

GOVERNMENT OF
THE DISTRICT OF COLUMBIA

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ZONING COMMISSION PUBLIC MEETING

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REGULAR PUBLIC HEARING

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THURSDAY

NOVEMBER 18, 2021

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The Regular Public Hearing of the District of Columbia Board of Zoning Adjustment convened via Video conference, 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 Chairperson
- PETER SHAPIRO, Commissioner
- PETER MAY, Commissioner
- JOSEPH IMAMURA, Commissioner

OFFICE OF ZONING STAFF PRESENT:

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

OFFICE OF PLANNING STAFF PRESENT:

- JOEL LAWSON, Associate Director, Development and Review
- JONATHAN KIRSCHENBAUM, Development Review Specialist
- SHARON THOMAS, Development Review Specialist
- ANNE FOTHERGILL, Development Review Specialist

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OFFICE OF ZONING LEGAL DIVISION STAFF PRESENT:

HILLARY LOVICK, ESQ.
JACOB RITTIG, ESQ.

The transcript constitutes the minutes from the
Regular Public Hearing held on November 18, 2021.

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

INTRODUCTION AND PRELIMINARY MATTERS:
 Anthony Hood 6

CONSENT CALENDAR:
 Case Number: 06-11V/06-12V, BPX 2100 Penn, LLC -- PUD
 Modification of Consequence at Square 75 7

COMMENTS AND QUESTIONS:
 Commissioners 8

CONSENT CALENDAR:
 Case Number: 00-33A, Jemal's Cayre Woodies, LLC --
 Modification of Consequence at Square 346 9

COMMENTS AND QUESTIONS:
 Commissioners 10

CONSENT CALENDAR:
 Case Number: 06-11U, Hillel at the George Washington
 University -- PUD Modification of Consequence
 at Square 42 14

COMMENTS AND QUESTIONS:
 Commissioners 15

FINAL ACTION:
 Case Number: 21-08, Office of Planning -- Text
 Amendment to Subtitle G to Create Housing-Focused
 Mixed-Use Zones 16

COMMENTS AND QUESTIONS:
 Commissioners 17

FINAL ACTION:
 Case Number: 21-13, The Douglass, LLC -- Design
 Review at Square 5860, Lot 97 -- 632 Howard Road,
 S.E. 19

COMMENTS AND QUESTIONS:
 Commissioners 20

FINAL ACTION:

Case Number: 16-11, Park View Community & the District of Columbia - DCCA Remand. 26

COMMENTS AND QUESTIONS:

Commissioners 26

PROPOSED ACTION:

Case Number: 21-10, Office of Planning -- Text Amendment Subtitle C, Chapters 7-9 [Vehicle Parking, Bicycle Parking, and Loading] 40

COMMENTS AND QUESTIONS:

Commissioners 41

HEARING ACTION:

Case Number: 21-11, Abraham & Laura Lisner Home for Aged Women -- Map Amendment at Square 1663. 47

COMMENTS AND QUESTIONS:

Commissioners 40

HEARING ACTION:

Case Number: 21-15, S Street Village, LLC -- Map Amendment at Square 442 50

COMMENTS AND QUESTIONS:

Commissioners 52

HEARING ACTION:

Case Number: 21-19, Office of Planning -- Map Amendment at Square 6170S, Lots 35, 36, 38, 807-810 54

COMMENTS AND QUESTIONS:

Commissioners 56

CORRESPONDENCE:

Case Number: 14-13E Office of Planning -- Text Amendment re: Penthouses: Request from Committee of Kalorama Citizens Association to Reopen the Record. 62

COMMENTS AND QUESTIONS:

Commissioners 63

ADJOURN:

Anthony Hood 72

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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 convened and broadcasting this public meeting by video conferencing. My name is Anthony Hood. Joining me this evening are Vice Chair Miller, Commissioners Shapiro, May and Commissioner Imamura.

We're also joined by the officers on the staff, Ms. Sharon Schellin and Mr. Paul Young, who will be handling all of our virtual operations. Also our Office of Zoning Legal Division, Ms. Lovick and Mr. Rittig, and all others will introduce themselves at the appropriate time.

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

For hearing action items, the only documents before us this evening are the application, the ANC Setdown Report and the Office of Planning Report. All other documents in the record will be reviewed at the time of the hearing. Again, we do not take any public testimony at our meetings, unless the

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1 Commission requests someone to speak.

2 If you experience difficulty accessing WebEx or
3 if you're a phone call-in, then please call the OZ hotline number
4 at (202) 727-5471 for Webex login or call-in instructions. And
5 I believe I've announced everyone who's here. So with that, Ms.
6 Schellin, do we have any -- does the staff have any preliminary
7 matters?

8 Ms. SCHELLIN: No preliminary matters, unless the
9 Commission chooses to rearrange the agenda. Other than that, we
10 are ready to go.

11 CHAIRMAN HOOD: I think -- I thought about that, Ms.
12 Schellin, but I think we'll keeping it in the order that it is
13 printed.

14 MS. SCHELLIN: Okay.

15 CHAIRMAN HOOD: Okay. First, we have determination
16 scheduling, Zoning Commission Case No. 06-11V/06-12V. Ms.
17 Schellin?

18 MS. SCHELLIN: Yes, sir. The applicant is seeking a
19 modification of a condition that will move a reference to a public
20 fountain. The applicant has stated that there's no acceptable
21 way to connect a waterline. After meeting with the parties, the
22 applicant provided revisions to condition (b)(3), which are
23 included -- which include increasing the contribution by \$20,000.
24 At Exhibit 7, there's an OP report supporting this application
25 as a modification of consequence. Exhibit 8 is a letter in

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1 support from the West End Citizens Association. Exhibit 9 is a
2 letter in support from the Foggy Bottom Association. And I know
3 the ANC met last night, and we're supposed to submit a letter
4 today, but, unfortunately, we have not received a letter from the
5 ANC. So if the Commission finds that this is indeed a
6 modification of consequence, then I would set a schedule, I'm
7 sorry.

8 CHAIRMAN HOOD: Okay. Commissioners, I just want to
9 make sure for clarification -- thank you, Ms. Schellin --
10 clarification on Subtitle Z703.4, it tells us what we will have
11 to look at for modification of consequence, which also says in
12 the Subtitle Z703.6, which tell us whether we have to do with
13 the modification of significance. We have a recommendation, at
14 least I think we can go either way. But I think I'll -- my
15 recommendation -- at least my opinion is I believe we can make
16 this a modification of consequence, but let me hear from others.
17 Commissioner May?

18 COMMISSIONER MAY: I agree with you, Mr. Chairman.

19 CHAIRMAN HOOD: Commissioner Shapiro?

20 COMMISSIONER SHAPIRO: I concur.

21 CHAIRMAN HOOD: Okay. Commissioner Imamura?

22 CHAIRPERSON IMAMURA: I'm in agreement and concur.

23 CHAIRMAN HOOD: Okay. And Vice Chair Miller?

24 VICE CHAIR MILLER: Yes, I concur also. There's been
25 a lot of the community engagement throughout the process as well.

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1 CHAIRMAN HOOD: Okay. Ms. Schellin, could we do a
2 determination of the schedule? I mean, we did a determination
3 -- can we do the schedule?

4 MS. SCHELLIN: Yes, sir. If we could -- our next
5 meeting is December 16th. So if we could have -- since you're
6 not asking for anything from the applicant, if we could just get
7 the ANC's report by December 6th, 3 o'clock p.m., we can put this
8 on for December 16th.

9 CHAIRMAN HOOD: Thank you, Ms. Schellin. Again, we're
10 only waiting for ANC 2A. I think everybody else has responded.

11 MS. SCHELLIN: Yes.

12 CHAIRMAN HOOD: We going to make sure we do our due
13 diligence. Okay. Thank you, Ms. Schellin. All right. Again,
14 on Zoning Commission Case No. 00-33A Jemal's Cayre Woodies, LLC,
15 PUD Modification of Consequence at Square 346. Ms. -- I'm sorry.
16 Ms. Schellin, should have read the whole thing.

17 MS. SCHELLIN: Yes. The applicant is seeking
18 modifications to conditions of the original order to allow space
19 to be utilized for general office or other uses permitted in the
20 underlying zone, which was DD/C4 at the time PUD was approved.
21 Currently, that is D7. At Exhibit 3, there's an OP report that
22 does not object to the case being considered as a modification
23 of consequence, and, therefore, recommends approval of the case.
24 Exhibit 4 is ANC 2C's report in support. Exhibit 5 is the
25 applicant's response to OP regarding their request -- OP's

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1 request for a response on TDRs. And that is before you this
2 evening. Thank you.

3 CHAIRMAN HOOD: Okay. We have a request. Again,
4 Commissioners, this being a modification of consequence, as
5 stated by Ms. Schellin, the Office of Planning has responded --
6 I mean, the applicant has responded to Office of Planning's
7 informational issue on TDRs, which, I think, has been taken care
8 of -- satisfied to their requirements of -- to their question.
9 Let me open it up and see if anybody disagrees with this being a
10 modification of consequence. Again, we're dealing with Condition
11 3 and 5, as noted, and it goes back and forth, but -- all right.

12 So Ms. Schellin, we will use this as a commission --
13 we will designate this as a modification of consequence. Can we
14 do some scheduling, please?

15 MS. SCHELLIN: Yes, sir. Give me one second on this
16 one.

17 CHAIRMAN HOOD: Okay.

18 COMMISSIONER MAY: Are there parties who have not
19 responded?

20 MS. SCHELLIN: I just want to check on thing. Yeah,
21 that's what I wanted to check, because I'm not sure if this one
22 may have already had all of the parties on this one. I just
23 wanted to check real quick, if this --

24 CHAIRMAN HOOD: I think there's somebody who has not
25 responded. I thought this was one of -- maybe I'm getting this

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1 mixed up with the first one.

2 MS. SCHELLIN: I know the other one --

3 MS. LOVICK: On the ANC --

4 CHAIRMAN HOOD: Ms. --

5 MS. LOVICK: -- the ANC 2C I think is the only party,
6 and they did respond at Exhibit 4.

7 MS. SCHELLIN: Right. But I just want to double check,
8 because I don't want us to miss anybody.

9 MS. LOVICK: Sure.

10 MS. SCHELLIN: ANC 2C was the only party, and they have
11 responded.

12 CHAIRMAN HOOD: Okay. Well, in that case, if we have
13 all the parties' response, then I may have missed -- got that
14 mixed up with the first one.

15 MS. SCHELLIN: Yes. Sorry.

16 CHAIRMAN HOOD: All right. Thank you. Again, the TDR
17 question for information purposes, has already been asked. Let
18 me open it up for any discussion? We do have a lot of, I believe,
19 a lot of support. The vote was 2:1:0 to support modifications,
20 must have been only three commissioners. Two of three
21 commissioners, okay. ANC voted 2:1:0 to support the modification
22 of consequences. The ANC letter notes no issues or concerns.
23 And this falls within our requirement. We have noticed the
24 parties, and the request is before us. Let me see if any others
25 have any additional comments or questions.

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1 COMMISSIONER MAY: This seems very straightforward.
2 Making second floor retail work -- bringing first floor retail
3 work in the current environment is hard enough. Making second
4 floor retail work, unless you have it like a department store use
5 or something like that, which was there in that building for a
6 while, I think, it's just -- it's a very challenging thing. So
7 I don't see any objection to it, I mean, to making this change.

