

GOVERNMENT OF  
THE DISTRICT OF COLUMBIA

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ZONING COMMISSION

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PUBLIC HEARING

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 IN THE MATTER OF: :  
 :  
 WCP 1207 H Street, LLC : Case No. 22-03  
 Map Amendment from NC-14 to NC-15 :  
 1207 H Street, NE :  
 (Sq. 1004, Lot 342) - Ward 6 :  
 -----:

THURSDAY

JULY 25, 2022

The Public Hearing of Case No. 22-03 by the District of Columbia Zoning Commission convened via videoconference, pursuant to notice at 4:00 p.m. EDT, Anthony J. Hood, Chairperson, presiding.

ZONING COMMISSION MEMBERS PRESENT:

- ANTHONY J. HOOD, Chairperson
- ROBERT MILLER, Vice Chairperson
- JOSEPH IMAMURA, Commissioner
- PETER MAY, Commissioner

OFFICE OF ZONING STAFF PRESENT:

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

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OFFICE OF PLANNING STAFF PRESENT:

JOEL LAWSON, Project Manager

LINDEN NEIGHBORHOOD ASSOCIATION:

ROBERT PITTMAN, Co-President

OFFICE OF ZONING LEGAL DIVISION STAFF PRESENT:

JACOB RITTING, ESQUIRE

HILLARY LOVICK, ESQUIRE

The transcript constitutes the minutes from the Public Hearing held on July 25, 2022.

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

2 (4:00 p.m.)

3 CHAIRPERSON HOOD: Good afternoon, ladies and  
4 gentlemen. Today's date is July the 25th, 2022. We are convening  
5 and broadcasting this public hearing by video conferencing. My  
6 name is Anthony Hood. I'm joined this afternoon by Vice-Chair  
7 Miller, Commissioner May, and Commissioner Imamura. We're also  
8 joined by the Office of Zoning staff, Ms. Sharon Schellin, as  
9 well as the Office of Zoning Staff -- as well as Mr. Paul Young,  
10 who will be handling all of our virtual operations. Also we have  
11 our Office of Zoning Legal counsel. I believe we have Ms. Lovick  
12 and Mr. Ritting. One of them will be joining us shortly. We  
13 will ask all others to introduce themselves at the appropriate  
14 time.

15 The virtual public hearing notice is available on the  
16 Office of Zoning's website. This proceeding is being recorded  
17 by a court reporter. The platforms used are Webcast live; Webex,  
18 and YouTube live. The video will be available on the Office of  
19 Zoning's website after the hearing.

20 All persons planning to testify should have signed up  
21 in advance and will be called by name at the appropriate time.  
22 At the time of sign-up, all participants will complete the oath  
23 or affirmation required by Subtitle Z, 408.7. Accordingly, all  
24 those listening on Webex or by phone will be muted during the  
25 hearing, and only those who have signed up to participate or

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1 | testify will be unmuted at the appropriate time. When called,  
2 | please state your name and home address before providing your  
3 | testimony. When you are finished speaking, please mute your  
4 | audio.

5 |           If you experience difficulty accessing Webex or with  
6 | your telephone call-in or have not signed up, then please call  
7 | our OZ hotline number at 202-727-0789. If you wish to file  
8 | written testimony or additional supporting documents during the  
9 | hearing, then please be prepared to describe and discuss it at  
10 | the time of your testimony.

11 |           The hearing will be conducted in accordance with  
12 | provisions of 11-Z DCMR, Chapter 4, as follows: preliminary  
13 | matters, Applicant's case. They have up to 60 minutes. I don't  
14 | believe we need 60 minutes, probably 15 to 20 at the max, report  
15 | of the Office of Planning and District Department of  
16 | Transportation, report of other government agencies, report of  
17 | the ANC. And in this case, I believe it's 6A, Commissioner Gove.  
18 | I believe that's how it's pronounced. Commissioner Gove, Amber  
19 | Gove. Then we'll have testimony of organizations, five minutes  
20 | and individuals, three minutes. And we will hear in the following  
21 | order from those who are in support, opposition, and undeclared;  
22 | then we'll have rebuttal and closing by the Applicant.

23 |           The subject of this first case that we have. We have  
24 | another one shortly on another link. But the subject of this  
25 | case is Zoning Commission Case No. 22-03. This is WCP 1207 H

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1 Street, LLC, Map Amendment at Square 1004, Lot 342, 1207 H Street,  
2 Northeast. Again, today's date is July the 25th, 2022.

3 At this time -- again, if you have any issues with --  
4 our hotline number is 202-727-0789 for any concerns during these  
5 proceedings.

6 At this time, the Commission will consider any  
7 preliminary matters.

8 Does the staff have any preliminary matters?

9 MS. SCHELLIN: No preliminary matters in this case.

10 CHAIRPERSON HOOD: Okay. Thank you. Ms. Schellin,  
11 let's bring everyone up, the presenters. I think we have  
12 Ms. Hottle-Cox.

13 MS. SCHELLIN: Actually, Allison Prince is going to be  
14 presenting. And there will be one other person, the  
15 representative for the Applicant, Mr. Miller. And that's it.

16 CHAIRPERSON HOOD: Okay. So Ms. Prince. I know to say  
17 Ms. Cox, but I guess she -- anyway.

18 Ms. Prince, you may begin. You -- once everyone comes  
19 up, you may begin. We'll turn it over to you.

20 MS. PRINCE: Great. And I'll try to be brief. And  
21 Good afternoon, Chairman Hood and members of the Commission. I'm  
22 Allison Prince with Gholston and Storrs.

23 And Mr. Young, if you could please pull up the  
24 presentation that we submitted?

25 I'm here today with Ben Miller, the property owner, to

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1 present a relatively straightforward IZ Plus application for the  
2 reason being of a 33,000 square foot site along H Street. As I  
3 think you know, this site is currently used for an AutoZone and  
4 a large surface parking lot. The property is currently zoned MC-  
5 14, which allows an FAR of 3 and a height of 55 feet. We're  
6 asking the Commission to rezone the property to the MC-15 zone,  
7 which will allow an FAR of 4.8 and a height of 70 feet.

8           And as I think the Commission's aware, the NC-9 through  
9 NC-17 zones along H Street were put in place to reflect the H  
10 Street Small Area Plan. And the Plan has a vision for H Street  
11 that has three subareas: the urban living residential subarea,  
12 the central retail district, and the arts and entertainment area.  
13 And this site is in that third area.

14           The different NC zones for H Street are targeted -- oh,  
15 I'm sorry -- if Paul could advance the slide.

16           They're targeted toward specific density levels and  
17 uses and for our particular subarea, the NC-14 and NC-15 zones  
18 have been identified as the appropriate zone categories. As the  
19 Commissioners' aware from set down, the property was the subject  
20 of a recent Future Land Use Map Amendment in 2020, changing its  
21 designation to mixed-use, medium density residential, medium  
22 density commercial. So that's the basis for your request for the  
23 rezoning to NC-15, which allows the 4.8 and the seven day as  
24 opposed to the 3.0 and 55-foot height limit.

