

GOVERNMENT OF  
THE DISTRICT OF COLUMBIA

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ZONING COMMISSION

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VIRTUAL PUBLIC HEARING

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MONDAY

APRIL 26, 2021

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IN THE MATTER OF: :

Office of Planning - : Case No.

Text Amendment of Subtitles : 21-02

C, D, F, G, H and K for IZ-XL :

Phase I, and Set-Aside :

Requirements by Construction :

Type :

-----:

Monday,  
April 26, 2021

Video Teleconference

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

ZONING COMMISSION MEMBERS PRESENT:

- ANTHONY J. HOOD, Chairman
- ROBERT MILLER, VICE CHAIRMAN, Chairman
- PETER SHAPIRO, Board Member
- MICHAEL G. TURNBULL, Board Member

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OFFICE OF ZONING STAFF PRESENT:

SHARON SCHELLIN, Secretary  
PAUL YOUNG, Zoning Data Specialist

The transcript constitutes the minutes from the Regular Public Hearing held on April 26, 2021

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

(4:00 p.m.)

CHAIRPERSON HOOD: Good afternoon, ladies and gentlemen. We are convening and broadcasting this public hearing by videoconferencing. My name is Anthony Hood. Joining me this evening our Vice Chairman Miller, Commissioner Shapiro, Commissioner May and Commissioner Turnbull. We are also joined by the Office of Zoning staff, Ms. Sharon Schellin and Mr. Paul Young, who will be handling all of our virtual operations. We asked all of our citizens to introduce themselves at the appropriate time.

Tonight's case is Zoning Commission Case Number 21-02. This is Office of Planning Text Amendment to Subtitle C, D, F, G, H and K, IZ-XL Phase Number 1. The summary of this case tonight is a proposed Text Amendment to revise IZ to apply regular IZ to currently exempt the zones and revise and set aside former to expand the applications required to set aside 10 percent of residential GFA, 75 percent gross floor area, 75 percent of utilized bonus density by raising the applicability threshold zones within by right height of 85 feet from the current threshold of zones with by right 50-foot height limit.

Copies of today's virtual public hearing notice are available to Office of Zoning's website. Please be advised that this procedure is being recorded by a court reporter and it's also webcast live, WebEx and YouTube live. The video will be

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1 available on Office of Zoning's website after the hearing.

2           Accordingly, all those listening on WebEx or by phone  
3 will be muted during the hearing. And those who have signed up  
4 to participate or testify will be unmuted at the appropriate  
5 time. Please state your name and home address before providing  
6 oral testimony of your presentation. When you are finished  
7 speaking, please leave mute your audio so that your microphone  
8 is no longer picking up sound or background noise. If you  
9 experience difficulty accessing WebEx over your telephone call  
10 in then please call the OZ hotline number at 202-727-5471 to sign  
11 up or to receive WebEx login or call-in instructions. Again, you  
12 still have an opportunity to sign up if you call that number 202-  
13 727-5471.

14           All persons planning to testify either in favor or in  
15 opposition or undeclared, we encourage you to sign up in advance  
16 and we'll call you by name. If you wish to file a written  
17 testimony or additional supporting documents during the hearing  
18 then please be prepared to describe and discuss it at the time  
19 of your testimony.

20           The hearing will be conducted in accordance with  
21 provisions of 11-Z DCMR Chapter 5 as follows: preliminary  
22 matters, presentation on this case by the Petitioner, which is  
23 Office of Planning, which has up to 60 minutes, report some other  
24 government agencies, report of the ANC. This case is a citywide.  
25 Testimony or organizations and individuals each have --

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1 organizations have five minutes and individuals have three  
2 minutes respectively.

3 And we're here in the order from those in support,  
4 opposition or undeclared. While the Commission reserves the  
5 right to change the time in these presentations if necessary and  
6 intends to adhere to the time limits as strictly as possible and  
7 no time shall be seated. Again, any issues, please call the OZ  
8 hotline under 202-727-5471.

9 At this time, the Commission will present any  
10 preliminary matters. Does the staff have any preliminary  
11 matters?

12 MS. SCHELLIN: No, sir.

13 CHAIRPERSON HOOD: Okay. With that, let's bring up the  
14 Office of Planning. And we will receive the report from Mr.  
15 Kirschenbaum and Mr. Steingasser with me.

16 Okay. Mr. Kirschenbaum, the floor is yours.

17 MR. KIRSCHENBAUM: Thank you.

18 Paul, could you bring up the OP presentation? Thank  
19 you.

20 So good afternoon, Chair Hood and members of the Zoning  
21 Commission. I'm Jonathan Kirschenbaum with the Office of  
22 Planning for Case 21-2. The Office of Planning recommends  
23 approval of these proposed Text Amendments to apply the regular  
24 IZ program to certain exempt zones and to modify the existing set  
25 aside requirements to reflect changes to both the building code

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1 and construction technology which permit taller stick-built  
2 buildings. The proposal would not be inconsistent with the  
3 comprehensive plan. These Text Amendments would only apply to  
4 the existing IZ program, which we have been referring to as  
5 regular IZ.

6 Next slide, please. So I remember our last public  
7 meetings about IZ, the Commission requested sort of a timeline  
8 of all the different recent cases that had made the changes to  
9 the IZ Program. So first, we wanted to start off with that. So  
10 in September of 2019, the Commission approves Case 0433(I), which  
11 was a reorganization and technical corrections, and also  
12 clarification of regulations to the regular IZ Program. The next  
13 major case was 20-2, which is IZ Plus. And, of course, we all  
14 know that applies higher set-aside requirements for map  
15 amendments that increase density.

16 Next slide, please. On Thursday, we will be talking  
17 to you about Case 21-2(A), which is to do some modifications to  
18 the set-aside requirements for IZ Plus. The next major IZ Case  
19 is 121-2, IZ-XL Phase I and we'll discuss this in more detail  
20 momentarily.

21 Next slide, please. The next major case is 21-5 and  
22 that's IZ XL Phase II. It was set down in September 11th of this  
23 year and that's to apply the regular IZ program to conversion of  
24 non-residential buildings to residential use. And then there is  
25 a pending case which has yet to be set down, which is IZ XL Phase

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1 III, and that's to explore opportunities for applying regular IZ  
2 to our downtown zones.

3           Next slide, please. So sort of jumping back into the  
4 case tonight, the zones in front of you are currently exempt from  
5 the IZ program, and we would like to apply these zones to the  
6 regular IZ program. And that would be our three and the Anacostia  
7 Historic District, MU-13 in the Georgetown Historic District, NC-  
8 6 H Street Zone in the Capitol Hill Historic District, RA-5 and  
9 RA-10. R-10 is the Dupont Circle Zone. Capitol of Gateway 1  
10 and the MU-27, which is the Naval Observatory Zone.

11           Next slide, please. So we'll start off with the R --  
12 just an overview of the proposed IZ Program subsidies. We'll  
13 start off with the R-3 Zone in the Anacostia Historic District.  
14 It is proposed to have IZ density bonuses that are consistent  
15 with the bonuses for the R-3 Zone outside the Historic District.  
16 IZ density bonuses sort of permit a minimum lot area of 1,600  
17 square feet and would -- could also allow a minimum lot with 16  
18 feet if granted by the Board of Zoning Adjustment as a special  
19 exception.

20           We do know that there is concern that the proposed Text  
21 Amendment would increase the permissible height in the zone.  
22 There are no proposed changes to the maximum permitted height for  
23 this zone, and I would like to just allay any concerns about  
24 this. The current height limit for this zone is 40 feet, three-  
25 stories and it will continue to be 40 feet, three stories.

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1           Next slide, please. The MU-13 Zone is in the Georgetown  
2 Historic District and it is proposed to have an IZ density bonus  
3 consistent with what this zone was under the 1958 Zoning  
4 Regulations outside of Georgetown. The IZ density bonuses would  
5 permit a maximum height of 80 feet and the maximum height -- I'm  
6 sorry, maximum FAR of 4.8.

7           Next slide, please. The NC-6 H Street Zone is located  
8 in the Capitol Hill Historic District and it's proposed to apply  
9 to all properties in the zone other than Square 907. Square 907  
10 contains the Navy Yard Car Barn historic landmark. This landmark  
11 already covers like a hundred percent of the lot and it really  
12 can accommodate additional density. The IZ bonuses that are  
13 proposed for this zone would permit a maximum height of 55 feet  
14 and maximum FAR 3.6. We have also met with members with ANC 6B  
15 for which this zone is located to discuss the proposed IZ density  
16 bonuses.

17           The ANC expressed that they were a little worried that  
18 the height bonus could negatively impact the view shed of the  
19 Historic Latrobe Gate along H Street. And so to address this  
20 we'll be bringing forward a separate Text Amendment case that  
21 will propose a one-to-one setback starting at 45 feet to protect  
22 the view shed of the Latrobe Gate for the NC-6 Zone.

23           Next slide, please. So the next two slides are for the  
24 RA-5 and RA-10 Zones. They share the same development standards  
25 and so the IZ bonus densities would permit a maximum FAR of 7.2,

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1 and a maximum lot occupancy of 80 percent. And the map is little  
2 hard to read but it shows all the different locations for the  
3 RA-5 Zones mapped.

4 And on the next slide, if you can go to that one. This  
5 one just should -- it essentially is the same development  
6 standards and this map shows where the RA-10 Zone is mapped so -  
7 - which is around Dupont Circle.

8 Next slide, please. The Capitol in Gateway 1 Zone is  
9 proposed to have IZ density bonuses that were permit a maximum  
10 FAR 7.2 and a maximum lot occupancy of 90 feet. This zone, in  
11 particular, is very, very discreet and it's just located by the  
12 baseball stadium.

13 Next slide, please. The MU-27 Zone is proposed to have  
14 IZ density bonuses consistent with the equivalent of the zone,  
15 which is the MU-4 Zone. IZ density bonuses were permitting  
16 maximum FAR 3 and a maximum lot occupancy of 75 -- excuse me, 75  
17 percent.

18 Next slide, please. So the regular IZ Program has two  
19 different set-aside requirements that take into account the type  
20 and cost of construction. For zones where the matter of right  
21 height limit is 50 feet or less. The existing IZ requirement is  
22 10 percent and for zones where the matter of right height limit  
23 is greater than 50 feet. The existing IZ set-aside requirement  
24 is eight percent. Since the adoption of the regular IZ program  
25 changes the building code and also in building technology, allow

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1 stick-built construction as tall as 85 feet, which is generally  
2 lower in cost than concrete and steel.