8 CHAIRMAN HOOD: Okay. And, again, let me just read
9 -- this is going to be notwithstanding above requirement,
10 approximately 10,000 square feet of building amenity space shall
11 be permitted to be provided in the cellar level. So that's kind
12 of what we're doing.

13 COMMISSIONER MAY: Well, that and the -- they don't
14 have to do two floors of retail.

15 CHAIRMAN HOOD: Right. Right. So we're allowing them
16 -- we're going back to what, I think, is under the underlined
17 zoning, I believe, so.

18 COMMISSIONER MAY: Yeah.

19 CHAIRMAN HOOD: All right. So anyway, all right. It's
20 confusing enough, but I get what they're trying to do and where
21 they're trying to go. All right. Anybody else? Any other
22 comments or questions? All right. Somebody like to make a motion
23 to approve the request?

24 COMMISSIONER MAY: Mr. Chairman, I would move that we
25 approve the Zoning Commission Case 000-33A, Jemal's Cayre

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1 Woodies, PUD Modification of Consequence at Square 346.

2 CHAIRMAN HOOD: It's been moved and properly second.
3 It's been moved and properly second. Any further discussion?
4 Not hearing any, Ms. Schellin, would you do a roll call, vote,
5 please?

6 MS. SCHELLIN: Commissioner May?

7 COMMISSIONER MAY: Yes.

8 MS. SCHELLIN: Commissioner Miller?

9 VICE CHAIR MILLER: Yes.

10 MS. SCHELLIN: Commissioner Hood?

11 CHAIRMAN HOOD: Yes.

12 MS. SCHELLIN: Commissioner Imamura?

13 COMMISSIONER IMAMURA: Yes.

14 MS. SCHELLIN: Commissioner Shapiro?

15 COMMISSIONER SHAPIRO: Yes.

16 MS. SCHELLIN: The vote is 5:0:0 to approve final action
17 Zoning Commission Case No. 00-33A. Thank you.

18 CHAIRMAN HOOD: Thank you, Ms. Schellin. Ms. Schellin,
19 I'm not going make fun of you messing Commissioner Imamura's name
20 up, because if I start making fun at you, then I'm going to start
21 messing with it up, so I'm going --

22 MS. SCHELLIN: The problem is saying Commissioner and
23 Imamura together.

24 COMMISSIONER IMAMURA: It's a mouthful.

25 MS. SCHELLIN: Yeah. Commissioner Imamura. Yeah, it's

1 the M's, so.

2 COMMISSIONER IMAMURA: It is a hard name.

3 CHAIRMAN HOOD: I understand. Believe me, I
4 understand.

5 MS. SCHELLIN: Okay. That's my excuse. I'm going to
6 stick with it.

7 CHAIRMAN HOOD: All right.

8 COMMISSIONER IMAMURA: We're going to rant on you,
9 Chairman Myton in a minute.

10 MS. SCHELLIN: Myton was easy.

11 COMMISSIONER IMAMURA: Going to call you Chairman
12 Mitton.

13 CHAIRMAN HOOD: Yeah, we look alike. Okay.
14 Deliberations, Zoning Commission Case No. 06-11U, Ms. Schellin?

15 MS. SCHELLIN: Yes, on this one, as you'll recall, the
16 October 28th public meeting, the Commission determined this was
17 indeed a modification of consequence and set a schedule for the
18 parties to make subsequent submissions. At Exhibits 9 through
19 9C, it's a copy of a letter that the applicant sent to the parties
20 notifying them that they had until November 8th to provide their
21 response based on the Commission's decision. Exhibit 10 was the
22 further response from West End Citizens Association. Exhibit 11
23 was the applicant's second supplemental statement. This one is
24 ready for the Commission to consider final action.

25 CHAIRMAN HOOD: And I believe, in this case, all the

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1 parties have responded. I believe, yes, all have responded, so,
2 yeah, we're ready to go. And plus, we have given time, I think,
3 to those who have not responded.

4 MS. SCHELLIN: Correct.

5 CHAIRMAN HOOD: Again, this is an application or
6 request, a modification of consequences under Commission Order
7 0611P and the approval plans to allow to complete and occupied
8 project to install and require signage on the exterior of the
9 building, and to amend the language in Condition 6B in Zoning
10 Commission Order No. 6-11L, as follows: And it strikes out
11 severity of the front -- the font, I'm sorry, message logo color
12 and amount of the proposed signage, provided the minimum overall
13 dimensions of signage materials changes here are generally
14 consistent with the exhibit and comply with the applicable sign
15 regulations.

16 That is the change that's being requested. We do have
17 a letter germane, as Ms. Schellin has mentioned, we did get a
18 letter from West End Citizens Association. We also have a letter
19 of support unanimously from ANC 2A 800. And let me open it up
20 any further comments or questions.

21 COMMISSIONER MAY: Mr. Chairman, I would just say --

22 CHAIRMAN HOOD: Yes?

23 COMMISSIONER MAY: -- that this is a very
24 straightforward matter, and I think we have adequate information
25 in the record to support a decision -- a favorable decision in

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1 the case. I do want to recognize West End Citizens Association's
2 submissions. And while I appreciate their watchful eye on so
3 many things that are happening in the west end of the city, I
4 think the issues that they continue to raise are not really
5 relevant to our decision-making on this matter. So I'm all in
6 favor of moving forward.

7 CHAIRMAN HOOD: Okay. Anyone else? Well said. Thank
8 you, Commissioner May. I would agree. We appreciate what West
9 End is doing, but we have to stay within the realm of our
10 jurisdiction. Anything else? All right. I'd like commissioner
11 participation, and I'd ask you to raise your hand. Would somebody
12 like to make a motion?

13 COMMISSIONER MAY: I'll do it. I would move that the
14 Zoning Commission give final approval to Zoning Commission Case
15 06-11U, Hillal at George Washington University PUD modification
16 of consequence at Square 42.

17 CHAIRMAN HOOD: And I'll second it. It's been moved
18 and properly second. Any further discussion? Okay. Ms.
19 Schellin, could you do a roll call vote, please?

20 MS. SCHELLIN: Commissioner May?

21 COMMISSIONER MAY: Yes.

22 MS. SCHELLIN: Commissioner Hood?

23 CHAIRMAN HOOD: Yes.

24 MS. SCHELLIN: Commissioner Imamura?

25 COMMISSIONER IMAMURA: Yes.

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1 MS. SCHELLIN: Commissioner Miller?

2 CHAIRMAN MILLER: Yes,

3 MS. SCHELLIN: Commissioner Shapiro?

4 COMMISSIONER SHAPIRO: I think it's Shapiro, but, yes.

5 MS. SCHELLIN: The vote's 5:0:0 to approve final action
6 on Zoning Commission Case No. 06-11U.

7 CHAIRMAN HOOD: And thank you, Ms. Schellin. And, Ms.
8 Schellin, if I'm ever moving too fast, just let me know, and I
9 can slow up, because I think sometimes I probably be pushing it,
10 so just let me know.

11 MS. SCHELLIN: I'm good. I got you.

12 CHAIRMAN HOOD: Okay. All right. Now, we're at final
13 action on Zoning Commission Case No. 21-08. Ms. Schellin?

14 MS. SCHELLIN: The Notice of Proposed Rulemaking was
15 published in the D.C. Register on October 1st. No public comments
16 were received. We do have an NCPD delegated action at Exhibit
17 12 that advised that the rulemaking was not inconsistent with any
18 federal interest, nor would it adversely impact any federal
19 interest. So it asked the Commission consider taking final action
20 on this case this evening.

21 CHAIRMAN HOOD: Thank you, Ms. Schellin. I think this
22 is pretty straightforward, again. This is a text -- was a text
23 under subtitle G to create housing focused mixed-use zones. Let
24 me open up any questions or comments. Commissioner May?

25 VICE CHAIR MAY: I just want to say that I did

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1 review the record on this, even though I was not present for the
2 hearing in September, and I am prepared to vote and inclined to
3 vote in favor, but I don't have much to say about it.

4 CHAIRMAN HOOD: Okay. And Commissioner Imamura, are
5 you participating on this, or did you read the record on this
6 one?

7 COMMISSIONER IMAMURA: No, I am not participating in
8 this, so.

9 CHAIRMAN HOOD: Okay. Thank you.

10 COMMISSIONER IMAMURA: Recuse myself.

11 CHAIRMAN HOOD: All right. Okay. So any other
12 questions or comments, my colleagues? All right. So what --

13 VICE CHAIR MILLER: I would just comment that this is
14 just one of another small, incremental step to maximize
15 development of residential housing in the city, which is an
16 important Comprehensive Plan goal, which we are trying to be
17 consistent with.

18 CHAIRMAN HOOD: Okay. Thank you. And any other
19 questions or comments? Not hearing any, I would move approval
20 of Zoning Commission Case No. 21-08, Office of Planning text
21 amendment to subtitle G to create housing focused mixed-use zones
22 and ask for a second.

23 VICE CHAIR MILLER: Second.

24 CHAIRMAN HOOD: It's been moved and properly second.
25 Any further discussion? Not hearing any, Ms. Schellin, would you

1 please do a roll call vote?

2 MS. SCHELLIN: Commissioner Hood? Commissioner Hood?

3 CHAIRMAN HOOD: Yes.

4 MS. SCHELLIN: Commissioner Miller?

5 VICE CHAIRMAN MILLER: Yes.

6 MS. SCHELLIN: Commissioner May?

7 COMMISSIONER MAY: Yes.

8 MS. SCHELLIN: Commissioner Shapiro?

9 COMMISSIONER SHAPIRO: Yes.

10 MS. SCHELLIN: Commissioner Imamura? You're going to
11 abstain, right?

12 COMMISSIONER IMAMURA: Abstained.

13 MS. SCHELLIN: Yeah, so the vote's 4:0:1. Commissioner
14 Imamura abstaining, having not participated in the case. And
15 that's a proven final action.

16 CHAIRMAN HOOD: Okay. Thank you, Ms. Schellin.

17 Next Zoning Commission Case No. 21-13. This is the
18 Douglas LLC Design Review at Square 5860, Lot 97-632, Howard
19 Road, Southeast. Ms. Schellin?

20 MS. SCHELLIN: We have the applicant's post-hearing
21 submissions at Exhibits 18 through 18D. The record was left open
22 for the party to respond, if they chose to do so. We did not
23 receive any responses to the applicant's submissions, so it is
24 ready for final action.

25 CHAIRMAN HOOD: Okay. Commissioners, as you know, in

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1 this case, there was an overwhelming, a lot of support. There
2 were some things that we asked for dealing with the IZ units,
3 point of location, the architectural embellishment, the light
4 facade color, and the the parking garage overall design, the
5 grain silo drawings, the promenade connectivity and the racial
6 equity comp plan analysis, which I thought -- I think -- I know
7 they gave us a plan, but I -- well, I won't comment until we get
8 to that -- updated transportation demand management plan, and I
9 think that was -- might cover it, but let me open up. Any
10 questions?

11 Let me start off with the racial equity. I thought
12 that the whole -- the case itself, it was very inclusive and kind
13 of brought the parity to the racial equality component,
14 especially in the comp plan, especially from the merits of the
15 case. And from the way I viewed this case is it was leveling
16 the field, not just -- not necessarily racially, but just for
17 those who have all walks of life and trying to bring some parity
18 for others.

19 And that -- I think that's how we're looking at this
20 racial equality and how, I think, it was intended. So I will
21 leave it at that on the racial equality and open up to others
22 who may have talked or asked about something else. Commissioner
23 Miller? Vice Chair Miller?

