3 CHAIRPERSON HOOD: Okay. Again, Mr. Mitchum, thank you
4 for your well done report. All right. I meant to do this
5 earlier. I want to do a disclosure that I have served over at
6 Ward Memorial, part of the food distribution I do once a month --
7 I used to do -- I'm not doing it anymore, but last month was my
8 last month -- month before last was my last month -- but I have
9 been going to Ward, serving residents of the District of Columbia
10 food along with other organizations, and Ward is one of our stops
11 where we pick up food. I didn't know all this was going on, but
12 I just wanted to put that on the record, so later on it doesn't
13 show up that I've been going in and out of Ward Memorial, a
14 fabulous church doing a lot of things -- great things for the
15 city, but I just -- especially when it came to the food, that's
16 where we -- was one of our pickups. I wanted to put that on the
17 record, if anyone has any objections. And, Ms. Schellin, if you
18 could help me -- it sounds like we're going to set this down --
19 remember, because I want to make sure we put that on the record
20 as well at the hearing, so there are no questions asked. Anybody
21 have any objection -- any of my colleagues have any objections?

22 VICE CHAIR MILLER: No objection at all.

23 COMMISSIONER IMAMURA: Thank you for leading by
24 example, Mr. Chairman.

25 CHAIRPERSON HOOD: Thank you. Thank you. All right.

1 So we'll keep moving. So, with that, would somebody --
2 Commissioner Imamura, can I get a motion to set it down?

3 COMMISSIONER IMAMURA: Absolutely, Mr. Chairman. I
4 move that the Zoning Commission set down Case Number 25-01, Ward
5 Memorial AME Church, map amendment from RA-1 to RA-2 at 42nd
6 Street Northeast, and ask for a second.

7 COMMISSIONER STIDHAM: Second.

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

10 (No response.)

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

13 MS. SCHELLIN: Yes, sir. Commissioner Imamura.

14 COMMISSIONER IMAMURA: Yes.

15 MS. SCHELLIN: Commissioner Stidham.

16 COMMISSIONER STIDHAM: Yes.

17 MS. SCHELLIN: Commissioner Hood.

18 CHAIRPERSON HOOD: Yes.

19 MS. SCHELLIN: Commissioner Miller.

20 VICE CHAIR MILLER: Yes.

21 MS. SCHELLIN: Staff records the vote four to zero to
22 one to set down Zoning Commission Case Number 25-01 as a contested
23 case.

24 CHAIRPERSON HOOD: Okay. Thank you. Let's move on to
25 correspondence. Holland and Knight's request for a text

1 amendment permitting rebuilding of existing fast-food restaurants
2 with a drive-through. Ms. Schellin.

3 MS. SCHELLIN: Yes, sir. This a letter that we received
4 from Ms. Batties from Holland and Knight. It came after a hearing
5 that she had on the McDonald's case, and she said that the
6 Commission made mention of looking at this as a future text
7 amendment, and so she submitted this letter asking that the
8 Commission look into it. And so that's what you have before you,
9 is a request to look into permitting rebuilding of existing fast-
10 food restaurants with a drive-through. So I will turn it over
11 to you to decide how you want to proceed, if at all. Thank you.

12 CHAIRPERSON HOOD: Okay. Thank you. Thank you, Ms.
13 Schellin. I think this is good for us to have a discussion. Let
14 me ask Vice Chair Miller to start us off.

15 VICE CHAIR MILLER: Thank you -- thank you, Mr.
16 Chairman. Yes, this issue has come up a couple times in a couple
17 cases at least and -- where we had to do map amendments to
18 facilitate a modernization of an existing fast-food restaurant.
19 And although the map amendment in those cases would facilitate
20 that use, as a matter of right, it's -- the -- what the
21 proposal -- what the suggestion was from ANC 7C at one of those
22 hearings was that that should be a special exception process,
23 rather than -- a special exception process before the BZA, rather
24 than a map amendment process before the Zoning Commission,
25 because the map amendment would facilitate much more than just

1 the use, as a matter of right; it would facilitate higher density,
2 which in those two cases we did do the map amendment, because it
3 was not inconsistent with the Future Land Use Map -- policy map
4 designations. But you, Mr. Chairman, I believe, and I both have
5 expressed support for looking into that as a text amendment, and
6 I know I have asked the Office of Planning to look into that,
7 even though they have a huge work program that we have given
8 them, the public has given them, the Mayor has given them, so
9 I'm not sure they have the time to propose a text amendment,
10 themselves.

11 And so I would just encourage, if they're listening,
12 Holland and Knight, on behalf of their client or on their own,
13 to maybe file a text amendment with the Zoning Commission, and
14 then the Office of Planning would look into it as part of a
15 possible setdown hearing before us, so -- and we would look into
16 it. So I appreciate them bringing forward that -- ANC 7C's
17 suggestion to us formally and would encourage them personally, I
18 guess, to follow up maybe. So that's where I am. Thank you,
19 Mr. Chairman.