3 So this proposed Text Amendment is to sort of reflect  
4 these changes in building code and also technology and will change  
5 this height threshold from 50 feet or less to 85 feet or less  
6 and from greater than 50 feet to greater than 85 feet, and that's  
7 highlighted in yellow in front of you. Increasing the height  
8 threshold as it relates to construction type and the set-aside  
9 requirement would result in potentially more IZ units. IZ Plus  
10 already proposes to adjust the height threshold from 50 feet to  
11 85 feet. And this proposed Text Amendment would align the  
12 requirement for inclusionary developments for regular IZ.

13 Next slide, please. So our OP's next steps as they  
14 relate to IZ-XL Phase I is to bring forward a Text Amendment to  
15 apply one-to-one setback for buildings about 45 feet along H  
16 Street in the NC-6 Zone and I discussed that earlier. And then  
17 we also proposed to bring forward a Text Amendment to apply  
18 vesting provision to these Text Amendments. We -- OP has receive  
19 comments from property owners that projects in the planning phase  
20 that do not yet have a building permit may not be able to continue  
21 because their financing is based on the existing IZ regular --  
22 I'm sorry, on the regular IZ set -- I'm sorry, the existing  
23 regular IZ set-aside requirements. This concludes my  
24 presentation and please let me know if you have any questions.  
25 Thank you.

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1           CHAIRPERSON HOOD:       Thank you very much, Mr.  
2 Kirschenbaum. I know that the Anacostia Historic District had  
3 some concerns as well as one of the churches pull that file up.  
4 So my colleagues may ask those questions and let them go first  
5 and may follow back up on some of those questions to get some  
6 assurances. I appreciate your opening statement about the  
7 Anacostia Historic District. I know they worked very hard and  
8 to get to where they are. And I know there's definitely some  
9 concern that make sure that we are all on the same ground of  
10 understanding what's being proposed here, so I want to make sure  
11 we get through that but might as well. So with that, thanks  
12 again Mr. Kirschenbaum. Let me open it up and I'll see if my  
13 colleagues have any questions or comments.

14           Commissioner May.

15           MR. MAY: My only question was to make sure that we  
16 clarify that there is no increase in height proposed for the  
17 Anacostia Historic District or any other Historic District for  
18 that matter. And it's really just -- that there are two separate  
19 actions being considered, one having to do with the type of  
20 construction and what level of IZ applies based on that type of  
21 construction versus the Historic District, Anacostia, in  
22 particular, where it's just the changed in a couple of the other  
23 limitations, so reducing the minimum lot width and reducing the  
24 minimum lot size.

25           But maybe, Mr. Kirschenbaum, you want to just say that

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1 one more time loud and clear for the people who might be  
2 listening.

3 Mr. KIRSCHENBAUM: Sure. Well, regarding in that our  
4 three zone in the Anacostia Historic District there is, again,  
5 no change to the heights, so you cannot get any sort of IZ height  
6 bonus if you provide IZ units in the R-3 Zone in the Anacostia  
7 Historic District. Again, the current matter of right height  
8 limit is 40 feet, three-stories and it will continue to be 40  
9 feet, three-stories. You will not be able to go above that.

10 MR. MAY: Okay. Thank you.

11 CHAIRPERON HOOD: Ms. Steingasser, did you want to add  
12 something? Good part about this when people turn their cameras  
13 on and let me see if you want to say something.

14 Ms. Steingasser.

15 MS. STEINGASSER: No, sir. I just wanted to be  
16 available in case Mr. Kirschenbaum needed some backup.

17 CHAIRPERSON HOOD: Okay. It's always good to have some  
18 backup.

19 Commissioner Shapiro, any questions or comments?

20 MR. SHAPIRO: All right. I have videos that are muted.  
21 Quick one. You're making the obvious distinction between stick  
22 build and concrete and steel. I assume stick-built means stick  
23 on a podium and that's what brings the additional height as well.  
24 But I'm just -- I'm imagining that's where this goes, but that's  
25 the dividing line, right?

1 MR. KIRSCHENBAUM: That is correct.

2 MR. SHAPIRO: Okay. All right. Yeah, that's all I  
3 have, Mr. Chair. No other questions.

4 CHAIRPERSON HOOD: Okay. Commissioner Turnbull.

5 MR. TURNBULL: I have no real questions. I think  
6 Commissioner May addressed the concerns that I have especially  
7 with the Anacostia area. The only thing I hope is that -- it's  
8 hard to look into the future and see if we've created any  
9 unintended consequences. So I think you're going to still work  
10 with OAG to work out the final language, Mr. Kirschenbaum.

11 MR. KIRSCHENBAUM: That is correct. We will be working  
12 with OAG closely to refine it. And we'll be working with them  
13 closely as well to further refine the vesting of language and to  
14 bring forward to you.

15 MR. TURNBULL: Okay. Yeah. Other than that, Mr. Chair,  
16 I really have no more concerns.

17 CHAIRPERSON HOOD: Okay. Thank you. Vice Chair Miller.

18 VICE CHAIR MILLER: Thank you, Mr. Chairman and thank  
19 you, Mr. Kirschenbaum and Office of Planning for continuing to  
20 explore ways to expand our inclusion -- existing Inclusionary  
21 Zoning program, which is just one of many tools that the City  
22 needs to employ. And but one that we're involved with one --  
23 little one that we're involved with to expand affordable housing  
24 opportunities in the city. And this one's in a -- yeah.  
25 Although, it's small, I don't know. I think it's maybe producing

1 a couple of hundred units a year now, finally.

2 At this point maybe you can clarify that, Mr.  
3 Kirschenbaum or Ms. Steingasser, where we're -- what the number  
4 is in the most recent numbers and projections. But this one -  
5 - I mean this program is a one that doesn't cost the City. It  
6 doesn't cost the City in terms of the subsidy like many other  
7 affordable housing programs, but there is a cost of  
8 administration of the IZ program, but by this point, I think  
9 we've gotten that under control.

10 And then it produces it throughout the City in mixed  
11 income projects, mixed in -- mixed with market rate projects in  
12 areas of high benefit, high amenity areas that the market wouldn't  
13 produce normally without this kind of program, affordable housing  
14 necessarily or without a subsidy. So that -- so it's important  
15 that we're expanding it to -- in this way and seeing all the --  
16 I appreciate the slideshow that you had, Mr. Kirschenbaum,  
17 because there are a lot of numbers here and cases, and XL Plus  
18 and regular and Phase III and Phase II and we want them all.

19 But you did delineate and I guess that slideshow is  
20 available now on our -- or hopefully, will be available on our  
21 website so that we -- the public and we can absorb it a little  
22 bit better as to what each of these cases have done in terms of  
23 expanding Inclusionary Zoning. So I think that was very helpful  
24 and simplified version of summary of what we've done and where  
25 we're going. I don't really have any questions either the --

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1 that there's -- I would call Office of Plan -- we want the Office  
2 of -- our Office of Attorney General to work with you, Office of  
3 Planning on the vesting language.

4 I think in some of the -- well, someone can correct me  
5 if I'm wrong and I'm going on here rambling with a lot of  
6 different comments. But I think in some of the -- maybe one of  
7 the previous cases, IZ cases, we -- the simplest way was just to  
8 delay the effective date to some date or months after our decision  
9 -- our vote on it, which seemed like a simple way to deal with  
10 it in the past and hasn't created -- has saw as addressed the  
11 issues and concerns that some have raised in this case and made  
12 -- and others raised in other cases of projects and -- that are  
13 already in the works.

14 And so, I think I would encourage that, but if you have  
15 any comment on what you think might be this -- at this point,  
16 what the simplest way. But we would -- I think we can see what  
17 you might bring back with OAG -- in consultation with OAG using  
18 the history of what we've done in the past as to what worked and  
19 what hasn't, and best for not affecting, you know, like the church  
20 projects that are ongoing or other development projects that have  
21 relied on its financing under the current IZ requirements.

22 I thought I did have a question in the back of my mind,  
23 Mr. Chairman. I'll inter -- if you come -- I'll raise my hand  
24 if I remember it at this point, but I just thank you for bringing  
25 this forward. Oh, yeah. Okay. So I know if I rambled long

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1 enough, I might remember, but I would have gotten to it after  
2 the public testimony.

3           So the coalition for Smart Growth suggested a -- in  
4 their testimony, which we may be hearing from them live in a  
5 moment. I'm not sure who signed up to testify, but we have the  
6 written testimony at Exhibit 9, which asked -- which I think  
7 we've asked. And I think you are looking at the option of  
8 fighting PUD level density of a zone as a matter of right for a  
9 qualified affordable housing project. If it's set aside a certain  
10 percentage, 20 percent or more, they are suggesting for  
11 households that are below 60 percent median family income. Can  
12 you tell me if you are looking at that or will you be looking at  
13 that as you look at all of these cases, which you've brought  
14 forward and others have brought forward to expand Inclusionary  
15 Zoning?

16           MS. STEINGASSER: Yes, Chair -- Commissioner Miller.  
17 We will be looking at that. It has a complex relationship to  
18 the comprehensive plan and the future changes to the future land  
19 use maps, so all of that ties together. There are concerns about  
20 introducing the amount of height as a matter of right like that.  
21 But we are looking at ways to try to integrate more matter of  
22 right, Inclusionary Zoning and affordable -- definitely for all  
23 affordable buildings, we're thinking there are some very clear  
24 options to get that moving forward, so we are looking at those  
25 issues.

1           VICE CHAIR MILLER: Well, I thank you for that. I  
2 thought you were -- I just wanted to get that on the record. And  
3 did you have a opinion, at this point, about the vesting provision  
4 or are you just that --

5           MS. STEINGASSER: We do support the vesting provision  
6 and there are some unique cases we want to make sure that are  
7 covered. Some of them have to do with the Mayor's Agent for  
8 Historic Preservation and the amount of time that that takes  
9 before they even get into the building permit process. So we  
10 are looking at the different types of government say benchmarks  
11 that we can use, but we'll be working with the Office of Attorney  
12 General. We know they've advised you of their willingness to  
13 work with us as well and then we'll also be involving, you know,  
14 the stakeholders that are interested, but, yeah, we'll definitely  
15 try to make it simple. We've done two or three different vesting  
16 languages sections that are in Subtitle A, I believe and we'll  
17 be referencing those and see if we can get a streamlined  
18 straightforward version.