24 VICE CHAIR MILLER: I just concur with your comments,
25 Mr. Chairman, and thank the applicant for responding to all of

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1 the issues raised at the hearing that you went over, including
2 supplementing the racial equity component, that inclusionary
3 zoning location, and balconies, and all of the elements that you
4 mentioned. So I appreciate the applicant's responsiveness.

5 CHAIRMAN HOOD: Okay. Commissioner Shapiro, you have
6 anything to add?

7 COMMISSIONER SHAPIRO: Just similar. I think that
8 their -- I appreciate their responsiveness, and I feel like they
9 have addressed every issue that I had concerns about. So I
10 thought it was a pretty well thought out project to begin with,
11 and this was the icing on the cake.

12 CHAIRMAN HOOD: Commissioner May?

13 COMMISSIONER MAY: Yeah. I also -- I agree that the
14 response addressed all of the outstanding issues that we had
15 raised, including my concerns about the things like the parking
16 lot and how one gets to the parking for the supermarket, those
17 sorts of things. I mean, I think that I'm still a little
18 skeptical that it's going to work as beautifully as they think
19 it will, but it's -- it is not the -- it's not the worst among
20 the below grade supermarket parking lots I've seen, at least not
21 so far. So I look forward to seeing it built and checking it
22 out in my ongoing survey of all supermarkets in the Washington
23 area. No.

24 VICE CHAIR MILLER: You're doing all that on your
25 bicycle, right?

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1 COMMISSIONER MAY: Of course, because there'll be a
2 great trail there some day. There's not a great trail there now.
3 I tried to -- I went over the South Capitol Street bridge on the
4 trail, and it's not great yet. It will be; not yet.

5 The other concerns, you know, the architectural
6 feature, yeah, I think they've addressed that adequately enough.
7 They gave us some views of the grain silo. I think that gives
8 us some idea of what we're talking about and we think about --
9 that works fine.

10 The, you know, the back side of it, I do hope that
11 things get worked out with the Park Service. I'm sorry I'm not
12 involved in those discussions, but I do hope things get worked
13 out, because it will be much better if there is, in fact, some
14 substantial, accessible public space back there to improve the
15 back side of the building and not just, essentially, a trail.
16 The trail itself is good, but it would be better with more space.

17 There was something else. Oh, yeah. With regard
18 to the coloration, the colors that are used, I think they
19 addressed that reasonably well. I'm not sure that the point is
20 fully understood, because they, you know, they tried to show
21 that, well, porous materials, you know, get dirty and show
22 streaking and things like that.

23 And while, you know, one of the examples, the more
24 modern building, I can't remember which one it was, housing,
25 Department of Housing or something like that, yeah, that's not a

1 great example of how buildings can age and look better.

2 But the Department of Treasury, when you look at
3 that as a whole, and you'll see that there is some discoloration,
4 some dirtying that comes from the, you know, the soot that's in
5 the air that accumulates and trickles down, it's actually a pretty
6 good example of why buildings with that level of detail actually
7 don't look so bad when they get dirty. It doesn't look that bad.
8 It's when you have these broad expanses of unadorned, undetailed
9 white material, no matter, you know, no matter what it's made of,
10 it often just doesn't look good, because of the streaking that
11 can occur.

12 And yeah, you can wash it off easily, because it's
13 not porous. It doesn't mean that it's not going to be there in
14 the first place. And so, I think that's the lesson that people
15 have to understand. So, I mean, I'm comfortable with going ahead
16 with it as it is, but I just wanted to make that point and
17 underscore the challenges of designing modern, unadorned
18 buildings with very light colors. It's a challenge to do it and
19 do it well. Hopefully, they will do this well.

20 CHAIRMAN HOOD: Okay. Thank you. Anything else,
21 Commissioner May? Okay.

22 COMMISSIONER MAY: No.

23 CHAIRMAN HOOD: All right. Anyone else? Commissioner
24 Imamura, did you hear this one?

25 COMMISSIONER IMAMURA: I did. I did. Yes, yes.

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1 CHAIRMAN HOOD: Okay. Well, Commissioner Imamura.
2 Well, I'm glad --

3 COMMISSIONER IMAMURA: But I have nothing more or
4 nothing further to add.

5 CHAIRMAN HOOD: Okay. All right. I too agree with the
6 comments. I did look at the lighter colors, Commissioner May,
7 and I did not try to go down the lines he did, but I noticed
8 today I'm starting to go around looking at buildings, which is
9 dangerous. I saw some grey that was dirty. So I said, wait a
10 minute now. So we need -- I need to monitor some of that. It
11 looked like it had been raining, and it wasn't raining. This is
12 a building that was done -- I don't think we did it -- but this
13 was a building done by (indiscernible) maybe about seven years
14 ago. And it shouldn't look like what it was looking now.

15 VICE CHAIR MILLER: Yes.

16 CHAIRMAN HOOD: It looks -- so that's -- so I think
17 we're on the right point, because I don't think this was a zoning
18 case. And I know this is not germane, but it goes to your point,
19 Commissioner May. That's how I think the Commission is very good
20 on bringing that to applicant's attention, because that building
21 hadn't been up there no more than seven years. It might have
22 been five years, and it looks bad already. So I'll leave it at
23 that. I won't tell everybody what the building is. I don't want
24 to get in trouble. All right. Anything else?

25 All right. So what I can -- what we'll do now is obtain

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1 a motion from someone, if one of my colleagues want to make a
2 motion?

3 VICE CHAIR MILLER: Ms. Schellin, I would move that the
4 Zoning Commission take action on Case No. 21-13, the Douglas LLC
5 Design Review at Square 5860, Lot 97-632 Howard Road SE, and
6 asked for a second.

7 COMMISSIONER MAY: Second.

8 CHAIRMAN HOOD: So moved and properly second. Any
9 further discussion? I'm waiting for Commissioner Imamura to make
10 a motion or a second. Hopefully, he'll be able to do that before
11 the day is over. All right? Any further discussion? All right.
12 Ms. Schellin, could you do a roll call vote, please?

13 MS. SCHELLIN: Commissioner Miller?

14 VICE CHAIR MILLER: Yes.

15 MS. SCHELLIN: Commissioner May?

16 COMMISSIONER MAY: Yes.

17 MS. SCHELLIN: Commissioner Hood?

18 CHAIRMAN HOOD: Yes.

19 MS. SCHELLIN: Commissioner Imamura?

20 COMMISSIONER IMAMURA: Yes.

21 MS. SCHELLIN: Commissioner Shapiro?

22 COMMISSIONER SHAPIRO: Yes.

23 MS. SCHELLIN: The vote is 5:0:0 to approve final action
24 Zoning Commission Case No. 21-13.

25 CHAIRMAN HOOD: Mr. Imamura, I just like having fun

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1 sometimes, so is it's not -- it's about work, we're serious, but
2 I like to have fun. I mentioned to you how Mr. Parsons told me
3 when I first started that it took him six months to say something,
4 and I said something my first night. So he -- I guess he was
5 telling me to at least let the six months set in, but anyway.
6 All right. Let's go to Zoning Commission Case -- see, start
7 messing around, and I lose my place Okay. I think we're 1611,
8 right, Ms. Schellin?

9 VICE CHAIR MILLER: Yeah.

10 MS. SCHELLIN: Yes.

11 CHAIRMAN HOOD: Zoning Commission Case No. 16-11, Park
12 View Community and the District of Columbia DC Court of Appeals
13 remand. Ms. Schellin?

14 MS. SCHELLIN: At Exhibits 362 through 365, you have
15 post-hearing submissions, and this case is ready for the
16 Commission to make its final -- take final action this evening
17 on the remand.

18 CHAIRMAN HOOD: Okay. I'm -- excuse me. I'm going to
19 -- this button doesn't work when I try to mute it before I cough,
20 so excuse me. I'm going to give us a little background. As you
21 know, the Commission's -- we had an order 16- on the Park View
22 Community in District of Columbia, DC Court of Appeals remand,
23 the Commission 16-11 order approved a planning unit development
24 for part of Lot 849 and Square 28-9, and commonly referred to as
25 the Bruce Munroe site. The remand order, which we were remanded

1 by the court's order issued by the Court of Appeals, titled
2 Cummings v. D.C. Zoning Commission, vacated and remanded the
3 Commission's Order No. 16-11, a remand order listed seven issues
4 that the Commission was to consider. And my colleagues, I think,
5 you know, we've been over those seven issues consistently. At
6 our June 29th, 2020, meeting, the Commission requested that the
7 parties submit written responses to the issues listed in the
8 Court's subpoena. Responses, as we know, are now part of the
9 record. They're in the record.

10 At a public meeting that we held on July 26th, 2021,
11 the Commission considered the responses and began deliberating
12 on the case. The Commission noted that in an interim between
13 the court's decision and in our meeting, the District had amended
14 the Comprehensive Plan in ways that could impact the Commission's
15 deliberations on the remand order. The Commission, therefore,
16 requested the parties submit further analysis on how the changes
17 affected the proposed PUD, and we scheduled a limited scope
18 hearing to consider the issue of the Comp Plan changes.

19 The Commission held a hearing on October 19th, 2021,
20 and I want to thank all those who participated. At the conclusion
21 of the hearing of Commission, we left the record open the Parkmore
22 Residents' Council so they could submit which they had been
23 suggesting, the equity tool. Now I wrote the young lady's name
24 down. I want to give proper credit -- Shanita High (phonetic).
25 Hopefully I have, and I think I have the name correct. That was

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1 her equity tool. She informed us of that. And the other parties
2 were given an opportunity to respond. And those are -- all that's
3 within our Exhibits 363, 363A, 364, 365 and 363B.

4 There were some things that the that Parkmore
5 Residential Council responded to. At the conclusion of the
6 hearing of the Commission, we requested a -- I'm going to refer
7 to them as PMRC, submit the equity tool, which they did. The
8 PMRC, Parkmore Resident's Council -- I better call them by name
9 -- response states that the Commission must reevaluate the
10 Parkmore and PUD Case 1612 decision. We cannot do that because
11 the case was not appealed. That case is not before us.

12 The Parkmore Resident's Council response states that
13 the Commission should focus on the project's impacts on the
14 Parkmore residents in deciding whether this application advances
15 racial equity. We are obligated to consider the project's effects
16 on all District residents in making this -- in making our
17 decisions. We cannot segregate. The court will send it back to
18 us, if we look at one group and one group only. We have to do
19 it as a whole. And then also, the Parkmore Residential Council
20 responses, they list several Comprehensive Plan policies that
21 they believe are inconsistent with approving the project, which
22 I don't -- I think the record reflects something different there.

23 So really, the seven issues, colleagues, that were
24 remanded to us by the court, I think we have answered that
25 sufficiently and over and over again. And I think it's ready-

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1 flavored to the responses of the court. I think the biggest
2 issue for our limited scope, I believe that is the -- dealing
3 with the updated Comprehensive Plan, which the City has now put
4 in place to this project. But whatever discussion you have and
5 then I will come back and talk about Ms. High's racial equity
6 plan that was submitted. Don't remember exact exhibit, but I did
7 -- oh, hold on. It's Exhibit -- think it's 302. But anyway, I
8 saved it as a PDF.

9 Anyway, let me open it up for questions and comments,
10 and Commissioner Imamura, you heard this case too, right?

11 COMMISSIONER IMAMURA: No, sir, I did not. So I will
12 be abstaining.

13 CHAIRMAN HOOD: Okay. Okay. Just -- okay. Okay. All
14 right. So Commissioner Imamura will not be participating in this
15 case. Let me open up for any questions or comments. Who would
16 like to start us off with additional questioning? Oh,
17 Commissioner Shapiro?