25           In addition to the Future Land Use Map, the map

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1 amendment is not inconsistent with the Comprehensive Plan. And  
2 in fact, furthers many of the Plan's priorities as detailed in  
3 our submissions and as OP outlined in its reports. This  
4 consistency includes furthering the Plan's goals around racial  
5 equity. And as we detailed in Exhibit 42A and OP detailed in  
6 Exhibits 32 and 45, the map amendment in any related future  
7 development would not include any residential displacement. It  
8 will facilitate the development of a large surface parking lot  
9 with an environmentally sensitive development, and will create  
10 the opportunity for significant housing and affordable housing.

11 To enhance the affordable housing provided, this  
12 application also provides an ideal opportunity to utilize your  
13 new tool, IZ Plus, to create affordable housing in perpetuity at  
14 the property. The IZ Plus approach to the site will ensure that  
15 any new residential building on the site that is not concrete  
16 will provide a 20 percent set aside for IZ units. Unlike other  
17 zoning entitlements, such as a PUD, once this site is rezoned,  
18 that affordable housing requirement will last in perpetuity and  
19 cannot expire.

20 Another important distinction about the H Street zones  
21 is that any development on the property like this must receive  
22 special exception approval from the BZA prior to moving forward.  
23 The special exception process ensures that the community will  
24 have the opportunity to discuss and comment on any specific plans  
25 for development. As Mr. Miller will describe, there's been

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1 significant community outreach. Even in the middle of COVID, we  
2 have had a lot of community outreach here. And I should note  
3 that the property owner list here was extraordinary. Notice went  
4 to 222 property owners.

5           We've met with the ANC several times, but importantly,  
6 we've also met with the most immediately affected neighbors, who  
7 are the Lyndon Place neighbors directly south of the site. And  
8 it's been a productive process. And we're aware of the concerns.  
9 There's some support from those neighbors, but there are  
10 concerns, a lot of concerns, and we look forward to working with  
11 them as the plans are developed and we go through the BZA process.

12           It's been a very open dialogue. I don't think anybody  
13 can accuse us of not being willing to talk about any aspect of  
14 the project that may affect the neighbors. They're particularly  
15 concerned about the alley that's only 10 feet wide, that separates  
16 our site from Linden -- the backyard of the Linden neighbors, and  
17 we're going to work with them collaboratively to make sure site  
18 access is addressed in an appropriate way.

19           And before I turn over to Mr. Miller, I'm pleased to  
20 say that we're here with the support of the Office of Planning.  
21 We have a report of no objection from DDOT. We have unanimous  
22 support from ANC-6A. So now I'm going to turn the presentation  
23 over to Ben Miller, and he'll describe his ownership of the site  
24 and its development potential.

25           And if you could go to the next slide, then Ben can

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1 start his presentation.

2 I think he's all lined up.

3 MR. BEN MILLER: Yeah. Thank you, Allison.

4 So my name is Ben Miller. I'll tell you a little bit  
5 about myself, a little bit about how we came to own and work on  
6 H Street, and then our process since we started this potential  
7 rezoning more than a year ago. So I was born in Washington, D.C.  
8 and lived here for more or less last 45 years.

9 We purchased the AutoZone in 2010, so we've owned it  
10 about 12 years. AutoZone had a long-term lease on it when we  
11 acquired it. And I've been active -- we've been active on H  
12 Street for the past 12, 13 years. For example, we build and own  
13 the Maketto. Maketto is a favorite neighborhood spot in the  
14 neighborhood, on H Street. We brought in non-profits on H Street.  
15 We've also been involved in 1300 H Street, which is a -- 100  
16 percent affordable housing project that we co-developed with  
17 Insight Property caddy corner to this property. So we're a big  
18 believer in H Street, and know the community, know the neighbors,  
19 because we've been so involved there for so long.

20 So we envision a mixed-use project with this rezoning  
21 of approximately 200 units. So if we were to receive IZ Plus,  
22 that would be a -- our plan would be 40 affordable housing. So  
23 40 affordable housing units for total 200-unit residential  
24 project with retail mixed-use on -- restaurants on the ground  
25 floor. We spent the last year working with the neighbors, and

1 we've done in-person meetings, we've done a number of video  
2 meetings with Linden, ANCs. So I feel like we have a good  
3 understanding of the neighborhood, and we've been pretty engaged.

4 And I've been engaged, you know, with the neighborhood  
5 for a long time before this, so it's not like I don't understand  
6 all the complexities here. And so the neighbors are largely  
7 supportive of eliminating the AutoZone. AutoZones are not the  
8 highest and best use for the site anymore. It has a long history  
9 of the site, and it's time to get it redeveloped. The question  
10 now is should it be redeveloped under old zoning or under a new  
11 zoning with more affordable housing. And that's basically what  
12 I think we have broadly support for.

13 And the next part of the process, which is the concerns  
14 that people really have need to be addressed in the BZA process,  
15 and that's basically the alley. Alley's very narrow. Access to  
16 the parking and whether DDOT will allow us access off H Street  
17 or whether we'd have to go through the alley, because the  
18 neighbors concerned about having a lot of transportation on the  
19 alley; parking, light and air, trash, construction noise.

20 So all the normal development issues that would, I  
21 think, get picked up in BZA. So finally, basically, the 20  
22 percent affordable housing at this project, I think, would be a  
23 great showcase and great for the neighborhood. So I'm hoping,  
24 you know, that Zoning Commission supports it.

25 MS. PRINCE: And that completes our presentation, if

1 | you have questions for Ben or for me.

2 |           CHAIRPERSON HOOD: I'm just curious. First of all, let  
3 | me thank you for your presentation, Ms. Prince. And your name  
4 | is on my -- I just omitted it, but it is on my cheat sheet. But  
5 | I want to thank you, Ms. Prince and Mr. Miller, for your  
6 | presentations.

7 |           But here's something you kept saying. It may have  
8 | been -- been some thundering going on as well. I may have missed  
9 | this, but you were saying the BZA process -- were you saying the  
10 | BZA process?

11 |           MS. PRINCE: Yes.

12 |           CHAIRPERSON HOOD: So you anticipate at some point you  
13 | will be going in front of the BZA for something, because this is  
14 | --

15 |           MS. PRINCE: But we have to go the BZA. This site  
16 | exceeds 6,000 feet in land area, and because of the zone we're  
17 | located in, that's automatic BZA under Section H, 910.1.

18 |           CHAIRPERSON HOOD: Okay. That's ironic. So it's not  
19 | --

20 |           VICE CHAIR MILLER: Can you elaborate on that? I'm  
21 | sorry to interrupt, Mr. Chairman.

22 |           CHAIRPERSON HOOD: Yeah, I'm just trying to figure out  
23 | what the BZA can do that we can't, so anyway.

24 |           VICE CHAIR MILLER: Me too. If we can do something now  
25 | to expedite this, I'd like to do it, but I -- sounds like --

1 CHAIRPERSON HOOD: Yeah, that's really where I was  
2 going. But go ahead, Vice Chair. Go ahead.

3 VICE CHAIR MILLER: Also, looking at -- that's a great  
4 question.

5 MS. PRINCE: You got to change the regulations. It's  
6 automatic BZA for any site over 6,000 feet in this subarea.

7 VICE CHAIR MILLER: Yeah, so the H Street subarea.

8 MS. PRINCE: This predates ZR-16. This has been around  
9 for a long time. But you know what, it's a blessing in this  
10 case. I'm not sure Ben would agree with me, but I think it should  
11 give the Commission a lot of comfort that any of the issues that  
12 are raised by the neighbors will have a full airing in the BZA  
13 process.