19           VICE CHAIR MILLER: Well, thank you for that response.  
20 And thank you for all the efforts of the Executive to increase  
21 affordable housing opportunities in the City including the  
22 Inclusionary Zoning program, which we get to comment on, so thank  
23 you very much.

24           CHAIRPERSON HOOD: So thank you as well, Ms.  
25 Steingasser, Mr. Kirschenbaum. I do -- I just want to make sure

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1 when we do the vesting that we use the letter from -- and I'm  
2 sure we are but I just want to make sure that we do, from the  
3 Bethel Pentecostal Tabernacle Assembly of God, who's mentioned  
4 how long they've been working for years on their project. And I  
5 know that some different nuances and caveats that has been -- had  
6 been flagged us by OAG about certain things to think about as we  
7 talk about the vesting. And so again, could you use that as a  
8 textbook case and I think that's been provided for the record and  
9 I'm sure there are others.

10           There are other ways to kind of work through this that  
11 you all probably have some ideas. And I know, as I stated, OAG  
12 has flagged us with some different nuances; if this happens, how  
13 far; if it's a different design. So some of those things will  
14 lead up to OP and OAG looking forward to what you all come back  
15 with. But I would just ask that we include that -- at least have  
16 memo in the -- in our considerations as we look into this.

17           The only other thing -- and then again, we've already  
18 spoken about the Anacostia Historic District. But the only other  
19 thing I would add is that one of the things that I have found  
20 out from a -- as mentioned a lot of residents come down and say  
21 Zoning Commission, this needs to be affordable even though the  
22 affordable housing and the pipeline stay. That's why I'm really  
23 looking forward to move. We have that session where the agencies  
24 will come down and educate us because I'm finding out that the -  
25 - as much as we talk about affordable housing, some of us or some

1 residents credit scores won't allow them to get there.

2           Now, I need to know what I really -- I believe this may  
3 be out of scope, but I think it would be helpful, that's probably  
4 included. Some people don't qualify. Is there a way, I guess,  
5 to -- I know this may be way off base. But that's why I need  
6 the government agencies to come and tell me what plans they have  
7 to help people's credit scores.

8           Do they have something already in operation because as  
9 much as we fight and as the Vice Chair said, "I don't know the  
10 limit the scope of affordable housing, it looks affordable and  
11 leaves our best, but it does not work because people's credit  
12 score in the city. So those are some of the things I'm starting  
13 to learn, I'm looking at. I'm not saying that everything is in  
14 our bailiwick, but if there's a way we can point some, making  
15 this thing work, I think it would be very helpful because the  
16 Commission is just told get affordable housing. But there are  
17 some other nuances as we know that other tools in the box and  
18 some that need to be corrected that will probably work as we  
19 proceed, so that's one of my soapbox.

20           Ms. Steingasser, I am looking forward to hear from  
21 those agencies on what's going to happen. So I do have a number  
22 of questions that I want to ask as we follow our little piece of  
23 the pie, see what we can do with the kind of things together to  
24 move this forward, so I don't know if you have any questions  
25 and/or statements, if not, none required.

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1 MS. STEINGASSER: I just want to say, some of the issues  
2 you're raising regarding credit scores, you know, get into the  
3 Fair Housing Act issues as well, so it's a very complex situation.  
4 We'll try to distill it down as best we can and get back to you  
5 this spring or summer with that presentation.

6 CHAIRPERSON HOOD: I thank you, Ms. Steingasser because  
7 through my little independent study which may be half right --  
8 and maybe all right. I'm not sure, maybe incorrect, I don't  
9 know. But when I heard the issue of the credit score come up, I  
10 never thought of that which should have been the obvious.

11 Any follow up questions upon this? Okay. Let me turn  
12 the sound. I'm getting a little feedback. Okay. No other  
13 questions or comments.

14 Ms. Schellin, do we have anyone who would like to  
15 testify either support, opposition, we can bring everybody?  
16 Well, I don't if we can bring everybody but let's do support  
17 first.

18 MS. SCHELLIN: Right. In support, we have Cheryl Cort  
19 and Jeff Utz.

20 CHAIRPERSON HOOD: Okay. Let's bring them up first.

21 MS. SCHELLIN: Oh, it's receiving five minutes to  
22 testify.

23 CHAIRPERSON HOOD: Okay. Okay.

24 Ms. Cort, you can start us off. You may begin and then  
25 we'll go to Mr. Utz.

1 MS. CORT: Thank you, Chairman.

2 Good afternoon, I'm Cheryl Cort with the Coalition for  
3 Smarter Growth. We are here to testify in support of this  
4 proposal. We appreciate that the Zoning Commission is pursuing  
5 new ways to apply Inclusionary Zoning to create more affordable  
6 homes. IZ has been a pretty successful program with just shy of  
7 200 homes per year in recent years. And that for the cost of  
8 only to administer the program that was discussed before by  
9 providing lower price IZ housing opportunities alongside market  
10 rate homes. We're helping to address a legacy of redlining,  
11 racial segregation and other discriminatory practices that have  
12 led to today's disparities in wealth, health and housing security  
13 for so many of our black and brown district residents.

14 We support the changes that proposed for the specific  
15 historic and non-historic districts with -- for IZ requirements.  
16 And in each case, we appreciate that OP has delineated increased  
17 lot area or height FAR or lot occupancy that will be permitted  
18 for the IZ density bonuses to provide an offset for the cost of  
19 the below market rate units to be included as a matter of right  
20 development. We note that these -- well, you've heard which --  
21 my testimony says, which districts are included.

22 I also actually really want to express our support and  
23 interest in the change for -- from the 50 feet to 85 feet for  
24 the non-type I construction for stick built to get the higher set  
25 aside at 10 percent or 75 percent of utilized bonus that -- this

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1 is a really important contribution to responding to changes in  
2 the construction industry and really capturing more of the value  
3 of that as this type of construction is more cost effective than  
4 we could use it to -- as a value capture mechanism for more  
5 affordability.

6           So I wanted to mention as we -- as mentioned earlier,  
7 that we want to continue pursuing other opportunities that are  
8 within the realm of the Zoning Commission. We appreciate there  
9 are many things that you cannot do to make housing more affordable  
10 to more D.C. families, but we certainly want to make sure that  
11 we're exploring and exploiting every zoning opportunity. And  
12 so that is why we have proposed that we look at using a PUD level  
13 density for a matter of right qualified, affordable housing  
14 project.

15           We've suggested a 20 percent set aside in serving  
16 households at 63 percent of any family income or less. But with  
17 that, I just want to thank the Zoning Commission and Office of  
18 Planning for continuing to pursue whatever you can do to address  
19 our housing affordability crisis and acknowledge that this is  
20 part of a much larger effort where we need a much greater  
21 increased investment in housing affordability through things like  
22 the House Production Trust Fund, local rent supplement, but also  
23 making sure we're leveraging every zoning opportunity that we  
24 have. Thank you.

25           CHAIRPERSON HOOD: Okay. Thank you, Ms. Cort. If you

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1 can just hold around, we may have some questions for you.

2 Mr. Utz. Maybe --

3 MR. UTZ: Good afternoon, Chairman Hood and members of  
4 the Commission. Thank you for letting me appear this afternoon.  
5 I'm speaking on behalf of DCBIA. I am actually kind of standing  
6 in on this. I just wanted to, first of all, say thank you for  
7 taking another look at the Inclusionary Zoning concepts and  
8 particularly give credit to the Office of Planning for delving  
9 deeply into the regulations and look for ways to kind of improve  
10 and broaden the program. We do have some concepts that we wanted  
11 to put in the record but we follow our letter late this afternoon.

12 So the primary reason for appearing now is to kind of  
13 ask the letter into the record and ask that it'd be received.  
14 Primarily, the main comments that we'd like to make relate to  
15 vesting as well. So much of what you've already heard, the Office  
16 of Planning already includes a concept of vesting that is being  
17 studied and to come down the pike. We would support that under  
18 the rationale but it does take a great deal of time to study  
19 project sites and line up financing, and figure out a direction  
20 for a project and then get into all the levels of drawings that  
21 are required to even get to a permit.

22 So we would very much request that vesting concept is  
23 studied as part of the rollout of the IZ-XL Phase I concept. The  
24 letter that we're submitting also does include some models that  
25 walkthrough the financial impact of the wood construction about

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1 50 feet for RA-3, MU-5 and MU-8 that we would hope that the  
2 Commission takes a look at.

3 And then it also talks about some of the need to make  
4 sure to review the incentive capability for Inclusionary Zoning  
5 in those items that are the certain exempt zones currently  
6 basically, the historic exempt zones, where there needs to be a  
7 sensitivity to the ability to actually achieve those zoning  
8 bonuses, the modification capability for height.

9 In addition to bonus density that is theoretically  
10 going to be available for these properties but it might not  
11 actually be in many of them whereas there's the oversight. And  
12 I'm thinking in particularity, some in Georgetown that we're not  
13 able to step outside of that matter of right envelope and some  
14 other locations in the District. So with that, we would love to  
15 submit our letter into the record and then be available for any  
16 questions as well. Thank you.

17 CHAIRPERSON HOOD: Okay. Thank you. Thank you both.  
18 Let me see. Commissioners, any problems with DCBIA being able  
19 to submit their letter to the record?

20 (No audible response.)

21 CHAIRPERSON HOOD: Okay. No objections. So we will  
22 accept that. Mr. Utz, we appreciate it.

23 Ms. Cort, I appreciate your comments especially when  
24 you said, we know the Zoning Commission can't do all affordable  
25 housing, just a piece of it. A lot of people think that we can

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1 do all of this. So I really appreciate that because they even  
2 got us to the point where we trying to push as hard as we can.  
3 But I do agree with your comments and the Vice Chair that we can  
4 do all we can, what's in our bailiwick and what we can deal with.  
5 So once we do that then I think it's the other pieces have to  
6 come into play, so I just want to thank you for saying that  
7 because that's very important that we can only do so much and I  
8 really appreciate your comments. Is there any questions or  
9 comments, Commissioner May?

10 MR. MAY: (No audible response.)

11 CHAIRPERSON HOOD: All right. Commissioner Shapiro.

12 MR. SHAPIRO: A question for Ms. Cort. Is there someone  
13 in the background who wants to give testimony, I can't tell.  
14 There we go. That's it.

15 That'll do, Mr. Chair. That's all I have.

16 MS. CORT: Yes. I'm in my 6-year-old's bedroom.

17 CHAIRPERSON HOOD: So, you know, Ms. Cort, usually, I  
18 bring them to come to the camera and tell us their name, but  
19 obviously, he's having a good time of whatever the 6-year-old is  
20 doing. I don't know if this a male or female, but they're having  
21 a good time, so we'll just leave them alone. Okay.