18 COMMISSIONER SHAPIRO: Sure. Just want to also note
19 ANC's responses as well, just to make sure that we're taking that
20 into account. They expressed support for the equity tool. They
21 had some questions around the one replacement and we're
22 encouraging homeownership, and other properties are part of the
23 plan. They're even suggesting using the Parkmore site as a built-
24 first site. I mean, there's lots of -- I appreciate the ANC's
25 involvement every step of the way. Most of the issues that they

1 brought up, all of these issues that they have brought up are
2 -- they're beyond our control, which is limited to whether to
3 approve this application and to sort of test this consistency
4 with the updated Comp Plan and respond to the seven issues that
5 the court's brought to us in the agreement. So I just wanted to
6 note that for the record. Considered, and I don't think those
7 are reasons for us to just sort of either revisit the other case
8 that wasn't appealed or stray from what is our primary focus, so.
9 That's all I have, Mr. Chair.

10 CHAIRMAN HOOD: Okay. Thank you, Commissioner Shapiro.
11 And I thank you for bringing up the ANC letter. I agree. It's
12 more programmatic than just within the jurisdiction of the Zoning
13 Commission. But I do know that, at the end of the day, I believe
14 ANC 1A supported it. I do know they take these concerns. And I
15 think outside of our venue, some of these things will continue
16 to be worked on as they have been previously. So let me open it
17 up for other questions or comments or statements. If there are
18 none -- Vice Chair Miller?

19 VICE CHAIR MILLER: Thank you, Mr. Chairman. I concur
20 with the comments that you and Commissioner Shapiro made thus
21 far. This has been a long time coming. We approved this
22 originally over four years ago. The -- I completely agree that
23 the project was not inconsistent with the then Comprehensive
24 Plan, and there were potential adverse effects, which I believe
25 could be mitigated.

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1 I think we're going to better articulate those in this
2 order, if we go forward with this order on this evening that the
3 -- we, you know, we decided to deliberate on the seven issues
4 that we asked all the parties to respond to over a year ago,
5 which they all did, and I think we have enough in our record to
6 say that all the court's issues can be adequately addressed.

7 And from what's in our record from a year ago. But why
8 we delayed it at that time, is that we wanted to hear and wait,
9 yes, wait for the Council to do what they were -- we knew what
10 they were doing, which was considering Comprehensive Plan
11 amendments both over a year and a half ago and just six months
12 ago, which actually affected this site, which some of which was
13 specifically designed to allow this project to go forward.

14 In the framework a year and a half ago, they redefined
15 what a conservation area means, which part of this site is, to
16 better facilitate infill development. They also changed the
17 density, some of the density definitions, I think, over a year
18 and a half ago to take out stories and put in actual FAR as the
19 density for the density designations on the Comp Plan. And so,
20 you're not looking at a nine-story building as what's consistent,
21 but what the FAR is.

22 And the FAR in this case is clearly with the one acre
23 -- I think it's over a one-acre park that will be part of this
24 site, a much better park, maybe not as big as what's been the
25 temporary park there for now. I've been on that site playing on

1 those dead-spot tennis courts.

2 Anyway, they -- so more recently the Council amended
3 the land use element of the Comprehensive Plan for this site. It
4 had an institutional use, because it was at the Bruce Munroe
5 Elementary School site, and they (indiscernible) were supposed
6 to, under the old Comp Plan look at how institutional sites are
7 not inconsistent with the Comp Plan.

8 You look at the surrounding area. There was,
9 obviously, moderate density residential on the two residence side
10 rowhouse on (indiscernible) Streets, Columbia and Irving, I
11 believe, and then there's, obviously, higher density on Georgia.
12 But they changed it to make it medium residential, I believe,
13 mixed use, medium essential moderate commercial. Someone can
14 correct me if I'm wrong on that.

15 But they wanted to clearly facilitate this project,
16 which they've approved. I was on the Council staff in 2006 or
17 '07 when the Bruce Monroe Park Martin Plan was sent to us by
18 Mayor Williams and was approved by the council unanimously. And
19 the Ward 1 councilmember continues to support this going forward.
20 It's a shame that it didn't happen earlier, that it wasn't --
21 didn't become the build-first site that it was intended to become
22 for at least some of the replacement housing on Park Martin,
23 which is being redeveloped few blocks away.

24 And it's very frustrating and disappointing for
25 everyone involved, particularly the residents there who've been

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1 promised this new community for a long time, that they have had
2 to relocate and have to come back to either Park Martin site or
3 this site, which will have at least 90 replacement public housing
4 units, will have senior housing units, will have townhomes and a
5 park, a beautiful park. Although that's not necessarily part of
6 the PUD. I think the City is developing -- redeveloping that
7 separately.

8 So all that being said, I think there is enough in our
9 record, even more on our record this time, four years -- over
10 four and a half years after we originally approved this to say
11 this is not inconsistent with the Comprehensive Plan, and we can
12 we can do a better job of articulating our approval if we go
13 forward noting what potential adverse impacts there are and what
14 -- the mitigating measures that are there, whether they're in the
15 DDOT report or other reports of Office of Planning and our own
16 records.

17 So I'm prepared to go forward this evening. And thank
18 you, Mr. Chairman, and my colleagues, for indulging me on that
19 somewhat stream of consciousness narrative of what's happened
20 here in this case.

21 CHAIRMAN HOOD: Okay. Thank you, Vice Chair.
22 Commissioner May? Oh, hold on -- hold on one second.
23 Commissioner Rittig, you need to --

24 MR. RITTIG: My name's Jacob Rittig. I'm the legal
25 counsel.

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1 CHAIRMAN HOOD: Oh, wait a second, Mr. Rittig.

2 MR. RITTIG: Yeah, it's just -- I -- Commissioner Miller
3 made one small misstatement regarding the future land use map.
4 It's now medium density residential and medium density
5 commercial. And I just wanted to make sure that the -- since he
6 asked, that the record correctly reflects that.

7 VICE CHAIR MILLER: Okay. Yeah, thank you for
8 correcting that. I think I said medium residential moderate
9 commercial. You know, the Council did a number of changes for a
10 number of sites that were subjects of appeals. I can't keep them
11 all in my head. I didn't write my notes down. But I thank you
12 for -- it's -- so it's even more of a case for -- that the density
13 is in line with the Comp Plan.

14 CHAIRMAN HOOD: That was our counsel. That was not a
15 commissioner. I, you know, we do make mistakes, but I know
16 sometimes people will capitalize on our mistakes more than they
17 do all the good work we try to do, so. Anyway, Commissioner May?

18 COMMISSIONER MAY: Yeah, I appreciate the opportunity
19 to talk a little bit, and now I'll do my little bit of stream of
20 consciousness. I think most of the case is pretty straightforward
21 and has already been explained how this -- this (indiscernible)
22 development is consistent with the Comprehensive Plan as a whole
23 and how changes to the Comprehensive Plan, including the Future
24 Land Use map, have made it even more consistent.

25 And I think that, you know, we will articulate all of

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1 these reasons clearly for, you know, the final order on this case
2 and explain how, you know, once again, how it is consistent and,
3 I think, bolster the arguments that address all of the specific
4 points that were made by the court.

5 I think I'm going to just step back a little bit and
6 speak a little bit more philosophically, which is that, you know,
7 this is not the first case where there has been substantial
8 pushback against a proposed development because a large building
9 is going in where there were small buildings or where there were
10 no buildings. And this is, you know, this is an unusual case
11 because it was a school site and then that building was demolished
12 and a park was put in temporarily, and now people are lamenting
13 the loss of all that open space.

14 Well, that sort of falls into the area of, you
15 know, no good deed goes unpunished, right? The City took action
16 to give the neighborhood the benefit of a temporary use of that
17 open space while this, you know, while the site got redeveloped.
18 And I think people got, you know, got used to that, and wanted
19 to keep that, and didn't want to see another large building go
20 in.

21 But this is happening across the City, and it is
22 happening for good reasons. We need more buildings. We need
23 more bigger buildings to be built in neighborhoods to support the
24 housing needs of our citizens and of the new citizens who are
25 moving into the District.

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1 There are multiple PUDs from the past where we have
2 experienced that and multiple ones where there have been appeals.
3 And in the end, you know, we wound up with built projects that
4 are substantial benefits to the City as a whole, but also to the
5 neighborhood. I mean, I live very close to one of those, which
6 was a very bitter fight and was appealed several times. In that
7 case, we were never overturned, it was never remanded, but the
8 project was delayed for two years while that happened.

9 I just think, you know, we are doing the things that
10 need to be done to help to do our part to address the housing
11 needs of the City, and this is just another example of that. And
12 I'm very pleased to be supporting approval of this case once
13 again, and I do hope that we actually see progress on it and that
14 it is built sooner rather than later. It is vitally important
15 that we move on these things. And we all accept that, you know,
16 as a city, we're going to have more big buildings because we want
17 to be able to take care of our citizens who live here. That's
18 it.

19 CHAIRMAN HOOD: Okay. Thank you. Thank all of my
20 colleagues for your comments. I think we have, first of all,
21 done our due diligence in responding to the court, as we've been
22 directed by the court. I think we've answered all seven of their
23 issues, as well as the Comprehensive Plan or new Comprehensive
24 Plan facts that we wanted to make sure that we were in line with
25 what has been passed by the Council and with input from the

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1 residents of the District of Columbia.

2 I do want to make sure that I'm pronouncing the young
3 lady's name right. Ms. Schellin, is it Shanita Moore -- I mean,
4 Shanita High?

5 UNIDENTIFIED COMMISSIONER: Shaunta I thought.

6 CHAIRMAN HOOD: Shaunta. Okay. Well, excuse -- if
7 she's listening, I beg your pardon, Shaunta. Shaunta High. She
8 -- well, her organization did submit a -- they call it the Palm
9 Warden Resident Fight for Equity. And as I read through, and I
10 read through a lot, and a lot of this is still ongoing, not just
11 here in this city, but across the City. When I look at we've
12 got affordable housing, that's what we're trying to do. We're
13 trying to give people opportunities. And we're talking about
14 opportunities of place to stay with affordable housing here. And
15 part of her equity plan is making sure people have equal access
16 to transportation, if they don't have their own vehicle or
17 whatever the case may be.

18 There's -- 70 used to run up and down Georgia
19 Avenue. There are plenty of our Metro stations that are nearby.
20 So I think which we're achieving a lot in the racial equity lens.
21 It's not just necessarily germane to down the racial lines, but
22 it's just giving people an opportunity.

23 And I think this whole project is a shining example of
24 giving people an opportunity of all walks of life, especially
25 those who have been disadvantaged, and I think we get that. We

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1 get this here. So I'm hoping we can move forward and not
2 disadvantage people even more about continuing to delay, as
3 Commissioner May was mentioning about the project that -- I think
4 I know which one he's talking about where we -- while it was not
5 remanded, it delayed it. And a lot of times when we delay stuff,
6 it -- the price goes up.

7 So I hope that the court understands that we have worked
8 hard to do as they've asked us to do. And I'm hoping that at
9 the end of the day, the residents of this city will benefit.
10 That's what it's about. Those who need the most are the ones
11 that we want to benefit. That's our goal. So I want to thank
12 everybody for their hard work. All the long hours of taking
13 testimony in this voluminous record. So I will leave it at that.
14 Anything else?