14 CHAIRPERSON HOOD: Okay. I'm going to talk to counsel  
15 about that, but that's fine. And I've always wanted to make sure  
16 that the community has some input. But let me just ask this,  
17 and I'll go to my colleagues, and I'll come on the back in.

18 Mr. Miller, the 8th Street AutoZone was a big deal at  
19 the time. Do you recall what year that was done?

20 VICE CHAIR MILLER: 1996.

21 CHAIRPERSON HOOD: Okay. All right, because I was on  
22 at the H Street CDC at that time, and I remember AutoZone was a  
23 big deal --

24 VICE CHAIR MILLER: Yeah. Yeah, it -- sorry.

25 CHAIRPERSON MILLER: -- with Eric Jones and all that

1 group. I served on the H Street CDC Council at that time for a  
2 month, so anyway. All right. I just thought about the AutoZone.  
3 So anyway. Let me see if --

4 VICE CHAIR MILLER: The neighborhood has changed a  
5 little bit since 1996.

6 VICE CHAIR MILLER: Oh, it's changed quite a bit. Quite  
7 a bit. And this Commission had a lot to do with some of that,  
8 so.

9 All right. Let's see if anybody has any questions or  
10 comments.

11 Commissioner May?

12 COMMISSIONER MAY: Yeah. Can you hear me okay?

13 VICE CHAIR MILLER: Yeah.

14 COMMISSIONER MAY: Okay, good.

15 VICE CHAIR MILLER: Yeah.

16 COMMISSIONER MAY: I was getting weird messages about  
17 my microphone. So the thing about Linden Street that's different  
18 from every other block that's on the southside, right, I mean,  
19 it's a half width block compared to the rest of them. It doesn't  
20 have that same level of depth. And all of those houses that are  
21 on Linden street that backup to the 10-foot wide alley, I mean,  
22 they're all pretty close there. So they're -- I mean, they're  
23 going to have -- I mean, maybe they have 20-foot rear yards, and  
24 then they've got to 10-feet, and then, theoretically, your  
25 building, right? So --

1 MR. BEN MILLER: There (indiscernible) be a setback,  
2 right, 15-feet from the alley.

3 COMMISSIONER MAY: 15? Oh, okay. So you are going to  
4 -- the rear yard will be on -- up against that alley? No other  
5 sort of weird rear yard configurations or anything like that?  
6 I mean, you already have a design concept for this?

7 MR. BEN MILLER: I haven't done one. I mean, I've  
8 messed around trying to figure out basically, if it's worth going  
9 through this process, but there -- it's just all the density  
10 wants to be on H street.

11 COMMISSIONER MILLER: Okay.

12 MR. BEN MILLER: It doesn't want to be -- it wants to  
13 be as far away from Linden as possible.

14 COMMISSIONER MAY: Uh-huh.

15 MR. BEN MILLER: And so you -- and plus the alley's too  
16 narrow. You don't want to -- the neighborhood does not want to  
17 have the building up against the alley. The AutoZone's currently  
18 up against the alley, like --

19 COMMISSIONER MAY: Correct. Yeah, I know that. Yeah.

20 MR. BEN MILLER: But the new development would want to  
21 take the full setback and push it away -- push the density away  
22 from the alley.

23 COMMISSIONER MAY: Right. Okay. And I know -- I mean,  
24 some of the concerns that we heard about in the letters that have  
25 been submitted are things about issues having to do with things



1 | like light, which, given that this is on the north side of Linden  
2 | Street, it's not really going to be that much of an issue except  
3 | at the extreme moments of like early, early morning/late, late  
4 | afternoon in the summer, when the sun actually is rising north  
5 | of there.

6 |           But -- so I don't think that's really a huge issue. I  
7 | just, it feels like it's the prospect of having a 65-foot  
8 | building, plus probably a penthouse living level above that, so  
9 | it's more in the 75-foot range of building, plus mechanical above  
10 | that. So I can understand where some of that concern is coming  
11 | from, given the proximity of Linden Street.

12 |           Do you -- and I'm glad you don't have an actual design  
13 | for this, because then we don't fall into that trap of talking  
14 | about design during a map amendment. But I am curious about the  
15 | potential massing for it, and I -- you say that it wants to be  
16 | toward the north side along H Street. Do you believe that there's  
17 | enough flexibility, given the FAR that you have and the other  
18 | constraints on the bulk of the building, the massing of the  
19 | building, to, I don't know, to push it away, and to sort of  
20 | mitigate some of those concerns?

21 |           You know, I don't know whether it's going to be  
22 | something where you'll have just a straight bar building with,  
23 | you know, step up -- stepping up on the backside, or whether you  
24 | could actually do some indentations within the building. I mean  
25 | just something that -- to make it less like just a huge brick

1 wall, you know, 30 feet from the back side of their house or  
2 maybe 45 feet from the backside of their house.

3 MR. BEN MILLER: Yeah. I mean, like, what I'd like to  
4 do, but this is going to take some doing is to actually do like  
5 strip thru townhomes on the backside. Not technically townhomes,  
6 but like basically creative sod treatment on the backside. I  
7 just don't know if there's an -- if -- there's a 50 percent  
8 requirement for retail on the ground floor.

9 COMMISSIONER MAY: Right.

10 MR. BEN MILLER: And so I just got to see if that  
11 actually works in practice, because that's what it wants to feel  
12 like. It wants to feel like a, you know, basically housing on  
13 both sides of the alley. But I -- without sitting down and trying  
14 to, like, actually layout the, you know, the --

15 COMMISSIONER MAY: Sure.

16 MR. BEN MILLER: -- mechanical and the -- because you  
17 know, retail these days is -- I mean, residential is much easier  
18 to build on lease than retail. I mean, H Street's been  
19 struggling.

20 COMMISSIONER MAY: Right. Right. Okay. All right.  
21 Well, I'm just curious about how you felt the shape of the  
22 building would be, and it sounds like there's sufficient  
23 flexibility given the, you know, how the interplay between FAR  
24 and these other setbacks work. And sometimes they force you into  
25 a position of just basically having the biggest, dumbest box.

1 But it sounds like you're not heading for a big, dumb box.

2 MR. BEN MILLER: Yeah, you're -- I mean, the question  
3 -- I mean, it wants to be rectangular.

4 COMMISSIONER MAY: Yeah.

5 MR. BEN MILLER: It's just that adding gesticulations  
6 or some sort of like --

7 COMMISSIONER MAY: Yeah.

8 MR. BEN MILLER: -- you know, massing change, I don't  
9 -- yeah, that's -- I mean, yeah, you don't -- yeah, you don't  
10 want it to feel like a long, I don't know how many feet that is  
11 -- 150-foot singular kind of monolith.

12 COMMISSIONER MAY: Right.

13 MR. BEN MILLER: I agree with that, but that's like, I  
14 don't have an architect. So --

15 COMMISSIONER MAY: Yeah. No, that's fine. I mean, all  
16 -- I'm just trying to get a sense of whether you feel that given  
17 the height that you have, and the FAR that you can reach, and  
18 the other setback constraints, are you going to be forced into  
19 a, you know, into a monolith, as you called it, or whether there's  
20 some room to, you know, move the building facade in and out to  
21 sort of soften that backside and make it seem less oppressive to  
22 the abutting neighbors? And it sounds like that's where you're  
23 heading.