22 MS. CORT: It's all boy and it matters.

23 CHAIRPERSON HOOD: Oh, okay. All right. Commissioner  
24 Turnbull, any questions, comments?

25 Vice Chair Miller, any questions, comments?

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1 VICE CHAIR MILLER: No question. But thank each of you  
2 for your testimony. I appreciate your longstanding interest in  
3 -- and advocacy on this issue.

4 CHAIRPERSON HOOD: All right. Again, thank you all  
5 very much. So no one else is in support, Ms. Schellin?

6 MS. SCHELLIN: No, but we -- I want to say that we do  
7 have DCBIA's testimony, so I'll go ahead and add that.

8 CHAIRPERSON HOOD: Okay. Okay. What about opposition?  
9 Can we bring those (indiscernible) up.

10 MS. SCHELLIN: We do have opposition and we have also  
11 undeclared. I have given the list to Mr. Young, so I believe he  
12 will start pulling them up.

13 CHAIRPERSON HOOD: Okay. Let's bring up opposition  
14 first.

15 MS. SCHELLIN: Camille (ph) is first then Greta. I  
16 don't know how many he's going to be able to get up.

17 MR. CAMILLE: Hi. Yes, can you hear me? This is  
18 Camille?

19 MS. SCHELLIN: Starts with Camille. Yes, Camille will  
20 be first.

21 CHAIRPERSON HOOD: Yes, go ahead, Camille. You may  
22 begin. You may begin.

23 MR. CAMILLE: Yes. Thank you. Yes. So first, I need  
24 to start, you know, there has been some clarification during the  
25 meeting, but, you know, we got very confused by the proposal with

1 regard to its impact on heights. I think all of this would need  
2 really to be get clarified. And I would appreciate if, you know,  
3 the assessment made by OP can be, you know, shared and we can  
4 understand really what side, where it could have an impact and  
5 why -- and how, you know.

6           If it's just about allowing smaller, now were houses  
7 of the same height, it should not be an issue but this should  
8 be, you know, clearly explained. And I think, you know, that  
9 should be sort of one of the conditions to move forward with this  
10 proposal. In principle, you know, if it's not -- no height  
11 increase and just -- now, we were building, it could be possible.  
12 But right now, based on what we had, it was very confusing and I  
13 want to say like why we are so concerned about height, you know.

14           I think when the Historic District as explained in the  
15 testimony was created. The major threats for the integrity of  
16 the Historic District were zoning changes and higher density. We  
17 understand the need for higher density and it can happen in many  
18 places, but there's only one Historic District East of the River.  
19 And very much appreciate OP giving the people more consideration  
20 to that will be concerned because there has been past decision  
21 by OP that didn't fully reflect that. Okay. So that's why I  
22 think we need OP needs to regain the trust of the community and  
23 show that they actually understand the character and work around  
24 that.

25           And the main concern we're having is related, for

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1 instance, from the PUD that was approved in 2013 just across the  
2 Historic District, you know, between the Historic District and  
3 the Anacostia River that allowed some increase of densities  
4 there. Now, it's 85 feet. Based on some assessment that we  
5 understand didn't really look at, you know, the character of the  
6 Historic District, so now, we're kind of stuck with this type of  
7 changes.

8           And I hope as we move forward, you know, with this type  
9 of development, OP is going to be able to make up for, you know,  
10 some mistakes that have been made there, so, you know, again, we  
11 welcome affordable housing. I think a lot of the areas outside  
12 of the Historic District really by where this can happen. But I  
13 think it's very important that as we move forward, OP is very  
14 transparent and clear about what is proposed and how this is  
15 actually impacting the area. And I think in the current proposal,  
16 it wasn't clear, so I can leave it there, maybe Greta will add  
17 or (indiscernible) to one. Thank you.

18           CHAIRPERSON HOOD: Okay. Thank you, Camille. If you  
19 can hold tight, we may have some questions for you. Appreciate  
20 your testimony. I think Ms. Fuller was next.

21           Ms. Fuller are you ready?

22           MS. FULLER: Yes. Yes. Hello.

23           CHAIRPERSON HOOD: Okay.

24           MS. FULLER: I can't seem to get my camera. I don't  
25 know if this is working or not, but I think you've all seen me

1 before --

2 CHAIRPERSON HOOD: It did come on for a moment. You  
3 did come on for a moment and now, it's off.

4 MS. FULLER: Okay. Well, you don't really need to see  
5 me. But anyway, my name is Greta Fuller and I'm a former  
6 Commissioner, five terms for a Historic Anacostia. A member of  
7 Historic Anacostia Preservation Society of which Camille is  
8 speaking for today and more importantly, a resident. And like  
9 Camille said, we are glad that everyone spoke and clarified the  
10 height issue. However, I'd like to go to page -- I guess its  
11 page 3 of the document that was sent out and it actually talks  
12 about the Zone R-3 in the Anacostia Historic District and there  
13 is a table there. Do you know what I'm talking about? It says  
14 it's the zone R-3 --

15 CHAIRPERSON HOOD: Are you referring in terms Office  
16 of Planning's report?

17 MS. FULLER: Yes. And I think it says the minimum lot  
18 with matter of right IZ and IZ with special exception. And it  
19 has 20 feet as a matter of right. IZ, meaning Inclusionary Zoning  
20 is 20 feet and then this new IZ with special exception will be  
21 16 feet, right? You know what I'm talking about? Are you with  
22 me?

23 CHAIRPERSON HOOD: I'm still trying to. Are we -- we  
24 are talking about the housing --

25 MS. FULLER: Let me see whose document it is?

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1 MR. SHAPIRO: I think it's the OP report, Mr. Chair.

2 CHAIRPERSON HOOD: Yeah. I'm on 3-11 and I don't see

3 --

4 MS. FULLER: Because there was 3 -- page 3 and 22 is  
5 what I got from the District of Columbia Zoning. It came from  
6 Jonathan Kirschenbaum I think AICP.

7 CHAIRPERSON HOOD: Kirschenbaum, yes.

8 MS. FULLER: Kirschenbaum. Yes.

9 CHAIRPERSON HOOD: Yeah. Kirschenbaum.

10 MS. FULLER: And his recommendations: 1 -- Section 1  
11 recommendations and it's like the Section one, two, three. It's  
12 Section 3 of that page 3. But it's a -- is the recommendations,  
13 if you're not familiar then I don't know.

14 CHAIRPERSON HOOD: Yeah, I see it. I see it.

15 MS. FULLER: Okay. Okay.

16 CHAIRPERSON: You're talking about the PowerPoint  
17 presentation, right? You're looking at the PowerPoint.

18 MS. FULLER: Well, I got it as a document. I have it  
19 as a document. But go on.

20 CHAIRPERSON HOOD: All right. Well, go ahead with your  
21 testimony.

22 MS. FULLER: Okay. Well, it says Section 3: Analysis,  
23 for Exempt Zones is what it's under and then it talks about  
24 Historic District. And the part that I'm concerned about is  
25 this, the Zone R-3 and that's us in Anacostia. The matter of

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1 right is 20 feet. The IZ is 20 feet and the IZ with special  
2 exception is 16 feet. With now, the minimum lot area is 2,000-  
3 square feet for a matter of right and the new I -- and IZ will  
4 be 1,600-square feet.

5 My question, one of the things I want to know is this  
6 means that you could have IZ with special exceptions if the  
7 developer whomever came to the zoning and presented as IZ with  
8 special exception, they could have a 16-foot lot, a wide lot  
9 instead of the 20 that's normally required. Is that what this  
10 document is stating and that the square footage could be smaller  
11 and maybe the people who wrote it. Ms. Jennifer. Ms. Jennifer,  
12 I have a message for you last night. You are aware of this.

13 CHAIRPERSON HOOD: Steingasser. Steingasser, yes.

14 MS. FULLER: Steingasser. You're aware of this. Can  
15 you know?

16 CHAIRPERSON HOOD: So before I bring -- I'm going to  
17 actually bring them back up because obviously there are some  
18 clarification that's need to -- I would ask Ms. Steingasser back  
19 up. Mr. Kirschenbaum, let's bring him back up. We might be able  
20 to resolve some of this this evening. I don't know who wants to  
21 answer Ms. Fuller's question. But I think Mr. Kirschenbaum or  
22 Ms. Steingasser, one of you have to respond about her question  
23 about the extension of IZ with special exceptions but maybe  
24 (indiscernible).

25 MS. STEINGASSER: That is correct. The Inclusionary

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1 Zoning standards in the R-3 for row house zone would allow a  
2 matter of right width of 20 feet with an area of 1,600 feet --  
3 square feet, or if they wanted to come forward to the  
4 (indiscernible) and request, they could go down to a narrower lot  
5 of 16 feet, but they would have to document that in front of the  
6 Board of Zoning Adjustment that would obviously require a public  
7 hearing, notification of the ANC and the property owners within  
8 -- feet.

9 MS. FULLER: Okay. So you are -- so I am reading this  
10 correctly that they --

11 MS. STEINGASSER: Yes, ma'am.

12 MS. FULLER: -- put in the zoning and get a special  
13 exception and then that would be 16 feet. Now, the reason why  
14 I'm asking this to be clarified is because part of Historic  
15 Anacostia's character is yards, is side yards and is front yards.  
16 And that's what kind of made the Historic District and it's listed  
17 throughout our historic guidelines and through the District  
18 Government, HPO or THPO office.

19 MS. STEINGASSER: Yes, ma'am.

20 MS. FULLER: And now that you're making this more now,  
21 are you not taken away from the character that made the Historic  
22 District historic as well as creating more density and how does  
23 that look in zoning if you haven't narrow yard, I mean lot where  
24 we now have some issues because we're already close to each other,  
25 the way our houses -- our homes are built and our state structures

1 that we can't have certain things on certain sides of the house  
2 because you're right next like in the windows or et cetera,  
3 pathways in a certain width, et cetera. So I'm just wondering  
4 how that's going to affect, number one, the historic character  
5 and affect the laws that are already in place that require that  
6 there is a certain length between -- I mean a pathway between  
7 homes?