15 VICE CHAIR MILLER: Excuse me, Mr. Chairman?

16 CHAIRMAN HOOD: Yes, Vice chairman Miller?

17 VICE CHAIR MILLER: Yeah, I just want to -- Commissioner
18 Shapiro brought up the ANC 1A's recent letter supporting the
19 racial equity comments of the Park Morton Resident's Council. I
20 just wanted to state my understanding of that letter and ANC's
21 position. They -- that ANC is still in support of this PUD.
22 They are in support of the racial equity for Park Morton's
23 Resident's Council, as are we. But the ANC 1A, as they noted in
24 their most recent resolution in support of the racial equity
25 analysis for Park Morton residents, they are on record in support

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1 of this particular PUD.

2 And I just -- and just wanted to also note, which
3 is what we've all alluded to, that this was a school site formerly
4 many years ago and then was a park -- has been a temporary park
5 for several years, many more years than it would have been, had
6 there not been litigation against our previous order. But no one
7 is being displaced. No resident is being displaced from this
8 site. I just think we need to note that for the record. This
9 site is not resulting -- this site is not displacing anybody. I
10 just pointed out that, Mr. Chairman.

11 CHAIRMAN HOOD: Thank you, Vice Chair. Point well
12 taken, and thank you for bringing that up.

13 Anything else? I'm going to try to make this motion.
14 Got to figure out -- I'm sure Mr. Rittig will let me know if the
15 motion is not stated correctly. So I move approval of Zoning
16 Commission Case No. 16-11, the Parkview Community and the
17 District of Columbia, D.C. Court of Appeals remand back to the
18 Zoning Commission. I guess it goes back to the Court of Appeals.
19 And that's my motion, that we approve said merits of the case
20 discussed through this process. And I'll leave it at that. And
21 ask for a second.

22 VICE CHAIR MILLER: Second.

23 CHAIRMAN HOOD: It's been moved and properly second.
24 I must be doing all right. He hasn't turned his camera on. Moved
25 and properly second. Any further discussion? Not hearing any,

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1 Ms. Schellin, why don't you do a roll call vote, please?

2 MS. SCHELLIN: Commissioner Hood?

3 CHAIRMAN HOOD: Yes.

4 MS. SCHELLIN: Commissioner Miller?

5 VICE CHAIR MILLER: Yes.

6 MS. SCHELLIN: Commissioner May?

7 COMMISSIONER MAY: Yes.

8 MS. SCHELLIN: Commissioner Shapiro?

9 COMMISSIONER SHAPIRO: Yes.

10 MS. SCHELLIN: Commissioner Imamura?

11 COMMISSIONER IMAMURA: Abstained. Not having
12 participated.

13 MS. SCHELLIN: Right. The vote is 4:0:1 to approve the
14 action as discussed this evening in Zoning Commission Case No.
15 16-11. Commissioner Imamura abstaining, having not participated.

16 CHAIRMAN HOOD: I'm glad we corrected the record,
17 because the Court will say, well, we had a commissioner abstain.
18 He abstained, because he did not participate. Okay. Want to
19 make sure that's clear.

20 All right. All right. Thank you. Does anybody need
21 a break? If you do, raise your hand. I was teasing
22 (indiscernible) about that yesterday. If you need something,
23 raise your hand. Don't raise your hand with me.

24 Okay. Let's go to proposed action. I should let
25 Commission May take this part over. Anyway, Zoning Commission

1 Case No. 21-10. Ms. Schellin?

2 MS. SCHELLIN: Yes, sir. At Exhibit 8, you have an OP
3 supplemental report, and this case is ready for the Commission
4 to consider a proposed action.

5 CHAIRMAN HOOD: Only reason I said that is because this
6 is the Office of Planning and Text Amendment, Subtitle C, Chapter
7 7-9, Vehicle Parking And Bicycle Parking And Loading. So I always
8 have to mess with Commissioner May every now and then. So anyway,
9 let's open up any discussions. Actually, I'm a start with
10 Commissioner May.

11 COMMISSIONER MAY: Yeah, I think we had worked out all
12 the issues on this previously, and we were -- we're looking for
13 some slight tweaking. Hold on a second. I got some news that
14 I'll share after we're done, but that's why I'm a little bit
15 behind here catching up. Anyway, the -- I think that the -- in
16 this case, there was some slight tweaking of the language that
17 we received from the Office of Planning in the end, and I think
18 that addresses all the concerns that we have, so I'm ready to
19 move forward. I don't think I need to reiterate any of that.

20 CHAIRMAN HOOD: Okay. Thank you. Commissioner
21 Shapiro?

22 COMMISSIONER SHAPIRO: I have no further evidence,
23 Chair.

24 CHAIRMAN HOOD: And Commissioner Imamura, I think you
25 were on this one.

1 COMMISSIONER IMAMURA: I was not on this one, Mr.
2 Chairman, so I'll abstain again.

3 CHAIRMAN HOOD: All right. Vice Chair Miller?

4 VICE CHAIR MILLER: No comments. I concur.

5 CHAIRMAN HOOD: I just want to add I also too want to
6 thank ANC 6C for helping us again as we move along through this
7 process. So someone like to make a motion. I don't have anything
8 other than that to add. Oh, Commissioner May? Like to make a
9 motion?

10 COMMISSIONER MAY: Sure. I would move that the Zoning
11 Commission take proposed action on Zoning Commission Case 21-10,
12 Office of Planning Text Amendment to Subtitle C, Chapter 7-9,
13 Vehicle parking, bicycle parking and loading.

14 COMMISSIONER SHAPIRO: Second.

15 CHAIRMAN HOOD: So it's now -- it has been moved and
16 properly second. Any further discussion? I think Commissioner
17 Shapiro second it. Not hearing anything, Ms. Schellin, why don't
18 you do a roll call vote, please?

19 MS. SCHELLIN: Commissioner May?

20 COMMISSIONER MAY: Yes.

21 MS. SCHELLIN: Commissioner Shapiro?

22 COMMISSIONER SHAPIRO: Yes.

23 MS. SCHELLIN: Commissioner Hood?

24 CHAIRMAN HOOD: Yes.

25 MS. SCHELLIN: Commissioner Imamura?

1 COMMISSIONER IMAMURA: Abstained.

2 MS. SCHELLIN: Commissioner Miller?

3 VICE CHAIR MILLER: Yes.

4 MS. SCHELLIN: The vote is 4:0:1. Commissioner Imamura
5 not voting, having not participated.

6 CHAIRMAN HOOD: Okay. Commissioner May, you said you
7 had -- do you want to do that after? Share something with us
8 later?

9 COMMISSIONER MAY: If you don't mind, if I if I could
10 just interrupt with this news flash.

11 CHAIRMAN HOOD: Sure.

12 COMMISSIONER MAY: And I'm sorry I didn't have this
13 earlier. I should have caught it in the newspaper today, but I
14 was alerted by a colleague of an obituary that appeared in The
15 Washington Post today. Herb Franklin passed away.

16 MS. SCHELLIN: Oh, goodness.

17 COMMISSIONER MAY: And it was after a long illness. I
18 saw him a few years ago, probably two or three years ago, and he
19 was, you know, still his friendly and affable self. It's -- I
20 don't know what to say.

21 CHAIRMAN HOOD: Okay.

22 COMMISSIONER MAY: Herb was a big influence on me, on
23 my entire career.

24 CHAIRMAN HOOD: Yeah, yeah, I had the opportunity to
25 serve with Mr. Franklin, and it goes back to what --

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1 COMMISSIONER MAY: Yeah, well beyond the Zoning
2 Commission. I mean, he did tap me to take his place on the Zoning
3 Commission, but he helped me at different moments in my career
4 before that. He hired me at the Building Museum in 1989. It's
5 a big loss.

6 CHAIRMAN HOOD: Peter, can you send me the -- is it an
7 article?

8 COMMISSIONER MAY: Yeah, it was in the Post today. It
9 was in --

10 CHAIRMAN HOOD: Oh, okay.

11 COMMISSIONER MAY: For some reason I missed it this
12 morning, but it was in the printed edition or the replica edition,
13 whatever, but I'll send it to you.

14 CHAIRMAN HOOD: So we will -- I'm going to do something
15 after we finish these three hearing cases. I do want to go back
16 to Mr. Franklin, who I've had the pleasure to serve with.

17 COMMISSIONER MAY: Yes.

18 CHAIRMAN HOOD: But I want to say a few things about
19 that, we'll come back to that, Commissioner May. Thank you for
20 letting us know. I'm very sorry to hear that, but we'll -- I
21 want to do something at the end for Mr. Franklin.

22 Okay. Let's go to hearing actions, Ms. Schellin. I
23 mean --

24 MS. SCHELLIN: John Kirschenbaum for the first case,
25 and Jennifer and Joel.

1 CHAIRMAN HOOD: Okay. So if they can all come up and
2 just call out their cases, and we can go from there. Mr.
3 Kirschenbaum, go head.

4 MR. KIRSCHENBAUM: So good evening, Chairman Hood and
5 members of the Zoning Commission. Jonathan Kirschenbaum with the
6 Office of Planning. I believe my colleague, Joel Lawson, will
7 be doing a little bit of an introduction to the next three
8 (indiscernible) cases you'll be hearing, so I will turn it over
9 to him first.

10 MR. LAWSON: Hi. Good evening, and my apologies for
11 the delay in asserting my condolences to the friends and family
12 of Mr. Franklin.

13 Good afternoon, I'm Joel Lawson. I'm the Associate
14 Director for Development and Review of the D.C. Office of
15 Planning. Tonight, there are three hearing action items on your
16 agenda. The details and OP recommendation are going to be
17 individually presented by the OP case manager. But first, I'd
18 like to provide a bit of an overview kind of to set the stage
19 just a little bit.

20 All three of these cases are the result of the recently
21 approved amendments to the Comprehensive Plan. All three OP
22 reports include analysis of the proposals against the policies
23 and objectives of the Comprehensive Plan through a racial equity
24 lens. And all three were evaluated against the new Zoning
25 Commission-approved IZ Plus Zoning Text Amendment, an amendment,

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1 which is already providing exciting opportunities for more
2 affordable housing and more equitably distributed affordable
3 housing throughout the District. In all cases, we also look to
4 the Housing Equity Report and its goals for more housing and,
5 again, for more equitable distribution of that affordable
6 housing.

7 The first case is Rock Creek West, identified as a very
8 high opportunity area for the provision of additional affordable
9 housing, and OP is recommending the application of IZ Plus zoning
10 to maximize the potential for new IZ units.

11 Second is in the Uptown Arts area of Ward 6, where the
12 Housing Equity Report also identifies a particular need for
13 additional affordable housing, and OP is, again, recommending IZ
14 Plus.

15 The third case is a petition for a zoning map amendment
16 being brought forward by the Office of Planning. It's in Ward
17 8, within an area identified in the Housing Equity Report as
18 already providing a large percentage of affordable housing units.
19 In this case, OP will be recommending that regularizing, rather
20 than IZ Plus be applied due to the current rate -- high rate of
21 affordable units.

22 We will, of course, be happy to address any additional
23 questions you may have as part of each case. But with that, I'd
24 like to turn the mic back over to Jonathan Kirschenbaum, who's
25 going to present the first of the three cases. Thank you.

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1 MR. KIRSCHENBAUM: Thank you. So the Office of Planning
2 recommends set down of application 21-11 for a map amendment for
3 the Lisner Home property located on Lot 9 in Square 1663. The
4 applicant proposes to rezone approximately 5.4 acres from R-2 to
5 RA-2, and the slide here shows the proposed boundary of the map
6 amendment in sort of that bluish color. As I will discuss in
7 greater detail, the proposal would not be inconsistent with the
8 Comprehensive Plan and would be appropriate for IZ Plus.