24 MR. BEN MILLER: Yeah, I mean, we have to go through  
25 BZA, and if we can come up with something that's, like, elegant,

1 I think it's -- because that's -- it doesn't -- it wants to feel  
2 like residential, right --

3 COMMISSIONER MAY: Right.

4 MR. BEN MILLER: -- basically, if -- so that would  
5 be the goal. And it's a question of skill, I think, so --

6 COMMISSIONER MAY: Okay. All right. I think I've run  
7 through my question pretty thoroughly. Thank you.

8 CHAIRPERSON HOOD: Thank you.

9 Commissioner Imamura?

10 COMMISSIONER IMAMURA: Thank you, Mr. Chairman. I  
11 think Commissioner May brought up some issues that were of  
12 particular concern to me, which is regarding the light issue,  
13 just the depth between this property and the homes on Linden, as  
14 well as the mass and then the height.

15 But Mr. Miller, your response, I think you had a very  
16 satisfactory response that I appreciate. Louis Kahn asked where  
17 does a brick want to be? So in this instance, what does it want  
18 to be? Your description, I think, and understanding of the  
19 context and neighborhood character gives it some comfort. So I  
20 really appreciate that. Don't lose sight of that. I'm excited  
21 to see who you hire as your architect to fulfill your vision for  
22 this. And I say hold true to what you think it should be in  
23 context with the neighbors.

24 So I have no other comments, Mr. Chairman.

25 Thank you, Mr. Miller.

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1 And thank you, Ms. Prince.

2 CHAIRPERSON HOOD: Okay. Thank you.

3 Vice Chair Miller?

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

5 And thank you, Ms. Prince, and Ben Miller for your  
6 presentation.

7 I think this is a map amendment with IZ Plus being  
8 designated as the -- to a -- for the opportunity for a more  
9 affordable housing, which is a good thing. I'm not sure I have  
10 any questions that -- it was the BZA question that I had, which  
11 I asked earlier, which you elaborated is in a -- is on a -- is  
12 our problem, our regulations, which is something I do want to  
13 look at, because, yeah, I'm a little bit just instinctually upset  
14 that we required two regulatory processes through zoning for you  
15 to do what you want to do here.

16 One, before us, the Zoning Commission, one before the  
17 BZA. But there's a public input process that's provided at both,  
18 and we must have provided that for some good reason. I'm not  
19 sure what it was, but I want to understand it and see if it's  
20 worth keeping, because I would rather this just be if we're going  
21 to go through what you've gone through to get to this point, I  
22 would hope you do not have to -- one, ideally, in the ideal world  
23 not for you to have to go through another regulatory procedure  
24 through zoning, another zoning procedure, just to get the  
25 development that you want.

1           So we need to look at that, Mr. Chairman, as you said  
2 we would with our counsel.

3           The alley is only 10 feet wide. So I thought that was  
4 what was triggering maybe some BZA process. So how are you  
5 dealing with the alley, or how's development? Could you just  
6 briefly reiterate how the development will interact with the  
7 alley and the access from that and were any special approvals are  
8 required from fire department for that when we go through that  
9 BZA process?

10           MS. PRINCE: I mean, I can address that. As a 10-foot  
11 wide alley, we've said to the neighbors, and we'll continue to  
12 say that our building was setback from that alley, effectively  
13 widening it. Many in the community feel very strongly they don't  
14 want access to the building off the alley. That is adverse to  
15 (indiscernible) long-standing position that if there's an alley,  
16 you need to have your access off the alley. But we're going to  
17 collaborate with the community and try to fight for what they  
18 want. But at the end of the day, no matter what, they're going  
19 to get a widened alley.

20           It can't widen the entire distance, because at the far  
21 end there are buildings on either side that we don't control that  
22 really lock it into the 10 feet. We'll do our best on the alley  
23 issue.

24           MR. BEN MILLER: Allison, just to clarify, because I  
25 think you've said this to me, we have a 15-foot -- if we get this

1 -- if we get IZ Plus, we have 15-foot rear yard setback  
2 requirement. So the alley effectively gets 25 -- becomes 25-feet,  
3 if the project gets zoned and built.

4 VICE CHAIR MILLER: Well, that's helpful information  
5 to have. Thank you. And thank you for all of your community  
6 engagement over the years. That's to be applauded. And I know  
7 you've been involved on H Street, Mr. Miller. No relation to  
8 me, Miller, although I've known you and your family for many  
9 decades. Give my best to your dad.

10 So how many -- I know this is a map amendment with IZ  
11 Plus, so we're not looking at a specific project. But this is  
12 an -- facilitating an opportunity for a project with more  
13 affordable housing.

14 So just -- could you just repeat, I think, what you  
15 said in your testimony, Alison or Ben, what the potential is for  
16 the -- potential for affordable housing if the map amendment and  
17 IZ Plus go through, and what -- at what levels?

18 MR. BEN MILLER: Allison, do you want to do the  
19 technical?

20 MS. PRINCE: Sure. I mean, these would be 60 percent  
21 AMI rental units. Ben mentioned earlier about 200 units, meaning  
22 and about 40 IZ units. This could layout a hundred different  
23 ways, especially as we address that rear setback issue, but those  
24 are just some general ideas. So by going from a 3 FAR to a 4.8  
25 FAR, there's about 60,000 feet more density on the site. It's a

1 large side. I mean, it's a 33,000 square foot site. So that  
2 additional density combined with the ramped-up IZ requirement,  
3 it's meaningful. It makes a meaningful difference here.

4 VICE CAHIR MILLER: Well, I would agree with that.

5 So I have no further questions or comments, Mr.  
6 Chairman at this time.

7 Thank you for bringing this forward.

8 And I'll turn it back to you, Mr. Chairman.

9 CHAIRPERSON HOOD: Thank you.

10 I think -- and let me say, first of all, I want to  
11 thank our counsel. When I ask questions, they make sure I get  
12 the answer immediately. And I think, excuse me, Ms. Prince was  
13 exactly right. To the wisdom of the Zoning Commission, I think  
14 them going in front of the BZA is exactly what needs to happen.  
15 I just couldn't remember why when I -- I guess they way Mr. Miller  
16 was presenting it to me. But again, most of time in these cases,  
17 it's just a blanket grant. And I think that one of the things  
18 is it's a win-win, because the community is still have a chance  
19 to opine when you all go in front of the BZA.

20 And hopefully, Vice Chair, you'll get that case.

21 So let me just say to the wisdom of the Zoning  
22 Commission, I want to take that question off the map and the  
23 Office of Zoning Legal Division can respond to that at a later  
24 time to us, which I think it's given me a great insight on exactly  
25 why we did it that way. So thank you.



1           The only other question -- I have two other questions.  
2 One of the things in our racial equity tool is displacement.

3           And Ms. Prince, you eluded to that some, but -- so are  
4 we displacing the business? Where's the -- where is AutoZone  
5 going? What's going to happen with AutoZone? I don't remember  
6 reading what was going to happen with that facility. Were they  
7 -- are they going to relocate? Are you helping them relocate,  
8 or what are we doing?