8 MS. STEINGASSER: Well, let me start with historic  
9 character. All sub -- all projects in Historic Districts remains  
10 to review by the Historic Preservation Review Board and subject  
11 to a determination under the Historic Preservation Act of  
12 Character, so that would not affect them. If it was found that  
13 the proposal of 16 feet was inconsistent with the character then  
14 The Historic Preservation Review Board would, you know, state  
15 such and they would -- that would be reported to the Board of  
16 Zoning Adjustment and the Office of Planning would recommending  
17 it. The starting building codes and life safety regarding the  
18 width spaces and all of that would still be applicable and would  
19 be the prevailing requirement.

20 MS. FULLER: Okay. And I'm going to end, Commissioner  
21 -- what was your name? I'm drawing a blank right now at the  
22 Commissioner -- and Mr. Hood. Commissioner Hood, right.

23 CHAIRPERSON HOOD: It's all right. Let us stay Hood.  
24 Let us stay Hood.

25 MS. FULLER: I'm going to draw this to a close because

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1 I think she's answered -- Commissioner Hood, I know you have so  
2 many hearings but I'm going to draw this to a close. But I want  
3 a clarification of that and I wanted that on the record. But I  
4 -- also my last statement here is now for the Anacostia community.  
5 I had to be very clear. It is already very stressful for a lot  
6 of the community members. We are very few to show up at these  
7 hearings and HPRB Zoning and very, very few understand zoning.  
8 It is a very complex thing for ordinary citizen so -- and you  
9 guys are a little more well versed in this and we really do not  
10 understand a lot of this, so a lot of people were confused about  
11 what was sent out.

12           We like to make sure that the language in this document  
13 is clear about height one and that the zone about affordable  
14 housing, I want to make it very clear. I am not nor are my  
15 neighbors against affordable housing, but honestly, we are the  
16 most affordable area in this city. We have not received one,  
17 one single, true mixed income housing project. Every project  
18 that we've gotten here has been 100 percent affordable. And it  
19 feels like that putting more and more laws out there that brings  
20 more to our community does that give us the diversity for people  
21 who -- let's say, for instance, I always go back to recent grads  
22 who may just be right above that income threshold and they can't  
23 even live here.

24           So I would like the District of Columbia to pay close  
25 attention to what you're actually building in our community and

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1 don't create another community that can never get out of this  
2 affordable housing structure that doesn't benefit all residents.  
3 So we like to see some market rate, some affordability and some  
4 real mixed use in this community and some real retail, and that's  
5 my testimony. Thank you.

6 CHAIRPERSON HOOD: Thank you, Ms. Fuller. And I think  
7 the reason we allow that exchange, I thought was very helpful,  
8 but I'm going to also have another request. I'm not sure who -  
9 - if somebody from your group or neighborhood can reach out to  
10 Mr. Kirschenbaum and maybe you all set up a conference call to  
11 fully understand exactly what going on, you know, you're right.  
12 You don't do this every day. It can be kind of complex to  
13 understand exactly what's going on. What's actually -- sometimes  
14 it was actually presented, we may not always understand it. So  
15 Mr. Kirschenbaum, I'm sure, will be able to assist and help the  
16 community get a better understanding. I know you have one now,  
17 but I'm hoping that some kind of way you all can connect and have  
18 that dialog with Camille and yourself, Ms. Fuller who -- well,  
19 I'll spin before I keep going. Let me go to Chairman Wilson.

20 MR. WILSON: Hey. Good afternoon, Commissioner Hood.  
21 Charles Wilson here, resident of the Anacostia Historic District.  
22 Thank you for having this forum.

23 Normally, I prepare remarks but today, I wasn't able  
24 to do that, so I'm just going to keep my remarks very short. And  
25 say that, you know, like Greta and Camille said, this conversation

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1 is very complex. I'm still reading some of the comments on our  
2 own community listserv and there's a lot of confusion about this.  
3 And I'm just really disappointed that more concerted outreach  
4 wasn't done to the community and even just the ANC to really just  
5 explain exactly what this is, you know, a lot of it is perception  
6 is reality to people.

7           And soon as you open this document and you see  
8 affordable housing and you see the R, the entire border of our  
9 neighborhood encircled whereas other neighborhoods are like  
10 certain particular areas, it raises questions and it raises blood  
11 pressure in some people because, you know, unfortunately, there  
12 is some mistrust between that resident's feel with the District  
13 Government for past issues, so I would really highly encour --  
14 I've already reached out to members of the Office of Planning to  
15 invite them to our next meeting on May 13th.

16           They said that they were going to make sure that  
17 somebody was there to really explain exactly what's going on, so  
18 I just wanted to make sure that that was clearly stated. And I  
19 think a lot of the other comments are really just questions  
20 because I still am confused about this. Their Historic Districts  
21 all over the city and I'm just wondering like why were these  
22 highlighted? Also, I forgot this Commissioner. -- I can't -- I  
23 don't see his name here, but he talked about unintended  
24 consequences. And I would really encourage -- you know, I know  
25 it's hard to look at a crystal ball and see what's going to happen

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1 in the future, but I would really encourage everybody to say  
2 really ask those questions. What could be some of the unintended  
3 consequences of this and how could we get in front of it before  
4 we signed this into law? So, again, I just want to -- I don't  
5 have any prepared comments outside of that but I just wanted to  
6 put that on record. Thank you.

7 CHAIRPERSON HOOD: Okay. Thank you, Chairman Wilson.  
8 Let's see. Ms. Schellin, do we -- and I want everybody's to hold  
9 tight because we may have some follow up questions. Do we have  
10 anybody else that I may have -- what about Joanna Knight?

11 Ms. Knight?

12 MS. KNIGHT: Yes, hi.

13 CHAIRPERSON HOOD: Okay. Go ahead.

14 MS. KNIGHT: There we go.

15 MS. KNIGHT: All right. Thank you. I appreciate you're  
16 allowing me to speak. My name is Joanna Knight. I'm a resident  
17 of Historic Anacostia. And essentially, I just want to echo what  
18 my neighbors have said. I initially signed up today to speak  
19 because of the height requirement confusion but that is not  
20 (indiscernible). But I also echo all the comments that have come  
21 before me because I also feel strongly that the Historic Anacostia  
22 community is something that is uniquely special to the city. And  
23 I sometimes worry that it's not seen as unique and special as it  
24 should be. It dawns on me that when and I say when we become a  
25 51st State, Douglas Commonwealth, the landmark of Frederick

1 Douglass, is in Historic Anacostia.

2           And we have an area that should be treasured and really  
3 seen its value as a historic area because I think it's going to  
4 become more and more increasingly important to our city. So just  
5 speaking to a couple of things. First, what Charles was saying  
6 about the unintended consequences? Just from my time of being  
7 in this community, which has been about four years, I've seen  
8 that most developers when they come to ask for or present building  
9 plans in our community, time and time again, they ask for the  
10 exceptions, so the exceptions then become the rule.

11           It essentially every time we make exceptions to our  
12 historic rule, they then become the default because most  
13 developers want to see that happen. And, you know, I also echo  
14 with everybody else, we absolutely need more affordable housing  
15 in our area and I fully support that. And I want to make sure  
16 that everybody can stay in our community who wants to stay in  
17 our community. But just want to echo that as much as we can look  
18 at the opportunities for including affordable housing within the  
19 context of making sure we're keeping the spirit and the  
20 specialness, the uniqueness of our community alive because it  
21 really is a special place as you all know.

22           And that's why you have so many community members who  
23 are so passionate about coming to these meetings when we can and  
24 all the talk on our listserv because we care deeply. And we  
25 really want to make sure our community retains that uniqueness

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1 and that specialness that we all cherish, so that's essentially  
2 what I wanted to say. And also, lastly, I guess I also echo  
3 everybody comments of making sure we can include the community  
4 so we can avoid future confusion and really get that buy in from  
5 the community on future decisions. So thank you very much for  
6 the opportunity to speak and to let my opinions be shared with  
7 you and that's it. Thank you.

8 CHAIRPERSON HOOD: Okay. Thank you. If you can hold  
9 tight, we may have some questions. I'm trying to go through  
10 everyone who's in opposition. Dobromir (ph). Hopefully, I'm  
11 pronouncing that correctly.

12 MR. DOBROMIR: You pronounced it correctly. My name  
13 is Dobromir and I'm an Anacostia resident. And echoing what have  
14 my neighbors are saying. I signed to testify against the height,  
15 increase in height to 85 feet, which was clarified by Mr. Jonathan  
16 presentation. I don't like to mispronounce his name and I'm glad  
17 to hear that. And when you talk about the character of Anacostia  
18 and Historic Preservation, I'd like to be very well understood  
19 that one of the most historic things in Anacostia that hasn't  
20 changed for century is the width of Good Hope roads and Martin  
21 Luther King Jr. Avenue Southeast, and that's like two lanes each  
22 direction currently.

23 And that dictates the size and the volume of  
24 development that we can accommodate. And I'd like to -- and this  
25 is our main commercial transport and commuter corridor and I'd



1 like to just briefly compare with our sister neighborhoods,  
2 Georgetown, where there are major commercial corridor M Street  
3 is 50 percent wider and I don't see buildings more than three  
4 level high or M Street South is -- that's 50 percent wider.

5           So anyhow, this is the reality that dictates the volume  
6 of development that we can accommodate height wide and width wide  
7 and I'd like this to be understood. Also, for bringing more  
8 affordable housing, we need more affordable housing in D.C. and  
9 need more housing in general. My concern with bringing more  
10 affordable housing in D.C. is that public servants like teachers,  
11 firefighters and policemen do not qualify for the affordable  
12 housing that's built in Anacostia.

13           And I would like to cap neighbors such neighbors, so I  
14 kind of worry if you go into direction where you have cap  
15 affordable housing that excludes public servants and passive  
16 demographic that they do need housing and housing D.C and state.  
17 Maybe in the area where they teach or there -- policemen that  
18 they know that area and such. That's pretty much what I wanted  
19 to say. I'm glad the height issue has been clarified and it's  
20 not going to be more than 45 feet and more than three-stories  
21 high and these are my concerns. And also, we should get more  
22 clarity on what this change is about. Thank you.

23           CHAIRPERSON HOOD: Okay. Thank you. If you can hold,  
24 we may have some questions. I see Thomas -- I think it's Thomas  
25 Beggah (ph). And so, Thomas, you can go ahead and begin.

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1 Thomas, do you hear me.