9 Next slide, please. The Generalized Policy Map
10 indicates that this property is designated for institutional
11 uses. The proposed map amendment would not be inconsistent with
12 this designation. The Comprehensive Plan does anticipate that
13 there will be properties designated institutional uses that won't
14 necessarily remain institutional in nature.

15 Next slide, please. The Future Land Use map indicates
16 that the property is generally appropriate for moderate density
17 residential and institutional uses, and the proposed map
18 amendment would not be inconsistent with these designations.
19 We've reviewed the proposed map amendment through a racial equity
20 lens, as part of the Comprehensive Plan consistency analysis.

21 The property, as Mr. Lawson said, is a high opportunity
22 area with limited affordable housing options. The Comprehensive
23 Plan contains numerous policies supporting more housing with
24 market rate and affordable. A key piece of this map amendment
25 is the potential to create additional affordable housing through

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1 an IZ Plus set aside requirement, as it is likely that the RA-2
2 zone could require a 20 percent set aside requirement. The
3 potential affordable housing units that could be created under
4 the requested RA-2 zone is substantially higher than if the
5 property was not rezoned. Making room for affordable housing has
6 the potential to benefit people of color, who, on average, have
7 lower incomes than white residents.

8 Next slide, please. And as I stated earlier, IZ Plus
9 would be appropriate for this map amendment based on some data
10 from the District's 2019 Housing Equity Report that states that
11 ANC 3E, for which the property is located, only had 0.4 percent
12 of the District's total number of affordable housing units and
13 the Rock Creek West Planning area, which this property is located
14 in, only contain 1 percent of the District's total number of
15 affordable housing units.

16 And we also wanted to give you an example of what an
17 IZ Plus set aside requirement might look like. Again, as the
18 Commission knows, map amendment applications only consider
19 consistency of the Comprehensive Plan and not a specific
20 development proposal. So this is just assuming that the site is
21 redeveloped with the maximum 2.16 FAR. Under a regular IZ set
22 aside requirement, it would be 12.5 percent, and under IZ Plus
23 set aside requirement, it most likely would be about 20 percent,
24 which would yield approximately 102 IZ units. This concludes my
25 presentation. Please let me know if you have any questions.

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1 Thank you.

2 CHAIRMAN HOOD: Thank you both Mr. Lawson and Mr.
3 Kirschenbaum. Let's see if we have any questions or comments.
4 Commissioner May?

5 COMMISSIONER MAY: No, I do not.

6 CHAIRMAN HOOD: Mr. Shapiro?

7 MR. SHAPIRO: No question, Mr. Chair. Thank you for
8 your report.

9 CHAIRMAN HOOD: Commissioner Imamura?

10 COMMISSIONER IMAMURA: No questions, Mr. Chair.

11 CHAIRMAN HOOD: And Vice Chair Miller?

12 VICE CHAIR MILLER: No. Thanks for your report.

13 CHAIRMAN HOOD: I don't have any questions either. So
14 we have the recommendations to set down Zoning Commission Case
15 No. 21-11. So I will move that we set down Zoning Commission
16 Case No. 21-11 and ask for a second.

17 VICE CHAIR MILLER: Second.

18 COMMISSIONER MAY: Second.

19 CHAIRMAN HOOD: Been moved and properly second. Let's
20 get at the -- Commissioner Imamura. I heard a second, Vice Chair,
21 on mine. All right. It's been moved and properly second. Any
22 further discussion. Okay. Ms. Schellin, would you do a roll
23 call vote, please?

24 MS. SCHELLIN: Okay. Commissioner Hood?

25 CHAIRMAN HOOD: Yes.

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1 MS. SCHELLIN: Commissioner Imamura.

2 COMMISSIONER IMAMURA: Yes.

3 MS. SCHELLIN: Commissioner Miller.

4 VICE CHAIR MILLER: Yes.

5 MS. SCHELLIN: Commissioner Shapiro.

6 COMMISSIONER SHAPIRO: Yes.

7 MS. SCHELLIN: Commissioner May.

8 COMMISSIONER MAY: Yes.

9 MS. SCHELLIN: The vote is 5:0:0 to set down Zoning
10 Commission Case 21-11 as a contested case.

11 CHAIRMAN HOOD: Okay. Thank you. Let's go to Zoning
12 Commission Case No. 21-15. I believe that's Mr. Lawson. I'm
13 sorry, Ms. Thomas.

14 MS. THOMAS: Yes. First slide. Good afternoon, Mr.
15 Chair and members of the Commission. Sharon Thomas with the
16 Office of Planning. And OP is recommending set down of the
17 proposed map amendment submitted by S Street Village for five
18 lots in a 600 block of S Street Northwest, obliquely across from
19 the Howard U Metro Station.

20 Next slide? The lots are within the RF-1 moderate
21 density zone and are proposed to be rezoned to the abutting mixed-
22 use R-2 medium density residential and medium density commercial
23 zone.

24 Next slide? The proposed map amendment would not be
25 inconsistent with Compliance Land Use Map, which designates the

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1 property as mixed use, medium density residential and medium
2 density commercial and the Generalized Policy Map, where the lots
3 are within the neighborhood and has been (indiscernible) as
4 described in our report.

5 And our report outlines why we believe the proposal
6 satisfies the element of the family of plans, including the
7 citywide elements, the near Northwest Are element and the small
8 area Duke and Convention Center plans. Our analysis of the
9 Comprehensive Plan was performed through the lens of racial
10 equity and IZ Plus requirements to support lower income
11 households in the District, which face a disproportionate share
12 of problems caused by housing insecurity and displacement.

13 According to OP's 2019 Housing Equity Report, the near
14 Northwest planning area contained only 7.7 percent of the
15 District's total number of affordable housing units as of 2018.
16 So as request, IZ Plus requires a higher affordable housing set
17 aside requirement than regular IZ and prescribes it based on
18 either a sliding scale related to the total floor area built for
19 the amount of IZ bonus density built.

20 Next slide. Therefore, we included the IZ Plus set
21 aside in our recommendation, since it could provide a desirable
22 depth of affordability in conjunction with the map amendment. So
23 on page 5 of our report, the table shown -- as the table shows
24 in the slide, our example demonstrate possible IZ Plus set aside
25 requirements that could be realized if the map amendment

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1 proceeds, and it is based on an apartment house, where likely,
2 under most development scenarios, the set aside may result in 12
3 to 15 affordable units added to that planning area.

4 So, in conclusion, the existing development of the
5 combined property represents underutilized development when
6 weighed against the density and uses anticipated under the Future
7 Land Use Map. The proposed map amendment would prioritize the
8 future development of the site with a density and uses anticipated
9 on the Future Land Use Map and permitted under the proposed R-2
10 zone.

11 Redevelopment of the site could provide a desirable
12 depth of affordable housing, minimum displacement and
13 transportation access to opportunities for future residents, and
14 it will also help towards achievement of the planning area's
15 production target of 980 affordable units in 2050.

16 So we are recommending the Commission set down this
17 proposed map amendment with IZ Plus, as it is not inconsistent
18 with the Comprehensive Plan as viewed through its equity lens.
19 Thank you.

20 CHAIRMAN HOOD: Thank you, Ms. Thomas. Commissioners,
21 any questions or comments of Ms. Thomas? Okay. Not seeing or
22 hearing any, someone like to make a motion to set down?
23 Commissioner Imamura, you look like you want to make a motion to
24 set down?

25 COMMISSIONER IMAMURA: I'll defer to my -- the senior

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1 commissioners here, not by age, but just by time.

2 CHAIRMAN HOOD: Okay. All right. I'll go with that
3 for now.

4 COMMISSIONER SHAPIRO: Mr. Chair, I just want to --

5 CHAIRMAN HOOD: Commissioner Shapiro?

6 COMMISSIONER SHAPIRO: I'll move that we set down
7 Zoning Commissioner Case No. 21-15 S Street Village LLC map
8 amendment at Square 442 and look for a second.

9 COMMISSIONER IMAMURA: Second. Sorry. I'll defer.

10 CHAIRMAN HOOD: All right. So it's been moved and
11 properly second. Any further discussion? Not hearing any. Ms.
12 Schellin, would you do a roll call vote, please?

13 MS. SCHELLIN: Was that our new commissioner seconding
14 it?

15 COMMISSIONER IMAMURA: Yes.

16 CHAIRMAN HOOD: Yes.

17 MS. SCHELLIN: So Commissioner Shapiro?

18 COMMISSIONER SHAPIRO: Yes.

19 MS. SCHELLIN: Commissioner Imamura.

20 COMMISSIONER IMAMURA: Yes.

21 MS. SCHELLIN: Commissioner Hood?

22 CHAIRMAN HOOD: Yes.

23 MS. SCHELLIN: Commissioner Miller?

24 VICE CHAIR MILLER: Yes.

25 MS. SCHELLIN: Commissioner May?

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1 COMMISSIONER MAY: Yes.

2 MS. SCHELLIN: The vote is 5:0:0 to set down Zoning
3 Commission Case No. 21-15 as the contested case.

4 CHAIRMAN HOOD: Okay. Next, Zoning Commissioner Case
5 No. 21-19, Mr. Lawson? Oh, Ms. Fothergill. I always see Ms.
6 Lawson. You've been on this (indiscernible), so I figured that
7 it was yours. Ms. Fothergill?

8 MS. FOTHERGILL: Good evening, Chairman Hood and
9 members of the Commission, I'm Anne Fothergill for the Office of
10 Planning for Zoning Commission Case 21-19. The Office of Planning
11 is proposing a rezoning for seven properties located in Square
12 6170 South between Brandywine, Chesapeake, First and South
13 Capitol Street Southeast. The properties will be rezoned from
14 the RA-1 zone to the MU-4 zone. OP finds that this is not
15 inconsistent with the Comprehensive Plan and small area plan and
16 recommends that the Zoning Commission set down the map amendment
17 for a public hearing.

18 Next slide, please, Mr. Young. In the recently updated
19 Comprehensive Plan, the Future Land Use Map was amended and now
20 shows the properties striked for low density commercial and
21 moderate density residential uses, as you can see in this slide.
22 The Generalized Policy Map shows the properties and Neighborhood
23 Conservation Area. The proposed map amendment would not be
24 inconsistent with the maps and policies in the Comprehensive
25 Plan, including the citywide elements of land use, housing,

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1 economic development and the Far Southeast/Southwest area
2 element. The 2009 Bellevue Small Area Plan does not refer to
3 these specific properties, but states that housing development
4 and enhancement of the overall commercial environment are
5 priorities for that area.

6 When evaluated through a racial equity lens, the
7 proposed map amendment is not inconsistent with the Comprehensive
8 Plan. The rezoning could allow the church to remain in the
9 community while benefiting from the redevelopment of its
10 property, and the rezoning would provide an opportunity for
11 additional housing, more affordable housing, and job creation and
12 retail uses.

13 Next slide, please, Ms. Young. Any future
14 redevelopment of these seven properties will be subject to IZ,
15 and OP is not recommending that IZ Plus be applied to this map
16 amendment. While this map amendment could qualify for IZ Plus,
17 since it would rezone the properties to a zone with a higher FAR,
18 Subtitle X, Section 502.2 allows the Zoning Commission to
19 consider mitigating circumstances. And in this case, OP is
20 recommending that this map amendment not be subject to IZ Plus
21 due to the disproportionate amount of affordable housing already
22 in this area.