9           MR. BEN MILLER: So their lease expires -- it expired  
10 actually last year, and I extended them on one-year lease. I've  
11 been talking to them about what they want to do. They have a  
12 much more suburban mentality about their format. And they prefer  
13 surface parking lots for people who walk in and walk out. So I  
14 know they've been looking for another site, and I think they've  
15 made some progress. I got a email about this a couple days ago,  
16 but without a lot of clarity. So it's been a conversation. I  
17 mean, it's a -- it's nice to have an AutoZone in the area. Just  
18 not sure it wants to be on H Street.

19           Like, I think there's a site, Dr. Malone's on  
20 Bladensburg might be better up, you know, there's a lot of empty  
21 land up there that might have better access than on H Street. So  
22 it's something that we've been in conversation with them about.  
23 But you know, AutoZone owns 4,500 stores, and so it's difficult  
24 to interact with them at times. Why? Because they have, you  
25 know, it's a big company. So I'd never know exactly what the

1 answer is.

2 CHAIRPERSON HOOD: Okay. Well, the reason I'm asking  
3 is one of the things that we go over and look at, especially with  
4 the regulations and the racial equity, we don't want to put people  
5 in a disadvantaged way. You know, resources and things that  
6 people need should be near their homes to some degree, and I know  
7 that's part of this whole equation, and I wanted to put that on  
8 the record. But I know there's a -- is some abundance of support,  
9 and there's also some questions from the impacted residents on  
10 the zoning amendment. So we're going to get to that as well.

11 But when I think about H Street, I think about Russ  
12 Simmons, who just passed recently, Bill Barrows, Eric Jones, Ann  
13 Lawson-Lane, and also Mr. Pittman. I think we're going to hear  
14 from him today. And all the ANC Commissioners. A lot of people,  
15 Mr. Miller, as you probably have known. I'm not that familiar  
16 with you as the Vice Chair is, but a lot of people have done a  
17 lot on H street, made a lot of major contributions. And a lot  
18 of people are getting some of the rewards of people that -- names  
19 I just called, of the work they've done.

20 So that's just kind of where I am. I always put that  
21 out there, because they are a lot of people who paved the way  
22 and made it conducive for you to want to come and even do a  
23 project down there. You may be one of them. I'm just not  
24 familiar with you and your dad. I'm just not familiar with you.  
25 So forgive me for that. And if I should call your name, Mr. Vice

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1 Chair there, then I will. But I think that it's important to  
2 always reference that.

3 Let me ask this, Ms. Prince and Mr. Miller. Did you  
4 see the letter, Exhibit 49? I'm not sure if that came in late.  
5 And I think that's what Commissioner May was alluding to, some  
6 concerns about this map -- I took it as opposed to the map  
7 amendment, not a project, because that's what we're supposed to  
8 be looking at.

9 MR. BEN MILLER: Is that the letter in opposition?

10 CHAIRPERSON HOOD: Yes.

11 MR. BEN MILLER: Yeah, I read that.

12 CHAIRPERSON HOOD: Could you just touch on that for me?  
13 What is your -- after reading that, just touch on that. Tell me  
14 what is your perspective on that -- on this letter?

15 MR. BEN MILLER: Well, I mean, I -- it's my -- I've  
16 only talked to some of the people on the list. You read the  
17 letter, most of it is about the development. Specifically, a  
18 development there would have most of the impact they're  
19 describing. And it doesn't address the question of additional  
20 density for additional affordable housing, which, I think, is the  
21 essence of the question in front of that -- in front of the Zoning  
22 Commission today, which is the current zoning is -- doesn't have  
23 -- I think it has as a normal, I think, 8, 10 percent zoning, so  
24 double the zoning. And most of the questions or issues raised  
25 really would have -- would be true in any development.

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1           And that site's zoned for essentially 55 feet. So it's  
2 -- from a real estate point of view, it's zoned for a three-  
3 story podium (phonetic). And like, you really want to build four  
4 stories over a podium. Just doesn't make sense to build three  
5 stories over podium. It's actually -- 1300 H Street, which is  
6 catty-corner to it, it's three stories over a podium, and it's  
7 just squat. It's actually not that tall of a building. Four  
8 stories over a podium is, like, not a massive building. And it's  
9 much more efficient to build. So there's a lot of sort of  
10 straightforward benefits of adding that extra floor through this  
11 process in exchange for additional affordable housing.

12           The light and air, the sides north of the property off  
13 Linden Street and it will be set back from the rear yard of at  
14 least 15 feet. So you know, I mean, I live in a city. I never  
15 -- even when we built Maketto, I never build a project where  
16 people didn't have different opinions. But it's -- I think it  
17 doesn't address the main question of the city needs affordable  
18 housing. If not here, then where?

19           CHAIRPERSON HOOD: Okay. All right. And I took that  
20 as not necessarily germane to a point. When I read it, I tried  
21 to compensate being overall not just a map amendment. I mean,  
22 just a map amendment overall.

23           MR. BEN MILLER: Right the BZA process is meant to --  
24 basically meant to address all those questions. I mean, it's  
25 literally impact study of everything they listed.

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1           CHAIRPERSON HOOD: Okay. All right. And that's --  
2 that was my next point. Some of this will be vetted out at that  
3 point depending on what we do with it, but the question is for  
4 us is the increased density and is it consistent with the Comp  
5 Plan. So we'll see. We'll see. I think it's a win-win from  
6 what I'm seeing from the neighbors. But I just want -- I'm hoping  
7 that we have someone -- some of these names on here on this  
8 letter, hoping one or two of them on there so we can have a  
9 discussion.

10           All right. I don't have anything else for Mr. Miller  
11 or Ms. Prince.

12           Anybody have any second-round questions?

13           (No audible response.)

14           All right. Let's go to ANC-6 --

15           Ms. Schellin, do we have anyone from ANC-6? Got that  
16 quick. ANC-6 -- is it 6A? Hold on a second. Yeah, 6A. Is  
17 Commissioner Gold, what's her name, on, Ms. Schellin?

18           MS. SCHELLIN: I do not see Amber Gove on here.

19           CHAIRPERSON HOOD: Okay. All right. So -- and we  
20 don't have any party. So let's go to the Office of Planning and  
21 DDOT.

22           Mr. Lawson?

23           MR. LAWSON: Thank you.

24           CHAIRPERSON HOOD: It's vacation time. You're getting  
25 a lot of work in. Go right ahead.

1 MR. LAWSON: I've been seeing you a lot lately, which  
2 is nice. Thank you, Mr. Chair.

3 Joel Lawson for the Office of Planning. I'm here  
4 representing Crystal Myers on this case. The Office of Planning  
5 recommends that the Zoning Commission approve Case 22-03. It  
6 would rezone 1207 8th Street Northeast from NC-14 to NC-15 with  
7 IZ Plus. We think this is a pretty straightforward case, so I'm  
8 going to be very brief in my remarks.

9 The Applicant has addressed the Commission's request  
10 for additional information raised at the set down meeting. These  
11 included the provision of a more detailed rationale for the  
12 requested zone and the provision of analysis of the proposal  
13 against the Comprehensive Plan through a racial equity lens. The  
14 Office of Planning, of course, also provided that analysis in our  
15 report. The Office of Planning reports in the record provide a  
16 description of the existing NC-14 and proposed NC-15 zones,  
17 including development capacity analysis.