2 MR. BEGGAH: (No audible response.)

3 CHAIRPERSON HOOD: Okay. What we'll do is I'll go to  
4 Undeclared, we'll come back to Thomas. But let me just say this  
5 first. I appreciate Chairman Wilson for coordinating a session  
6 with the Office of Planning can come on and explain, Mr.  
7 Kirschenbaum, Ms. Steingasser, whoever it is. I'm hoping all the  
8 neighbors would tune into that. So you open the explanation of  
9 exactly what's going on? I agree. I'm not sure what outreach  
10 was done previously. But I do agree with -- especially making  
11 sure that those in Anacostia Historic District are aware of what's  
12 being proposed and understand and also to support. That's kind  
13 of where I am with that. I will hear from other colleagues later  
14 on. Let me see. Now, let me --

15 Commissioner May any questions of anyone on the panel?

16 MR. MAY: (No audible response.)

17 CHAIRPERSON HOOD: Okay. Commissioner Shapiro.

18 MR. SHAPIRO: (No audible response.)

19 CHAIRPERSON HOOD: Commissioner Turnbull.

20 MR. TURNBULL: None, Mr. Chair.

21 CHAIRPERSON HOOD: Okay. And Vice Chair Miller?

22 VICE CHAIR MILLER: No question. Thank you, Mr.  
23 Chairman and thank each of you for taking the time to come down  
24 and testify. And I echo the words of the Chairman to encourage  
25 further dialog between the Office of Planning and the community

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1 to understand what's being proposed here and going forward.

2 CHAIRPERSON HOOD: Okay. And I actually like the  
3 results of that session. Chairman Wilson, if you could, I would  
4 like the results of that session.

5 MR. WILSON: Will do. Will share them.

6 CHAIRPERSON HOOD: Thank you.

7 Thomas.

8 MR. BEGGAH: (No audible response.)

9 CHAIRPERSON HOOD: Hope you're listening, Thomas. He  
10 may come up when we do the undeclared, you may come on then.  
11 Let's bring the undeclared up. Mr. Young please.

12 MS. TENNESSEN: Good afternoon, everyone. Can everyone  
13 hear me? No.

14 MR. SHAPIRO: Mr. Chair, you're on mute.

15 CHAIRPERSON HOOD: Good. Because I messed up the last  
16 person's name, so we will start with Ms. Prince first, Ms. Shelly  
17 Repp and then Tina Tennessen. And then hopefully Thomas will be  
18 available after that.

19 Ms. Prince you may begin.

20 MS. PRINCE: Thank you, Chairman Hood and members of  
21 the Commission. I'm really testifying tonight for this afternoon  
22 just out of interest IZ. I attended every single IZ meeting  
23 hearing when you adopted that way back in over ten years ago and  
24 I followed it with great interest. And I just had a couple of  
25 observations and I don't want any of my observations to take away

1 from OP's incredibly hard work on this. And then the effort that  
2 they put into revisiting portions of IZ is really astounding and  
3 the quality of the reports is outstanding. So -- and also the  
4 Office of Zoning, I mean we're all just doing the best we can  
5 getting notice out and I'm trying to reach ANC or whenever  
6 anything is proposed these days.

7           But vesting, you heard about vesting and I'm not going  
8 to be really repetitive, but I want to make sure that the  
9 Commission's clear. There is a big difference between vesting  
10 and effectiveness. Those are two different things. So vesting  
11 is what has to be done to be protected under the regulations that  
12 you designed your project under and then effectiveness is when  
13 the regulations go into effect. So the vesting rule is wildly  
14 confusing because it's different for Text Amendments and Map  
15 Amendments.

16           So many, many property owners think that just having  
17 filed for a permit, vest them from protection, from a change in  
18 the text, but it doesn't. That only applies to Map Amendments.  
19 So it's those kinds of subtle distinctions that really complicate  
20 vesting and all we ask is that we're all given an opportunity to  
21 look at the vesting language because what you don't want and we  
22 don't want is chaos and uncertainty and that's what happens if  
23 someone gets snagged. Someone has just as the church that we  
24 heard from. We don't want property owners, who invest a huge  
25 amount in a project to get snagged by a change in the regulations

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1 because we know chaos and uncertainty is like the worst that  
2 could happen to us right in mid-COVID.

3           The second point I wanted to raise was notice and all  
4 the notice is completely proper, everything was done right. In  
5 this case, I don't mean to allege that there's any notice defect  
6 but we're in the middle of COVID and you've only had, I think  
7 two ANCs maybe weigh in and none of them that formally. And I  
8 just am concerned when you have so little input on a topic that  
9 generated so much interest when it was adopted. And I think I'm  
10 really happy to hear from the Anacostia folks because well, I'm  
11 not working on anything in the Anacostia Historic District. I  
12 took a close look at it and it's mostly townhouses.

13           And I really -- I hear the residents and they're sort  
14 of saying, wait, we were taken out of this first go around, why  
15 are you subjecting us to it now? And there were reasons why they  
16 were kept out in the first place and we can dig into the record  
17 from the original case but you've heard some of the comments  
18 tonight.

19           And my final issue is, you know, as you know the whole  
20 underlying that the -- just threshold underpinning of IZ in the  
21 first place was there had to be some offset, some higher density  
22 offset in order to allow for a non-subsidized affordable housing  
23 program and in many ways, it's been effective. You know,  
24 developers, property owners have gotten increased height or  
25 increased height density or increased lot occupancy that is

1 offset the burden of IZ because it is a burden, you know,  
2 unsubsidized affordable housing is a burden of incredibly  
3 important goal but a burden.

4           So when we look at, just as an example, the MU-13 Zone,  
5 the old W-2 Zone, why was it exempt in the 1st place? Well, it  
6 was exempt in the first place because it's not realistically  
7 achievable to get more height or density when a project is subject  
8 to review by the old Georgetown Board. So the proposal now is  
9 that the maximum height would go from 60 feet to 80 feet in the  
10 W-2 now MU-13 portion of the Georgetown Historic District. Well,  
11 I would argue that's not realistically achievable. I mean we  
12 just worked on a project at 341 Water Street and struggled  
13 mightily to achieve the matter of rate height of 60 feet.

14           So there really were reasons why these zones were left  
15 out in the first place and I don't -- I'm not arguing that this  
16 can't be studied more. And I would just ask you to exercise some  
17 caution and just look at it more thoughtfully with more community  
18 input because, you know, the Board of Zoning Adjustment just  
19 delayed a whole bunch of hearings a couple months because of a  
20 notice -- alleged notice impact. But really, I think the goal  
21 was to make sure that there was adequate ANC input in the middle  
22 of COVID. So I completely respect what you're doing. We're  
23 happy to be involved in any way.

24           I just don't want anything to happen precipitously when  
25 I think there are really important issues still to consider. And

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1 again, OP has done a fabulous job. OZ has done a fabulous job.  
2 I'm not -- I don't want to take away from them. I just wanted  
3 to sort of get out these thoughts. That's it.

4 CHAIRPERSON HOOD: Okay. Thank you, Ms. Prince. We  
5 appreciate your thoughts and we may have some questions for you  
6 also, if you stick around. I Think - Shelly Repp.

7 MR. REPP: Hello. Good afternoon, everyone. My name  
8 is Shelly Repp. I live at 4704 Windom Place Northwest, and my  
9 testimony today is on behalf of the committee of a hundred for  
10 the Federal City. I want to point out -- I share with some of  
11 the comment. I'm going to get -- go find out that -- I'm going  
12 to share some of the same thoughts that Ms. Prince just said  
13 about the need for understanding and outreach here.

14 Anyway, the -- and I also just like the DCBIA person  
15 tried to file something for the record this afternoon and it was  
16 returned, so I also asked your -- that you accept that testimony  
17 for the record. The committee of a hundred -- I should start  
18 out by saying the committee of a hundred has consistently  
19 advocated for more affordable housing within the city. We share  
20 with the Zoning Commission the goal of creating more affordable  
21 units. The proposed Text Amendment that we're talking about  
22 today comes -- it has two parts.

23 The first part extends Inclusionary Zoning to many  
24 exempt zones. The Text Amendments is proposed by the Office of  
25 Planning would apply the regular IZ program to a number of exempt

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1 zones throughout the city including zones in the Anacostia  
2 Historic District, the Georgetown Historic District and the  
3 Capitol Hill Historic District.

4 By way of background, the Office of Planning,  
5 originally proposed IZ-XL Phase I on January 19th, 2021. The set  
6 down of the hearing was held on January 28, after which on  
7 February 26, a notice a public hearing was published in the D.C.  
8 Register. OP's public report is dated April 19th.

9 As of yesterday, when we prepared our written comments,  
10 only two public comments had been filed, one by the Coalition for  
11 Smarter Growth, a developer funded organization, and one on  
12 behalf of Bethel Pentecostal Tabernacle Assemblies of God, which  
13 dealt with the vesting issue that you've heard about. Since  
14 then, the Historic Anacostia of Preservation Society has filed a  
15 statement in opposition and the vesting comment was filed. With  
16 respect to the Anacostia Preservation Society filing,  
17 Commissioner May, I think ask Mr. Kirschenbaum whether or not any  
18 of the height -- any of the Historic Districts had higher height  
19 under this proposal.

20 Mr. Kirschenbaum said that there was no additional  
21 height with respect to Anacostia. But I believe that the other  
22 two historic districts, Georgetown Historic District and Capitol  
23 Hill Historic District, both -- the proposals both involved  
24 additional height either from 60 to 80 feet. Actually, Ms. Prince  
25 just indicated on the Capitol Hill case from 45 to 55 feet.

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1 D.C.'s Inclusionary Zoning rules are complex and not  
2 well understood by many. Even OP could misinterpret the rules  
3 as shown by OP's proposal to revoke or need to revise the rules  
4 for an instant Inclusionary Zoning, which were just approved.  
5 Under Inclusionary Zoning requirement to provide affordable  
6 housing is accompanied by a grant of increased density height and  
7 or lot -- allowed lot occupancy. The proposed Text Amendment  
8 specifies the increased allowances to be granted developers for  
9 projects in the exempt zones.

10 C100, Committee of 100 believes that informed residents  
11 of the affected zones should participate in the review of these  
12 tradeoffs that affect their neighborhoods. We would be surprised  
13 if many residents who live in the effected -- in the zones  
14 affected by the proposed Text Amendment understand the potential  
15 impact on their neighborhoods of the increased density height  
16 and/or maximum lot occupancy.

17 As noted, as of April 25th, no ANC or any resident of  
18 the effected zones had filed a comment on the proposed Text  
19 Amendment. We suspect that this could be attributable to the  
20 fast track, the amendment, the proposed amendment has taken, but  
21 also to the number of other proposals that are before the Zoning  
22 Commission. There were four -- there have been four IZ proposals  
23 before the Zoning Commission this week. And, of course, at the  
24 same time, the proposed amendments to the comprehensive plan are  
25 taking a lot of people's attention.