23 According to the Housing Equity Report and data from
24 the State Data Center, almost 42 percent of the housing in this
25 ANC 8D is affordable housing. ANC 8D has approximately 6 percent

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1 of the District's total number of affordable housing units. The
2 Far Southeast/Southwest Planning Area had 31 percent of all of
3 the city's affordable housing units, and 51 percent of the housing
4 in this planning area is affordable housing.

5 ANC 8-D and the Far Southeast/Southwest Planning area
6 have a significantly disproportionate amount of the existing
7 affordable housing in the City, and OP recommends that IZ Plus
8 not be applied to these properties. The properties in this map
9 amendment would remain subject to the standard IZ requirements.
10 In conclusion, OP recommends that the Commission set down its
11 application, and I'm happy to take any questions.

12 CHAIRMAN HOOD: Thank you, Ms. Fothergill. Let's see
13 if we have any questions or comments. Commissioner May?
14 Commissioner Shapiro?

15 COMMISSIONER SHAPIRO: Thank you, Ms. Chairman. Just
16 a brief question, Ms. Fothergill. When you were talking about
17 the percentage of affordable housing in this -- I think you were
18 talking about the ANC specifically, are you -- are the statistics
19 that you're referring to related to naturally-occurring
20 affordable housing, or are you talking about affordable housing
21 based upon how it was created or financed?

22 MS. FOTHERGILL: The data that's in your report that's
23 taken from the State Data Center has different categories, and
24 some of it's affordable housing distribution, which is affordable
25 housing units in the planning area divided by the total number

1 of citywide housing affordable housing units, and some of it's
2 concentration within the planning area. And so, those are broken
3 down. There -- I can tell you specifically which ones.

4 COMMISSIONER SHAPIRO: Well, I think that the reason
5 why I'm asking, I'm just curious about the policy recommendation
6 related to IZ Plus, which is, given, even in this area, where
7 there's a whole lot more affordable housing, I imagine that what
8 we're going to see is whatever is naturally-occurring affordable
9 housing isn't going to be particularly affordable within the next
10 10, 15, maybe 20 years.

11 And so, I'm just curious from a policy perspective, if
12 you take that -- if OP's taken that into account, how it's taking
13 it into account, because I'm sure you are in some way about when
14 you're deciding on IZ Plus versus IZ. So it's more -- less about
15 this case, which I think I imagine we will be setting down, and
16 I certainly would be supporting that, but more about what the
17 policy prerogatives you're using to make that decision.

18 MS. FOTHERGILL: I may pull in Mr. Lawson, since you're
19 talking broader beyond this case, but I'm happy to talk about
20 this case specifically.

21 MR. LAWSON: All right. Just to kind of directly answer
22 your question, certainly my understanding is that when these
23 reports refer to affordable housing, they're talking about
24 affordable housing with a restriction; housing that is restricted
25 to affordable and does not include naturally-occurring housing

1 that is currently affordable.

2 MR. SHAPIRO: That actually -- that's good enough for
3 me, because then, right, then what happens over the next 10 to
4 15 years is very different then if most of this is restricted.
5 So that's that's all I have, Mr. Chair. Thank you both for the
6 answer.

7 MR. LAWSON: And, of course, just to reiterate, IZ
8 would continue to apply. We're certainly not recommending that
9 the project be exempt from IZ. It's just IZ Plus would not apply.
10 So to regular IZ amount would apply.

11 CHAIRMAN HOOD: Okay. Commissioner Imamura?

12 COMMISSIONER IMAMURA: No questions, Mr. Chair.

13 CHAIRMAN HOOD: Okay. Vice Chair Miller?

14 VICE CHAIR MILLER: Thank you, Mr. Chairman. And thank
15 you to the Office of Planning for bringing forward all three
16 cases. And I kind of -- I did -- Commissioner Shapiro kind of
17 asked the question I was going to ask, so I won't ask -- it's
18 the same question he asked. So are these the first three -- are
19 these the first cases where we're mapping IZ Plus under our new
20 IZ Plus regulation?

21 MS. FOTHERGILL: Yes.

22 VICE CHAIR MILLER: Yeah. So two of the three you're
23 recommending and one, you gave reasons why you're not --

24 MS. FOTHERGILL: Yes.

25 VICE CHAIR MILLER: -- which I think it makes perfect

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1 sense why you're not. But I think that's an important milestone
2 that we've reached that this particular expansion of inclusionary
3 zoning has brought forward cases from applicants that, not from
4 the Office of Planning, which you may have other cases in the
5 pipeline, but from applicants that recommend -- even though we're
6 -- we've upped that requirement where there's a map amendment to
7 20 percent, I guess -- is it 20 percent set aside?

8 MR. LAWSON: It's up to 20 percent, yes.

9 VICE CHAIR MILLER: It's almost doubled, right?

10 MR. LAWSON: As much as doubled, yes.

11 VICE CHAIR MILLER: Yeah. So I mean it -- so I think
12 it's important -- I think it is an important milestone that we've
13 gotten to this point where we -- in one, again, a small,
14 incremental case, where we've expanded inclusionary zoning and
15 affordable housing. We're setting down two cases where IZ Plus
16 will apply. We're saying it doesn't need to apply in this third
17 case, where there is already a lot of affordable housing. And
18 as Commissioner Shapiro and the dialogue between OP and
19 Commissioner Shapiro.

20 I think demonstrated in my mind is that the market
21 ratings in this -- in that particular area right now is already
22 affordable for the City. It's already meeting affordable
23 requirements without imposing requirements and restrictions. I
24 mean, that's how I see it. I might be seeing it wrong. And
25 correct me if I'm wrong, Mr. Lawson or Ms. Fothergill, that the

1 -- as Commissioner Shapiro mentioned, the naturally-occurring
2 market rate affordable market rate housing is actually at
3 affordable levels under the restricted program that otherwise
4 would apply, because of the income levels and the property values
5 in the neighborhood. Am I -- am I reading it wrong, or is that
6 too simplified a view of what's happening here?

7 MR. LAWSON: I don't think you're reading it wrong, and
8 I think it's also important to remember that, you know, whether
9 it's IZ or it's IZ Plus, that's like the minimum required. So
10 certainly as part of any development that comes along on these
11 sites, there may well be a much higher percentage of affordable
12 units or affordable units at an affordability level that's less
13 than what IZ would allow. So, you know, the market will say,
14 you know, in the end, you know, what the housing units will be
15 available for. We just felt that from an equitable standpoint,
16 that it made sense to not apply -- to not require the IZ Plus
17 amount at this particular location.

18 VICE CHAIR MILLER: Okay. Well, thank you for that
19 explanation and for your recommendations in these three cases.

20 MR. LAWSON: Thank you.

21 CHAIRMAN HOOD: Mr. Shapiro?

22 COMMISSIONER SHAPIRO: Thank you, Mr. Chair. Yeah, if
23 you'll allow me, and Commissioner Miller, or Vice Chair Miller,
24 I think one of the reasons why I wanted to make that distinction
25 is because I think we want to be mindful that if it were the

1 case, which is it isn't here, if it were the case that a good
2 chunk of the housing was just naturally affordable, then I think
3 we might come -- and I think OP might come to a very different
4 conclusion where they might want to consider IZ Plus, because as
5 the -- as market forces kick in, then affordable housing goes
6 away.

7 In this case, such a large percentage of the housing
8 is actually restricted as affordable. It is, I think, if I'm
9 hearing correctly, that's why they would recommend IZ Plus. I
10 mean not -- recommend not IZ Plus. So we all want to be attentive,
11 and I think they're leading the way with this to make that
12 distinction. And I think that's a helpful distinction for us to
13 make, and I'm sure you all are doing it, as we're looking at
14 these case by case.

15 VICE CHAIR MILLER: Thank you, Commissioner Shapiro.
16 I agree with you.

17 CHAIRMAN HOOD: Okay. Any other questions or comments?
18 Thank you, Mr. Lawson and Ms. Fothergill. I appreciate your
19 presentation to us. So we have a request to set down. Someone
20 like to make a motion to set it down? I will move that we set
21 down Zoning Commission Case No. 20-19, Office of Planning Map
22 Amendment of Square 61-70S, Lots 35, 36, 38 and 807 through 810
23 and ask for a second.

24 COMMISSIONER SHAPIRO: Second.

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

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1 second. You all scared me for a moment. Any further discussion?
2 Not hearing any. Ms. Schellin, would you do a roll call vote,
3 please?

4 MS. SCHELLIN: Commissioner Hood?

5 CHAIRMAN HOOD: Yes.

6 MS. SCHELLIN: Commissioner Shapiro?

7 COMMISSIONER SHAPIRO: Yes.

8 MS. SCHELLIN: Commissioner Miller?

9 VICE CHAIR MILLER: Yes.

10 MS. SCHELLIN: Commissioner Imamura?

11 COMMISSIONER IMAMURA: Yes.

12 MS. SCHELLIN: Commissioner May?

13 COMMISSIONER MAY: Yes.

14 MS. SCHELLIN: The vote is 5:0:0 to set down Zoning
15 Commission Case No. 21-19 as a rule making case.

16 CHAIRMAN HOOD: Okay. The last item before I -- we pay
17 a little tribute to our for colleague is Correspondence Zoning
18 Commission Case No. 14-13E. Ms. Schellin?

19 MS. SCHELLIN: Yes, sir. At Exhibit 25, there's a
20 request to reopen the record to accept comments by the Committee
21 of 100 and Kalorama Citizens Association on what they feel are
22 two important, unaddressed issues by the Commission. I provided
23 a copy of that request to the Office of Planning also, since they
24 were the petitioner in the case, and the Committee of 100 and
25 Kalorama Citizens Association felt that OP either failed to

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1 address the issues or did not correctly or fully address the
2 issues in their supplemental report to the Commission. And so,
3 you have this request to reopen the record, and so, I present it
4 to the Commission for your pleasure.

5 CHAIRMAN HOOD: Thank you, Ms. Schellin. Again, the
6 two issues are that, I think, the Kalorama and the Committee 100
7 believe that we overlooked the -- or the Office of Planning and
8 us did not pay enough attention to or the retention to C-1500.4
9 and whether the setback requirements of the penthouse should be
10 reconnected, as proposed by the members that was set forth. If
11 you recall, before they sent for it, we got this in Exhibit 16
12 of the first supplemental report, Office of Planning that was
13 thoroughly addressed. And also, the Commission at the time we
14 were considering, you know, we had a long discussion about C-
15 1500.3b to retain, or at least that's where we are now. And that
16 this -- more analysis is being done.

17 So I think -- for me personally, I think we fairly went
18 through that. May be just some disagreement there, but I think
19 we thoroughly went through it. And I -- as far as I'm concerned,
20 I don't think I've missed anything. I'm not saying the things
21 don't need to be tweaked, because they always need to be tweaked,
22 as we get a track record of it, but that's why I'm on that. Let
23 me open up for others. Any questions or comments. Does anybody
24 -- let me ask you this this way. Does anybody feel moved --
25 because they did open the record, anybody feel moved about the

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1 letter that we need to revisit any of those points?

2 VICE CHAIR MILLER: I do not.

3 CHAIRMAN HOOD: Okay. Not hearing anything, any other
4 comments on either one of those points? Okay. So Ms. Schellin,
5 I think -- I don't know if we need to respond back or whatever
6 the case is. Hopefully, they've heard this proceeding. I think
7 we'll leave as it is now.

8 MS. SCHELLIN: Please make the rule on the request,
9 whether it's denied by consensus, or if you want to vote on a
10 denial.