18 Both of these are H Street mixed-use zones.  
19 Essentially, when compared to the existing zone, the proposed  
20 zone would allow 1.5 additional FAR and 15 feet additional feet  
21 of height for a by-right project. The application of IZ Plus  
22 has proposed and as recommended by OP, would increase the amount  
23 of affordable housing required for any residential development  
24 on the property.

25 On balance, the proposal is not inconsistent with the

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1 Comprehensive Plan. In the recent update, the Future Land Use  
2 Map designated the subject site -- designation for the subject  
3 site was specifically changed from mixed, moderate density  
4 residential, low density commercial to mixed medium density  
5 residential, medium density commercial. The proposed NC-15 zone  
6 is described in the Zoning Regulations as a medium density mixed  
7 use zone.

8 The generalized policy map indicates that the subject  
9 site is within a main street mixed-use corridor area. And these  
10 are commercial business corridors with a pedestrian-oriented  
11 environment, storefronts on the ground floor and upper story  
12 residential or office uses. Again, the proposed map amendment  
13 would facilitate this form of development.

14 The new zone would further objectives of the land use,  
15 transportation, and housing citywide elements, and that would  
16 happen through the provision of zoning that is more consistent  
17 with the Comprehensive Plan, FLUM, Future Land Use Map, and by  
18 facilitating new housing where none exists now, as well as new  
19 retail opportunities.

20 The proposal would also further the objectives of the  
21 Capitol Hill area element, particularly through upgrading the 8th  
22 Street commercial district, providing new housing opportunities  
23 and directing new growth onto a major corridor with access to  
24 mass transit.

25 The OP setdown report provides a full analysis of the

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1 Comprehensive Plan through a racial equity lens. And the Capitol  
2 Hill planning area population is predominantly white. Both the  
3 median household income and the cost of housing in this planning  
4 area are higher than the District average. The proposed map  
5 amendment would facilitate new housing consistent with  
6 Comprehensive Plan direction on the site, again that currently  
7 has none.

8           It has the potential to increase the total supply of  
9 residential units and affordable units in the planning area,  
10 particularly with the application of IZ Plus. This would help  
11 to alleviate the pressure on housing costs and make the area more  
12 accessible to a wider range of income households.

13           The site is located close to mass transit, including  
14 bus routes and a streetcar line, as well as bike routes. It's  
15 also close to a broad range of existing retail, commercial and  
16 entertainment uses. As such, it provides access to both jobs and  
17 services for the new residents. And in return, the new residents  
18 would help to support the many local businesses along the street,  
19 many of which are small and locally owned.

20           I'm going to close it off with that, and with that, I'm  
21 available for questions. Thank you, Mr. Chair.

22           CHAIRPERSON HOOD: Thank you, Mr. Lawson. And also  
23 thank you for filling in as well.

24           Commissioner May, you have any questions or comments?

25           COMMISSIONER MAY: I do not. Thank you.

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1 CHAIRPERSON HOOD: Okay. Thank you.

2 Commissioner Imamura, you have any questions or  
3 comments?

4 COMMISSIONER IMAMURA: No questions or comments.

5 Thank you, Mr. Lawson.

6 CHAIRPERSON HOOD: And Vice Chair Miler?

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

8 Mr. Lawson, thank you for your report. I think I asked  
9 at set down a couple of months ago, and now I forget the answer.  
10 So maybe you can remember your answer then or some -- the Office  
11 of Planning answer then.

12 You know, this map amendment is largely resulting from  
13 a Comp Plan Future Land Use Map amendment in the most recent  
14 cycle that went through the Council and Mayor, as you said in  
15 your report, from -- changing it from moderate density,  
16 residential, mixed-use moderate density residential low density  
17 commercial to mixed-use medium density, residential and  
18 commercial. And the map amendment with IZ Plus designated for  
19 -- which -- for the additional affordable housing that that  
20 provides. But the map amendment is from NC-14 to NC-15, those  
21 -- that higher density mixed-use H Street zone.

22 So I think I asked at set down, was a more -- was there  
23 a higher density? What -- why didn't we go with a higher density  
24 H Street mixed-use zone if one exists than NC-15 to get even more  
25 affordable housing or flexibility with design and setback? If

1 | you could just -- you answered that at the set down, and I was  
2 | satisfied. But I don't remember what you said then?

3 |           MR. LAWSON: Well, actually, I think that was one of  
4 | the questions that you asked both OP and the Applicant to address  
5 | in more detail in our subsequent reports. So we discussed that  
6 | a little bit in our hearing report. The Applicant also discussed  
7 | this actually in more depth than we did in their subsequent  
8 | filings. But essentially, it's because of the complexity of the  
9 | H Street Small Area Plan.

10 |           As Ms. Prince mentioned, the H Street Plan designates  
11 | different portions of H Street as kind of different use focus  
12 | areas. There's an arts area, there's a housing area, you know,  
13 | there's a retail area. In this particular area, there really are  
14 | only two zones that are available that remain fully consistent  
15 | with that Small Area Plan, and those two zones are NC-14 and  
16 | NC-15.

17 |           And I'm not saying it would be impossible to take a  
18 | property to a different zone that's outside of what the Small  
19 | Area Plan called for, but that would raise a lot of additional  
20 | complications related to the consistency with the planning for  
21 | the area. So we agreed with the Applicant, this was the logical  
22 | zone for this site. And, you know, again, we would recommend  
23 | approval.

24 |           VICE CHAIR MILLER: Thank you. I just wanted to have  
25 | that on the record again. Thank you very much.

1 MR. LAWSON: Thank you.

2 CHAIRPERSON HOOD: Give me -- everybody, give me two  
3 minutes please.

4 (Pause.)

5 CHAIRMAN HOOD: Sorry. Just had a quick call I had to  
6 take care of. That's how it is when you're doing these hearings  
7 from home. If I was in the hearing room, I wouldn't have been  
8 able to do that. Okay. Let me wait for Commissioner Miller to  
9 come back. I said two minutes and probably it was only one  
10 minute.

11 Okay. Thank you. Sorry about that.

12 Let's go to -- Ms. Prince, did you have any questions  
13 of the Office of Planning?

14 MS. PRINCE: No questions.

15 CHAIRPERSON HOOD: Normally, DDOT doesn't come.

16 Ms. Schellin, do we have DDOT?

17 MS. SCHELLIN: No, sir.

18 CHAIRPERSON HOOD: Okay. Okay. Good. All right.  
19 And we don't have anyone from ANC? Commissioner Gove is not out  
20 here as well, I believe, correct?

21 MS. SCHELLIN: (Indiscernible) the person that they  
22 named, and she's not listed (indiscernible).

23 CHAIRPERSON HOOD: All right. Let's go to other  
24 government reports. Let's see if we had some -- we did talk  
25 about the racial equity. We did actually have a DDOT report.

1 VICE CHAIR MILLER: I was just going to mention, Mr.  
2 Chairman, yeah, at Exhibit 44.

3 CHAIRPERSON HOOD: Right. And we have the ANC, has  
4 already stated unanimous. DDOT had no objections of the approval  
5 of the requested map amendment. And I don't believe we have any  
6 other reports, unless someone can direct me to them. I'm just  
7 looking at my sheet.