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1           As OP points out, the comprehensive plan states that  
2 density bonuses should be granted in Historic Districts only if  
3 such increased density does not significantly undermine the  
4 character of the neighborhood. For this reason, C100, Committee  
5 of 100 suggest that the Commission keep the record open and that  
6 OP conduct a more rigorous outreach effort to the affected  
7 neighborhoods. Up until today, there -- what has been missing  
8 is the reaction of those in the affected zone. The whether the  
9 testimony by those in the Anacostia show that there are concerns  
10 in at least one of the neighborhoods and demonstrates the need  
11 for additional public comment.

12           We also recommend that OP provide visuals illustrating  
13 the effect of the increased density height and maximum lot  
14 occupancy in each of the neighborhoods particularly the three  
15 Historic Districts and the Dupont Circle and Naval Observatory  
16 Zones. We know that their proposal does not apply. Finally, we  
17 know that the proposal does not apply to downtown zones that are  
18 currently exempt. We -- the Committee of 100 as previously  
19 recommended extension of IZ downtown zones in hopes that OP will  
20 move forward with that initiative.

21           The second part of the Text Amendment revises the IZ  
22 set-aside based on construction type raising the height limit  
23 applicable to stick-built projects from 50 to 85 feet. In our  
24 view, this change reflects advances in construction engineering  
25 and should be supported. In conclusion, the Committee of 100

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1 believes the public should be given more time to review the  
2 proposal to extend the IZ program to the exempt zones covered by  
3 the proposal. Finally, I ask the Commission to accept, for the  
4 record, our late filing. Thank you for the opportunity to  
5 testify.

6 CHAIRPERSON HOOD: Okay. And thank you, Mr. Repp.  
7 Lets' -- Commissioners, any objections to accepting Committee of  
8 100 filing? So Mr. Repp, we will accept that filing as well.  
9 You can hold tight; we may have some questions. Where I leave  
10 off that.

11 Ms. Tensen -- Tennessen. Hopefully -- if you could  
12 correct me. Yeah.

13 MS. TENNESSEN: Yeah. Yeah. Thank you very much.  
14 I'm a resident of Historic Anacostia. My husband and I bought  
15 our first house here. We've been in D.C. for almost two decades.  
16 And I just -- thanks to Chris Wilson, learned about this today,  
17 Charles Wilson, I'm sorry. And I just want to -- I think if you  
18 look at the maps in the memo that was submitted January 18th of  
19 this year, and you see the giant chunk of Anacostia that these  
20 rules apply to and I'm not -- I don't speak developers. I don't  
21 understand the rules. But I see that groups in the other historic  
22 areas successfully lobbied to make them not apply to their large  
23 swaths of their communities and it's just not equitable. It's  
24 clear that it's not.

25 So I expect and would hope that either large swaths and

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1 the other communities that this is affected -- like there's a  
2 fair, equitable treatment for the different Historic Districts.  
3 That's just pretty simple. And then a thing I found confusing  
4 and maybe this can be -- come out when we meet with the Office  
5 of Planning later. But the -- in that memo from January 18th,  
6 there were -- the proposed changes for Anacostia would use  
7 different metrics for explaining the changes.

8           So the maximum height and occupancy, and whereas  
9 Anacostia, I think Ms. Fuller was trying to talk that through in  
10 plighted so better than I did. I was in a meeting. But it just  
11 seems like we're -- on the surface it seems like we're being  
12 treated differently. And I think -- maybe it's a communications  
13 challenge maybe it's an understanding gap. But either way,  
14 equitable, affordable housing across all the boards is what I  
15 think most people in D.C. want and expect. Thank you for your  
16 time.

17           CHAIRPERSON HOOD: Okay. Thank you. Thomas. There  
18 you go. Are you ready Thomas?

19           MR. BEGGAH: (No audible response.)

20           CHAIRPERSON HOOD: Thomas, I'm sorry, you take it off  
21 on mute. Thomas, if you need your cell phone, your landline,  
22 dial 727 -- 202-727-5471.

23           MR. YOUNG: You may just need to go to his audio tab  
24 at the top. It should be an audio tab and make sure you're using  
25 -- you can -- there's a dropdown list for microphone.

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1 MS. SCHELLIN: Yeah. He's on his cell phone.

2 MR. SHAPIRO: We saw him for a second.

3 MS. SCHELLIN: I think -- he is muted. Can you unmute  
4 him or is he got to unmute himself? He's unmuted.

5 MR. BEGGAH: Can you hear me?

6 MS. SCHELLIN: Yes. Yes.

7 MR. BEGGAH: Can you hear me?

8 CHAIRPERSON HOOD: Yeah. Now, we can hear you. Go  
9 right ahead, Thomas.

10 MR. BEGGAH: Oh, finally. Do you think we're COVID  
11 that we have -- I would have all this figured out by now? Sorry  
12 about that. Apologize.

13 But some of -- so a lot of the other testimony you guys  
14 have heard already. As a resident property owner at Historic  
15 District, you know, there are a lot of questions and concerns  
16 that I have as far as the impact of this proposal and its  
17 recommended changes to not only Historic Anacostia, but how it  
18 will impact the aesthetic of the Historic District and its  
19 character. So I totally support affordable housing like most  
20 other residents of the District. And I'm still concerned about  
21 these changes and unintended consequences to our neighborhoods,  
22 so that was my statement. I don't have much more to add but I  
23 do look forward to hearing more about this proposal.

24 CHAIRPERSON HOOD: Okay. Thank you, Thomas. I'm glad  
25 we were able to get you in. I think that I'm going to bring Ms.

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1 Steingasser and Mr. Kirschenbaum back up, but I believe they're  
2 going to be meeting with Historic Anacostia. But I will say this  
3 and I do appreciate and understand Historic Anacostia and others  
4 who have some concerns about what we're doing or what's being  
5 proposed because we haven't done anything.

6 But I do know that there's another set of residents in  
7 the city who say, it's on Commission and we get it all done. Get  
8 it done, get this done, do this, do this, hurry up. We need  
9 affordable housing. So I do want to applaud the Office of  
10 Planning whether you agree, pro or con. We're trying to do -- I  
11 mean the Office of Planning is trying to push to the commission  
12 of what has been pushed by a lot of residents in this city who  
13 want affordable housing. We all want affordable housing, you  
14 know, but we've got to work together to get it done.

15 I'm not saying go over there and redo Historic  
16 Anacostia. No, I'm not saying that because I think Historic  
17 Anacostia as Ms. Prince said there was a reason these things  
18 happen. And I will say -- Ms. Prince has always COVID has changed  
19 the way we do things. There are rulemakings, Ms. Prince that we  
20 have in the hearing room and nobody shows up. I've been around  
21 a long time. But I think in this particular case, yeah, there  
22 is some latitude, some room for error because COVID, we have to  
23 readjust ourselves, we're trying to make sure we reach out to all  
24 the ANCs.

25 We're trying to make sure that the community is in line

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1 and know what's going on. That's always has been the case but  
2 COVID has added another element to trying to do that. So again,  
3 we need everybody's help when these things happen. I think what  
4 I heard that there are some very legitimate concerns and issues.  
5 I'm not sure what the outreach was and especially explaining what  
6 it is as Ms. Fuller and others have mentioned. And I'm sure that  
7 Historic Anacostia and others were alarm, so I just need further  
8 clarification. And I'm hoping that we can come to some rationale  
9 of understanding of what -- so we can get input from everyone so  
10 we can continue to move forward. And I do take your comments,  
11 Ms. Prince. I don't know if you submitted them because I don't  
12 remember seeing. If you did, forgive me. Did you submit your  
13 comments to the record?

14 MS. PRINCE: I didn't. I didn't. But I can.

15 CHAIRPERSON HOOD: Yes. I Think that will be very  
16 helpful to all of us and I would hope that you submit them. Mr.  
17 Repp's already submitted his and I know -- we heard from Anacostia  
18 Historic District. They're going to be meeting with Office of  
19 Planning. But let me bring Ms. Steingasser back up and Mr.  
20 Kirschenbaum to give us some type of response. But I am asking  
21 -- I think they've already set up the meeting they want to have  
22 with Historic Anacostia.

23 Ms. Steingasser.

24 MS. STEINGASSER: Yes, sir. We are meeting with  
25 Historic Anacostia as Chairman Wilson identified. But I want to

1 -- first of all, apologize for the stress that I put on the  
2 residents of the Anaco -- Historic Anacostia. Unduly at this  
3 time, it's like the last thing you need is the sense of  
4 nervousness or anxiety caused by information that just wasn't  
5 clearly presented on our part. So I'm glad that that we got the  
6 right information out and I apologize that created this high  
7 level of anxiety.

8           And I think the rapid response that you saw from  
9 Historic Anacostia underscores exactly how tight this community  
10 is and how they do communicate with each other. The other thing  
11 I wanted to respond to is that these regulations, it's -- the  
12 issue of equity in applying these regulations fairly across the  
13 city and singling out one community over another. These  
14 regulations apply citywide right now. All other Historic  
15 Districts are already covered by these regulations, you know,  
16 Takoma, Capitol Hill, Cleveland Park, Woodley Park. But all of  
17 the other Historic Districts are already -- these regulations are  
18 already in place and have been for the last ten years.

19           So it's not that we have singled out one community over  
20 another, but that we have now looked broadly saying, okay, we  
21 have had this experience with these regulations in Historic  
22 Districts. Does it still merit that these two particular or  
23 three Historic Districts should continue to be exempt from the  
24 regulations and our experience has indicated that the regulations  
25 are flexible enough and the respect to the HPRB and the Historic



1 Preservation Review Process gets its credit

2           So I just wanted to clarify. We're not singling out  
3 these three districts. We're bringing all the Historic Districts  
4 in -- and the third (audio interference) to real quickly, was  
5 this issue of unintended consequences. We absolutely are open  
6 to monitoring these regulations as we do with all of our  
7 regulations. And if we see a pattern of things that don't work,  
8 we bring them back to the Commission and we will adjust them  
9 accordingly. We do that with many -- more regulations than I  
10 would like to say, but we do bring them back. We will keep an  
11 eye on it. And if we hear from HPRB or the staff that works,  
12 these Historic Districts that they're constantly seeing a  
13 conflict will definitely come back to the Commission after  
14 reaching out to the community and bring back revisions, so we  
15 will keep an eye on that. That's all I wanted to say.