11 CHAIRMAN HOOD: Can we just deny the request by general
12 consensus?

13 MS. SCHELLIN: Yes.

14 CHAIRMAN HOOD: Okay. All right. Thank you. We'll
15 just deny by general consensus.

16 MS. SCHELLIN: Thank you.

17 CHAIRMAN HOOD: We had looked at it -- okay. All right.
18 Thank you. Anything else, Ms. Schellin?

19 MS. SCHELLIN: I have nothing else, and OP did not
20 advise that they had a status report to give, so I would say it's
21 all up to you what you want to do now.

22 CHAIRMAN HOOD: So what I would like to do, in light
23 of the news that Commissioner May shared with us, I know a number
24 of people knew Herb Franklin. I actually served with Herb
25 Franklin at 33 years old on the Zoning Commission. So what I'd

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1 like to do first is take a moment of silence and then I want to
2 turn it over to Commissioner May to give us sort of a tribute in
3 order. I think it's well deserved, a very fine guy. So let's
4 take a moment of silence, please.

5 (Pause)

6 CHAIRMAN HOOD: Thank you. Okay, Commissioner May?

7 COMMISSIONER MAY: Yes.

8 CHAIRMAN HOOD: Let's please, a tribute to our good
9 friend.

10 COMMISSIONER MAY: All right. Well, I'll try to talk
11 fast and not think too much about it, because I'm going to get
12 choked up again. So, you know, Herb Franklin was critically
13 important to me in my career. As I said, he hired me at the
14 National Building Museum. That's where we first got to know each
15 other. He was the -- he was on the executive committee, and I
16 had just sent him a letter out of the blue expressing interest
17 in going to work there, and I wound up getting hired, and it
18 worked out very well for me. It set me on the trajectory that
19 I'm on now. As a result of my work there, I eventually went to
20 architecture school, so I dropped out of the working world for a
21 few years and got my degree and came back and got a job.

22 And when I was looking to get a job with a different
23 firm, I called up Herb Franklin, who helped me find or rather
24 secure a position with another firm that I admired a lot and that
25 he was familiar with. And then a few years after that, we -- I

1 think we just ran into each other at an event at the National
2 Building Museum, because I tried to stay connected there. And
3 he was, of course, very involved in the Building Museum. He was
4 one of the founding trustees. He was on the executive committee
5 for 15 years. He was a prime moving force at the Building Museum.

6 Anyway, we spoke there, and we talked about my going
7 to work for the -- for the Architect of the Capitol, which I did.
8 And after a couple of years, Herb decided to retire, and he tapped
9 me to succeed him on the Zoning Commission, and the Architect
10 blessed that decision, and so I began what's now been 17 years
11 -- three years for the Architect of the Capitol, then I went to
12 work for the City for a while and then wound up back or wound up
13 in my current job in the Park Service.

14 And I think one of the reasons I got the job at the
15 Park Service is that I had that Zoning Commission experience, and
16 plus I was willing to work nights, which is a big consideration.

17 Anyway, Herb who has been a mentor to me in many ways
18 over my career, and it's very sad to lose him, but it's also a
19 time to celebrate his many achievements. You can read what was
20 in the death notice in The Washington Post today and get a better
21 understanding of his very rich life with his many contributions
22 to Washington. So anyway, I will miss him greatly and I am very
23 grateful for all the things that he did that put me on the path
24 that I'm on now.

25 CHAIRMAN HOOD: Okay. Did anybody else serve with Herb

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1 or know of him? Okay. I'll go next.

2 MS. SCHELLIN: I would say when I first came --

3 CHAIRMAN HOOD: Okay.

4 MS. SCHELLIN: -- Herb was on or getting off, and that
5 was when Peter came, and that was 20 years ago this month. I
6 just remember him being a big man. Wasn't he very tall, he was
7 a pretty tall guy or not?

8 COMMISSIONER MAY: He wasn't that tall.

9 MS. SCHELLIN: I remember him being a big guy.

10 CHAIRMAN HOOD: He wasn't that tall.

11 COMMISSIONER MAY: He was a big presence in height.

12 CHAIRMAN HOOD: I'm not sure that he was a big --

13 MS. SCHELLIN: A big, yeah.

14 CHAIRMAN HOOD: He was definitely a big presence.

15 MS. SCHELLIN: And -- yeah, and he just had -- just a
16 happy, yeah, he's demeanor, you know. He was just so friendly.
17 And he was jut coming back for certain cases, and then when he
18 left, that's when Commissioner May came on. So I didn't see him
19 very often, because he was only coming back for a few cases, and
20 -- but he was about to retire when I came in November, 20 years
21 ago, so.

22 CHAIRMAN HOOD: So when I when I got on the Zoning
23 Commission -- well, all of them treated me well. I just remember
24 (indiscernible) who 33 years old, who didn't know nothing about
25 zoning. So when I get on the Zoning Commission, Herb Franklin

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1 sat to my left, and the first day I was there, he picks up the
2 phone, we just submitted on, and he picks up the phone and says,
3 tell such and such to pick me up out front. So I'm thinking to
4 myself, 33 years old, oh, he got a driver. And I start looking
5 at the rest of them must all have drivers.

6 So he heard me. I picked up my phone. I said tell
7 the subway to meet me downstairs. Tell the red line and meet me
8 downstairs. So in other words, you know, he and I got a kick
9 out of that. And one of the things I liked about them, though,
10 was I said something, and this probably goes back to what Mr.
11 Parson saying about six months. I must have said something at
12 the hearing. And at first, I felt something kick me up under
13 the table.

14 I thought Herb had kicked me. After the hearing was
15 over, I said, "Mr. Franklin, did you -- were you kicking me?" He
16 said, "Yeah, I was kicking you, because I didn't want you to say
17 that. I said, "Okay. All right." But he was cool though, he
18 was a real -- something said bam.

19 But he was a great guy. Always very fun, and that's
20 why I call it the Herb Rule. I can tell you one thing he really
21 got that in his crew was these extensions. At that time, we was
22 extending everything and those extensions. That's why you always
23 hear me refer that to the Herb Franklin Rule. But he was very
24 knowledgeable. I remember when he and I had this discussion
25 about this great guy he was sending to the Zoning Commission who

1 was going to replace him when he retired. He and I've had that
2 discussion. And, you know, he went on to tell me about this
3 great guy. And, actually it turned out, Peter, you are a great
4 guy. So it turned out to be right. But I can tell you that Herb
5 Franklin was a great guy. I've learned a lot from him. He was
6 very patient with me, because I was, you know, 33 years old, you
7 still rambunctious and think you come in there thinking you know
8 everything. So I will tell you that he really made a difference
9 that made a difference in the City. And he was just all around
10 -- and he really knew -- he always would come in with this -- I
11 don't know if you remember this, Peter. He always had a big case
12 --

13 COMMISSIONER MAY: Yeah.

14 CHAIRMAN HOOD: A lawyer -- yeah, he always had -- and
15 I said to myself, and I had a little something. I said, now I
16 must be not bringing something to the meetings or what. But he
17 always had that big case with him. He always carried that.

18 COMMISSIONER MAY: He gave that to me when he left.

19 CHAIRMAN HOOD: Oh, he gave you the case.

20 COMMISSIONER MAY: Yeah, and, you know, it's just not
21 a practical thing to carry on a bicycle. So I didn't use it.
22 Well, I used it for quite a while when I was at the AOC, because
23 of the, you know, the traveling logistics were a little bit less
24 complicated there. But yeah, it was, yeah, I had that big legal
25 case that I carried around with all those paper files back when

1 we did paper. Yeah, I mean, Herb had real gravitas, right? You
2 know, I mean, it just felt like you were speaking to an authority
3 when you spoke with him.

4 CHAIRMAN HOOD: Oh, yeah, yeah.

5 COMMISSIONER MAY: Yeah. I remember, like, when he
6 was he was sort of interviewing me to go on to the Zoning
7 Commission and, you know, we wound up talking about, I don't
8 know, some case or something like that. He just like, so what
9 do you think of this? And I mean, I think the case had been
10 decided, but he was just like sort of feeling me out. But what
11 I would -- what my comments would be on something, and it was,
12 you know, he was he was really a very thoughtful man.

13 CHAIRMAN HOOD: Yeah, I -- Sharon, I'm a talk to you.
14 I like us to send a card to his wife. A very lovely wife. I
15 had a chance to meet her.

16 COMMISSIONER MAY: Yeah.

17 CHAIRMAN HOOD: I remember going over to their house,
18 I think something that got delivered to me and my package got
19 -- his package came to me, and my package went to him. So I
20 said, well, I'll be up -- I'm coming up that way. And when I
21 went up to his porch, I said I got -- picked up my package and
22 left his there, I told him, I said, look, man, I like your porch.
23 I said, you may come home and see me out sitting on the porch
24 drinking a beer or something, and I don't even drink beer. He
25 said, any time you want, just come on up. So he was a great

1 person. I've I'm glad that I had the chance to serve with him,
2 because I learned a lot from him, and I really appreciate him.
3 Sorry to hear of his passing, so.

4 COMMISSIONER MAY: Yeah.

5 CHAIRMAN HOOD: If we can -- I'd like to send something
6 from the office or a card or something to his wife, his lovely
7 wife.

8 COMMISSIONER MAY: Yeah.

9 CHAIRMAN HOOD: Okay. And I know his obituary -- I
10 think those who sent me the obituary, so. All right. So are
11 there any other comments on Herb Franklin:? So when you hear me
12 talk about the Herb Franklin Rule, you'll know what I -- I think
13 I bring that up still from time to time. That's what happens
14 when you've been around a while.

15 COMMISSIONER MAY: Like last month you did.

16 CHAIRMAN HOOD: I brought it up last month? Oh.

17 COMMISSIONER MAY: I think so.

18 CHAIRMAN HOOD: Yeah.

19 MS. SCHELLIN: All the time, 20 years later.

20 CHAIRMAN HOOD: Well, you know, you always remember
21 what the impacts that good people had on you, and he was one of
22 the ones that had a good impact on me and my impression on how
23 to deal with zoning here in the City. And I owe him a great deal
24 of gratitude. So, again, want to wish his family the best going
25 through these rough times. Our prayers and thoughts go out to

1 Herb Franklin's family, and, hopefully, we can send a card or
2 something, Sharon, if you can all help me get that accomplished.
3 The other thing is Thanksgiving is coming up. I don't think --
4 oh, we meet Monday.

5 COMMISSIONER MAY: We do. Right.

6 CHAIRMAN HOOD: Oh, we just might as well just meet
7 Thanksgiving. Okay. All right. Well, I'll save those comments
8 for Thanksgiving -- I mean for Monday. All right. Is there
9 anything else, Ms. Schellin?

10 MS. SCHELLIN: Nothing else.

11 CHAIRMAN HOOD: Okay. So we're done. I want to thank
12 everyone and any prep work that helped us do tonight. It's always
13 good when you have a good staff and the good legal counsel, the
14 Office of -- the LD, Legal Division and all those who helped
15 prepare us, because we have a lot of stuff going on, a lot of
16 different records, a lot of, like, some BJ yesterday, today and
17 everything that you have to remember.

18 So I want to thank all my colleagues for all the work,
19 our staff and everyone who had anything to do with anything that
20 we have to do. And especially I also want to thank the residents
21 of the City. But anyway, it is what it is. So thank everybody,
22 and I hope -- this meeting is adjourned, and I hope everybody
23 have a good evening.

24 (Whereupon, the above-entitled matter went off the
25 record at 5:10 p.m.)

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Before: DCZC

Date: 11-18-21

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