8 All right. Let's go to -- Ms. Schellin, if we can  
9 bring any organizations or persons who had support? If we could  
10 bring them up first.

11 MS. SCHELLIN: We had two to sign off -- up, and only  
12 one is showing, and that would be Mr. Pittman.

13 CHAIRPERSON HOOD: Okay. Let's bring Mr. Pittman up.  
14 We all know him. Mr. Robert Pittman. And we don't have anybody  
15 else, right, Ms. Schellin?

16 MS. SCHELLIN: Some in opposition.

17 CHAIRPERSON HOOD: Okay.

18 All right. Mr. Pittman, whenever you're ready, you may  
19 begin.

20 MR. PITTMAN: Good afternoon.

21 CHAIRPERSON HOOD: You want to turn your camera on?

22 MR. PITTMAN: Good afternoon Mr. --

23 CHAIRPERSON HOOD: -- so we can see you?

24 MR. PITTMAN: I'm trying to get it there. Let's see.  
25 Good afternoon. I'm going to go ahead and start and hopefully

1 get this up.

2 CHAIRPERSON HOOD: Okay. Go ahead.

3 MR. PITTMAN: Good afternoon, Chairman Hood, and to  
4 members. I can't get my camera -- okay, there we go.

5 CHAIRPERSON HOOD: Good.

6 MR. PITTMAN: Good afternoon, Chairman Hood and to the  
7 members of the Commission. My name is Bobby Pittman, and I  
8 represent the Linden Neighborhood Association. I live at 1219  
9 Linden Place Northeast. I've been here for a number of years,  
10 through most of the time when this was Pep Boys and to the time  
11 that this became AutoZone. I've already submitted written  
12 testimony, and I won't take up much time.

13 What I wanted to bring to the forefront, and Mr. Hood,  
14 you you've already addressed some of the hard work that was done  
15 by Bill Barrow, Eric Jones, yourself and others. We're in a  
16 position now as neighbors where we have to balance the views of  
17 folk that just moved in and don't know the history, and why is  
18 AutoZone here, and how terrible it is, and those who were here  
19 50 and then respectively 30 years ago who passed on.

20 We're at a juncture. And when Mr. Miller and his team  
21 purchased this property, we didn't know what was going to happen.  
22 We always knew from those who had been here before us that this  
23 property, the AutoZone site was and AutoZone was meant to begin  
24 the development in the 1200 block. It has history and is it is  
25 extremely important to this community.

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1           And when Mr. Miller came in, again, we didn't know  
2 exactly where this would go. Over the last year, we have gotten  
3 to know Mr. Miller, and we've had a number of different meetings.  
4 And while every person will have to make their own decision as  
5 to whether or not they support or don't support this project,  
6 from where a number of us sit, and I have to say we held virtual  
7 meetings with him. We've had several meetings, and we've given  
8 every single resident an opportunity to be heard and to express  
9 their opinions. Every single resident received the flyer at  
10 their door, so there's no one didn't know what this discussion  
11 was where it was going.

12           We're looking at the zoning amendment map change, and  
13 it is our recommendation that this Commission respectfully  
14 endorse and pass this amendment change. We believe this is a  
15 significant step with the IZ Plus tool to take this community to  
16 the next level. We want to see how we can work together to make  
17 a good community and Lindon Place, 13th Street, 12th Street, G  
18 Street, even better. And we think that this is the perfect  
19 applicant to do that.

20           There are buildings with setbacks in the 1100 block,  
21 which I think kind of speak to what I hear some of the  
22 Commissioners talking about, and as then develops this project  
23 with the support of I think many or most of the people who live  
24 in this square, I really think that we can come up with something  
25 really beneficial.

1           And as that's -- and I will close by saying our -- the  
2 biggest issue and what I hope we'll be able to pull all the  
3 members of our community together is the issues around the alley.

4           We're going to have issues with DDOT and the need to  
5 use the alley for ingress/egress, that would not in our opinion,  
6 the best way to approach the development. But beyond that, I  
7 really believe that we can work with this project and with Mr.  
8 Miller and his team to be able to do something really historic.

9           So I thank you for the opportunity to speak, and I will  
10 address any questions that you may have.

11           CHAIRPERSON HOOD: Thank you, Mr. Pittman.

12           Let's see if we have any questions.

13           Commissioner May, any questions or comments?

14           COMMISSIONER MAY: I do not have questions. Thank you.

15           CHAIRPERSON HOOD: Commissioner Imamura, any questions  
16 or comments?

17           COMMISSIONER IMAMURA: No questions. Thank you, Mr.  
18 Pittman.

19           MR. PITTMAN: Thank you, sir.

20           CHAIRPERSON HOOD: Vice Chair Miller, any questions or  
21 comments?

22           VICE CHAIR MILLER: No questions. Thank you, Mr.  
23 Pittman. It's good to see you after all these years --

24           MR. PITTMAN: Good to see you too.

25           VICE CAHIR MILLER: -- even virtually. So thank you

1 | for all your work in the community, for making it a better  
2 | community. Thank you.

3 | MR. PITTMAN: Thank you.

4 | CHAIRPERSON HOOD: And I want to add to that,  
5 | Mr. Pittman. I've worked with you over the years, and you've  
6 | always been -- people don't know the contributions you've made  
7 | to the City; police department, police chief, fire chiefs. You  
8 | -- development. That, to me, that speaks volumes. I'm glad to  
9 | know you're still out here. I really appreciate your letter.  
10 | I'm glad to know -- I'm -- I feel very confident with you and  
11 | others, even the ones who may be in opposition, depending upon  
12 | what we do, I feel very confident that we're going to have a  
13 | win-win, knowing that you and others are involved. So thank you  
14 | for all the work you have done, all the work you're doing, and  
15 | all the work you're going to be doing.

16 | MR. PITTMAN: Thank you, sir.

17 | CHAIRPERSON HOOD: With that, let's see, Ms. Prince,  
18 | you have any -- or Mr. Miller, you have any questions of  
19 | Mr. Pittman?

20 | (No audible response.)

21 | CHAIRPERSON HOOD: Okay. All right.

22 | Thank you very much. We appreciate you taking your  
23 | time. And good to see you.

24 | MR. PITTMAN: Good to see you.

25 | CHAIRPERSON HOOD: All right. Ms. Schellin, let's



1 bring up the opposition. And --

2 MS. SCHELLIN: Yes. I just want to say that the other  
3 person that had registered to testify was Lisa Green in support,  
4 and we did look, and she was part of Mr. Pitman's group.

5 CHAIRPERSON HOOD: Okay. Okay.

6 MS. SCHELLIN: In opposition, Eddie Curry. We've  
7 checked. He is not on. Next was -- is Mike Velasquez,  
8 Frank Nickerson --

9 CHAIRPERSON HOOD: Okay.

10 MS. SCHELLIN: -- and Pierce O'Connor. And Pierce  
11 O'Connor does not appear to be on.

12 CHAIRPERSON HOOD: Okay. All right. Let's go with the  
13 two that we have. I was looking to see if they were on this  
14 list, but I guess they can let me know if they were on the list,  
15 this list of neighbors who are in opposition.