16           CHAIRPERSON HOOD: Okay. Thank you, Ms. Steingasser  
17 for the follow up and the questions -- I mean in response to some  
18 of the concerns we heard tonight. Let me see. We don't have  
19 anybody else to testify, right, Ms. Schellin? Everybody's -- I  
20 got everybody off.

21           MS. SCHELLIN: That was everybody on the list.

22           CHAIRPERSON HOOD: Okay. So with that, I guess what  
23 we can do is we have some submissions. Committee of 100, somebody  
24 else we asked for something to submit. Definitely, wasn't I?  
25 Just quick --

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1 MS. SCHELLIN: We have Ms. Prince.

2 CHAIRPERSON HOOD: Who else. Oh, Ms. Prince. Okay.  
3 I know it was somebody. Okay. See, you disappeared from --  
4 maybe being able to look at you, so now, I forgot. But anyway,  
5 we have MS. Prince and Committee of 100 submissions. We also  
6 have a meeting that's going to be held with the Anacostia Historic  
7 District for greater understanding and -- I'm not sure, but I can  
8 tell you this. Probably, I would rather wait until the May 13th  
9 meeting, but I'm going to open it up before I take in or take  
10 proposed because I think we have a lot of insightful information  
11 so again, help us as we move forward with Office of Planning is  
12 going to have, the OAG is will with the vesting.

13 And I think we have more of a complete package as far  
14 as doing even though a first vote, but I think it's a two-vote  
15 case. And I would like to wait until after the Historic Anacostia  
16 meeting is held. I think Chairman Wilson said the 13th. And  
17 also, would like to wait until some of the other information  
18 that's been provided to help with the vesting as Ms. Prince  
19 alluded to in fact. I think those are all things that need to  
20 be considered as OP and AOG and OZ come back with something that's  
21 a little more closer together for us to make a final decision to  
22 move forward with proposals. So let me open up any questions or  
23 comments. Any suggestions.

24 Commissioner May.

25 MR. MAY: (No audible response.)

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1 CHAIRPERSON HOOD: Commissioner Shapiro.

2 MR. SHAPIRO: I'm fine with waiting, following your  
3 timeline. The only thing I want to say is Ms. Steingasser's  
4 comments around her recognizing that perhaps the communication  
5 wasn't what it should be. And I was thinking of all this, the  
6 many -- Commissioner Turnbull started it but the many people  
7 referred to unintended consequences. And I think there's, you  
8 know, the unintended consequences of not communicating this the  
9 right way. But I think it's just recognizing that if you're  
10 talking about a District that has, you know, lots of reasons to  
11 be suspicious based on a long history of discrimination and then  
12 you're looking at a map with a red line around it. You know,  
13 then yeah, I think then we all need to be attentive to that and  
14 make sure that we do especially communication in districts that  
15 that need to hear, so that's what I heard from Ms. Steingasser.  
16 I appreciate that and I'm glad this meeting is happening and I  
17 think we should wait.

18 CHAIRPERSON HOOD: Okay. Thank you.

19 Commissioner Turnbull.

20 MR. TURNBULL: I'm fine in waiting. I think it makes  
21 a lot of sense. My only concern, excuse me. Ms. Steingasser  
22 said that, for instance, in some of the historic areas at either  
23 Georgetown or HPRB would make a -- if you find something that's  
24 too high, the height is in conflict with the neighborhood, that  
25 they would be making a recommendation and I would come before the

1 BZA. So I'm just kind of, you know, in a quandary of is that -  
2 - is they're all on the BZA's determining -- they're going to be  
3 putting a bind determining the height in historic area because  
4 if HPRB says, it's too high then I think it's the whole thing  
5 about it.

6 Does it fit in in the neighborhood? I mean we all want  
7 affordable housing but I think the additional height which is  
8 needed to get this. Is it going to cause us more of a problem?  
9 And I don't know if we can get Ms. Steingasser ready to talk to  
10 HPRB more about how they look -- how HPRB is going to be looking  
11 at height related to affordable housing. Is that going to become  
12 more of an issue for us? I think it's one of those unintended  
13 consequences that may play more of a part that we thought about,  
14 so just to comment.

15 CHAIRPERSON HOOD: Okay. Thank you, Mr. Turnbull. I'm  
16 sure Ms. Steingasser has received that comment and so noted. I'm  
17 sure she will further investigate.

18 Anything else Mr. Turnbull?

19 MR. TURNBULL: (No audible response.)

20 CHAIRPERSON HOOD: Okay. Vice Chair Miller.

21 VICE CHAIR MILLER: Thank you, Mr. Chairman. And I  
22 just want to thank each of the witnesses for their testimony. I  
23 look forward to reading the testimony, which I haven't read of  
24 Committee of 100, DCBIA, Ms. Prince and anybody else who testified  
25 tonight, who we don't have the written testimony, didn't have it

1 until today. I think it's -- so I think it's useful for all of  
2 us to absorb that for the next -- just a few weeks. I really  
3 don't want to put it off for more than that. It is a two-vote  
4 process here that allows further comments after we do proposed  
5 rulemaking on May 13th if that ends up being the date.

6 And as everyone -- as others, the Chairman and Ms.  
7 Steingasser pointed out, the Zoning Regulations are a living  
8 document. They're not -- it's nothing as frozen in stone. As  
9 much as we would like to be done -- one and done, we never are.  
10 And that's what the public hearing process is for to hear the  
11 concerns, to address, to clarify what any miscommunications or  
12 misunderstandings and address concerns that can be addressed but  
13 not forgetting what the overall goal here.

14 And the goal is to equitably treat throughout the city.  
15 That's what Inclusionary Zoning is all about; equitable inclusive  
16 mixed income developments throughout the city, and we have heard  
17 in numerous cases. We've sat on Georgetown cases where there was  
18 an opportunity for additional Inclusionary Zoning, but it did not  
19 apply and that was just a missed opportunity that we couldn't do  
20 anything about, so anyway, I appreciate everybody's testimony.  
21 We'll try to address everybody's concerns. And at -- the future  
22 dialog is important and that should continue to be ongoing, so.

23 Thank you, Mr. Chairman.

24 CHAIRPERSON HOOD: Okay. Thank you all. I am really  
25 -- I know that we want to see, but I want to make sure that we

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1 have ample time to look at all the information.

2           From the testimony I heard, I think is going to make  
3 this -- and I say this all times. We'll make this of what we're  
4 doing better because I think everybody wants an added value when  
5 nobody just griping a legitimate. Everything I heard and that  
6 was legitimate and I think we need to incorporate it into our  
7 proceeding into what we're doing, so I think that'd be very  
8 helpful.

9           The other thing is as I want to echo what the Vice  
10 Chair and Ms. Steingasser said which we say all the time, as Ms.  
11 Steingasser already mentioned. If we find something is not right,  
12 they will bring it right back to us and we will tweak it and make  
13 whatever changes necessary, so we can kind of rule out and try  
14 to cut out some of those unintended consequences. So that's why  
15 I am with all this. I don't know if you any other questions or  
16 comments.

17           Ms. Schellin, do we have everything else?

18           MS. SCHELLIN: I just want to update as far as what  
19 the record is open for. DCBIA and the Committee of 100, they'd  
20 already submitted their comments, so staff already has those and  
21 has -- I've already directed other staff to upload those into the  
22 record. Allison Prince's testimony, the record will be open for  
23 that. The record also will be open for OP to submit their  
24 PowerPoint presentation. And I believe you asked Charles Wilson  
25 to follow up with them with a meeting with some other --

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1 CHAIRPERSON HOOD: Just, just -- right. Just an update  
2 on how his meeting went and where Anacostia Historic District.

3 MS. SCHILLEN: And I think that could probably be  
4 submitted when the record reopens for the 30-day comment period.

5 CHAIRPERSON HOOD: No. I want that before I vote the  
6 first time.

7 MS. SCHILLEN: Okay. So he needs to submit that. I  
8 didn't know when the meeting was taking place.

9 CHAIRPERSON HOOD: The meeting, I think is May the  
10 13th. Whenever it is, I want it after the meeting. I think he  
11 said May the 13th unless I got that thing wrong.

12 MS. SCHELLIN: Okay. Because our meeting is May 13th.

13 CHAIRPERSON HOOD: Okay. Well, we're going to have to  
14 do it after that because I need that.

15 MS. SCHELLIN: Okay.

16 CHAIRPERSON HOOD: I want to have their comments.

17 MS. SCHELLIN: Okay. So as soon as he has that meeting,  
18 if we could get that, if he's still listening, which I don't see  
19 him on here, so --

20 CHAIRPERSON HOOD: Okay. Well, somebody come --

21 MS. SCHELLIN: -- confide him now.

22 CHAIRPERSON HOOD: Let's see if Ms. Fuller is still on.  
23 They can pass the information on to him.

24 MS. SCHELLIN: Yeah. If he could just submit that then  
25 by May 15th that would be great. And then other than that, the

1 record is closed until the proposed rulemaking is published and  
2 then it would reopen for a 30-day public comment period.

3 CHAIRPERSON HOOD: Okay. All right. And also, I do  
4 want to say that again, COVID-19 has made all of us adapt and  
5 change of how we do things. We might not hit every bell and  
6 whistle all the time, so bear with us, work with us. And I'm  
7 sorry that this got to the point where a lot of communication  
8 wasn't put out there. But remember, a lot of things that all of  
9 us are doing our everyday lives has basically been altered. So  
10 we all are still learning. We're still going through the process  
11 of doing these electronic hearings and everything, so I just want  
12 to say that for the record.

13 Commissioners, any follow up questions or comments?

14 (No audible response.)

15 CHAIRPERSON HOOD: All right. So the Zoning Commission  
16 will meet again where we have our meeting. Oh, no. Wait a  
17 minute. I have something. I'm sorry. The Zoning Commission  
18 will have a follow up hearing on University Campus Plan on April  
19 the 28th at 5:30 p.m. and will be on the same platforms. So with  
20 that, I want to thank everyone for their participation tonight.  
21 Again, your comments were well received and we'll have a better  
22 outcome with everyone participated. We really appreciate it.  
23 And with that, I want to say good night and see you all on  
24 Wednesday at 5:30. Good night.

25 (Whereupon, the above-entitled matter went off the

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1 record at 5:42 p.m.)

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In the matter of: Virtual Public Hearing

Before: DCBZA

Date: 04-26-2021

Place: Teleconference

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