20 CHAIRPERSON HOOD: Okay. Thank you. Commissioner
21 Imamura.

22 COMMISSIONER IMAMURA: Thank you, Mr. Chairman, and
23 thank you, Vice Chair Miller, for teeing this up. I'm not opposed
24 to looking into this further. I think there needs to be more
25 information, at least for me, in my point of view. I'd like

1 to -- I'd be curious to know, you know, how many additional
2 restaurants this might impact, if that information -- that data
3 is available. I think that -- I certainly understand city
4 agencies and their position, given their policies, and their
5 reluctance perhaps, but I guess that's what makes the Zoning
6 Commission -- gives us sort of that authority to then take a
7 moment to review and reconsider.

8 As I've said, zoning is imperfect, and this is an
9 opportunity perhaps for us to take a closer look and maybe re-
10 evaluate. We have had two cases where I have voted in support
11 of this, as has the rest of the Commission, but I'd like to be
12 deliberate about this with more information, so -- and further
13 discussion. So I certainly think that, as Vice Chair Miller
14 pointed out, it certainly could be handled perhaps with a special
15 exception managed by BZA, but, again, you know, it's under our
16 authority to evaluate this first, and I'd like to have more
17 information and further dialogue about this.

18 CHAIRPERSON HOOD: Okay. Thank you. Let's see,
19 Commissioner Stidham, any comments?

20 COMMISSIONER STIDHAM: I agree with the comments of my
21 colleagues. I think that it is worth looking into a little bit
22 more and understanding the depth and scope of what this looks
23 like, so more information and some analyses would be really
24 helpful in looking into this more.

25 CHAIRPERSON HOOD: I would agree with everything I

1 | heard my colleagues say. I would just hope that maybe the --
2 | Holland and Knight or whoever wants to present something to the
3 | city, that we can look at it and examine and we can do a full
4 | fleshing out, do some discovery, and see exactly what where we
5 | get, so we won't end up with some of the things where we were
6 | and try to work together, as has been mentioned by a number of
7 | my colleagues. So I'm hoping -- if they're listening, go ahead
8 | and send it in -- send it to us, and we will definitely work with
9 | and examine and encourage other agencies, and let's look and see
10 | what's the best fit for the residents of this city as well. So
11 | I'll just leave it at that. I don't think we need to do anything
12 | further on that, except we've had our discussion, and they can
13 | go accordingly to that, you know; they can pick and choose how
14 | they want to move forward. So, all right, anything else,
15 | colleagues?

16 | (No response.)

17 | CHAIRPERSON HOOD: All right. Ms. Schellin, do we have
18 | anything else on the agenda today?

19 | MS. SCHELLIN: I have nothing else for you.

20 | CHAIRPERSON HOOD: Okay. All right. The Zoning
21 | Commission will meet again on May the 12th at four p.m. on these
22 | same platforms. The subject is the Wesley Theological Seminary
23 | of the United Methodist Church. I believe this is their campus
24 | plan. So we will have that discussion on this coming Monday at
25 | four p.m. on these same platforms. So, with that, I want to

1 | thank 00

2 | MS. SCHELLIN: I think that's the further processing
3 | case, if I'm not mistaken.

4 | CHAIRPERSON HOOD: Is that what it is?

5 | MS. SCHELLIN: I believe -- it's further processing of
6 | the Campus Plan I believe.

7 | MS. LOVICK: No, no. It's just the Campus Plan.

8 | MS. SCHELLIN: Just the Campus Plan case?

9 | MS. LOVICK: Just the Campus Plan.

10 | MS. SCHELLIN: That's right. We did the text amendment,
11 | so Chairman Hood was correct. That's right.

12 | CHAIRPERSON HOOD: Well, Chairman Hood usually is. No,
13 | I'm just -- (laughing).

14 | MS. SCHELLIN: Well, you know, what can I say,
15 | occasionally. It's a new year, so, you know, one mistake, come
16 | on. It's coming, trust me.

17 | CHAIRPERSON HOOD: No, it always does, believe me. All
18 | right. So we will meet on whatever Ms. Schellin said -- or Ms.
19 | Lovick said we're meeting on, on Monday on these same platforms.
20 | I want to thank everyone for their participation tonight, and,
21 | with that, this meeting is adjourned. Have a great weekend.

22 | (Whereupon, the above-entitled public meeting
23 | adjourned at 4:37 p.m.)

24 |

25 |

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 Meeting

Before: D.C. Zoning Commission

Date: 05-08-25

Place: Webex Videoconference

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



Deborah B. Gauthier