16 All right. So Mr. Vasquez, I don't see any -- oh,  
17 okay. I see the G Street residents.

18 Who did you call first, Ms. Schellin?

19 MS. SCHELLIN: Mr. Velasquez.

20 CHAIRPERSON HOOD: Okay. Mr. Velasquez, you may begin.

21 MR. VELASQUEZ: Thank you, sir. Mike Velasquez, 1215  
22 G Street Northeast. Chair Hood, Vice Chair Miller and other  
23 Commissioners and staff for the Zoning Commission, neighbors and  
24 my greatest respect for Mr. Pittman. Thanks for the opportunity  
25 to be here today on behalf of several neighbors who are concerned

1 about today's application by 1207 H Street, LLC and its impact  
2 on future development decisions in our community. I also want  
3 to thank the Office of Planning for their vision and their work  
4 on the 2003 H Street Northeast Strategic Development Plan.

5           As I said before, my name is Mike Velazquez, a resident  
6 of ANC-6A02. We bought our home on the south side of the 1200  
7 block of G Street Northeast in 2003, and we've seen a great deal  
8 of change along the H Street corridor. Though we are just beyond  
9 the 200-foot boundary, we too will be affected. There are a  
10 number of good reasons to see the parcel in question redeveloped.  
11 While I will miss the convenience of an auto parts store in  
12 walking distance, I think I enjoyed many, neighbors who are eager  
13 to see a better use for that property, a use that is fully  
14 consistent with the 2003 Plan, and other planning and policy  
15 documents.

16           Having lived in D.C. for over 25 years, I can fully  
17 appreciate the challenge of affordable housing. I've seen too  
18 many residents move away because, excuse me, too many neighbors  
19 move away because of affordability, and there's still too many  
20 unsheltered in D.C. It's a challenge for sure, and I applaud  
21 Mayor Bowser and others in her administration for their work on  
22 affordable housing and associated racial equity issues.

23           I speak today in opposition this map amendment for two  
24 principal reasons; inconsistent use and adverse impacts on  
25 residents and businesses with respect to parking. I respectfully

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1 disagree with the Office of Planning's conclusion that this  
2 amendment is consistent with existing plans and policy. For  
3 example, the proposed NC-15 zone would not be consistent with the  
4 Capitol Hill Area element of the Comprehensive Plan. Policy CH-  
5 2.1.1 reads, "H Street Northeast revitalization is to support the  
6 revitalization of H Street Northeast corridor between North  
7 Capitol and 17th Street in a manner that is consistent with the  
8 approved 2003 Strategic Development Plan, which includes, quote,  
9 "an arts and entertainment district extending from 12th to 13th  
10 Street," unquote. And I appreciate the previous reference to  
11 that, because I'll come back to that.

12           This parcel is clearly located in that district. And  
13 the proposed increase to medium density residential in no way  
14 emphasizes arts and arts-related uses. Further, the intent of a  
15 Street Northeast mixed use is for, quote, "a scale of development  
16 and a mixture of building uses that is generally compatible in  
17 scale with existing buildings," unquote. While, NC-15 might be  
18 compatible with the zoning of adjacent parcels, it is not with  
19 the size and scale of existing buildings.

20           Additionally, development of the parcel will remove  
21 off-street parking for patrons of business along 8th Street,  
22 businesses that are here because of the arts and entertainment  
23 designation, further stressing the revenue of these small  
24 businesses.

25           Furthermore, an increase in density resulted in more

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1 residents, more visitors, and more cars but less parking. There's  
2 no doubt that Mr. Miller's company or another developer will seek  
3 relief from the District's requirement to provide sufficient  
4 parking for multi-unit facilities.

5           Finally, rather, if any developer really cares about  
6 affordable housing, nothing in the NC-14 designation prevents  
7 them from building affordable housing units. In fact, the entire  
8 project could be so designated, designed, and constructed. They  
9 don't need the Zoning Commission to give them extra height the  
10 secure affordable housing designation. In fact, they could  
11 commit today, and I urge you to do so, Mr. Miller, to build a  
12 mixed-use building that is affordable with the upper floors  
13 primarily for artist's residences and studios. That use would  
14 be consistent with the long-standing plans for the arts and  
15 entertainment district by, to quote from the plan, "providing  
16 opportunities for live-workspace for artists, performers, and  
17 professionals."

18           Finally, I appreciate Ms. Prince and Mr. Miller's  
19 discussion of their community involvement on this action. But  
20 their case is predicated on the 2020 amendment to the Future Land  
21 Use Map. Mr. Miller admitted today that he has not engaged the  
22 community recently, so I would offer that the action of the FLUM  
23 Amendment did not take into account community input, and  
24 therefore, this Commission should not rubber stamp that decision.

25           I look forward to working with Mr. Miller as the

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1 development of this parcel moves forward. Thanks again for your  
2 time and consideration. And finally, Mr. Chair, I'd like to ask  
3 your permission to include a written statement for the record for  
4 my neighbor, Mr. Pierce O'Connor, who had to leave and cannot  
5 participate. Thank you.

6 CHAIRPERSON HOOD: Well, unless I hear any objections,  
7 we will accept that into the record, unless I hear any objections.

8 Ms. Schellin, if you can remember, we will take into  
9 the record.

10 Let me see if others have any questions first.

11 Commissioner May, any questions or comments? Okay.

12 And Commissioner Imamura, any questions or comments?

13 COMMISSIONER IMAMURA: No, thank you.

14 CHAIRPERSON HOOD: And Vice Chair Miller?

15 VICE CHAIR MILLER: No.

16 Thank you for your testimony today. Thank you.

17 MR. VELASQUEZ: Thank you, sir.

18 CHAIRPERSON HOOD: So Mr. Velasquez, I really  
19 appreciate your comments. It's always good -- I always say this,  
20 whether proponent or opponent, to me, both help -- become a better  
21 outcome. And I think your comments will help us resolve to a  
22 better outcome. It may not get all what the opponents want, may  
23 not get all what the proponents want. But let me ask you, so  
24 you believe that -- I'm just trying to understand your point. Is  
25 there another zone? I think I heard, but I don't want to put it

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1 out there. Let me -- you believe it should be zoned what?

2 MR. VELASQUEZ: Well, it's currently -- it currently  
3 has an NC-14 designation, and nothing in the NC-14 designation  
4 would prevent affordable housing right now.

5 CHAIRPERSON HOOD: So --

6 MR. VELASQUEZ: As far as I understand it. I would  
7 certainly defer to your counsel.

8 CHAIRPERSON HOOD: Okay. Okay. And you know -- well,  
9 I'm not going to argue the case. Okay. Well, thank you. And  
10 we will accept the other gentleman's submission.

11 Let's go to Mr. Nickerson, G Street Residents. Oh, no,  
12 I'm sorry.

13 Ms. Prince, do you have any cross of Mr. Velasquez? Do  
14 you have any cross?

15 MS. PRINCE: No cross. Thank you.

16 CHAIRPERSON HOOD: All right.

17 Thank you, Mr. Velasquez, we appreciate your comments  
18 and testimony.

19 MR. VELASQUEZ: Thank you everyone.

20 CHAIRPERSON HOOD: Okay.

21 Mr. Nickerson, G Street Residents? Mr. Nickerson, once  
22 you unmute, you can begin. There you go.

23 MR. NICKERSON: There we go.

24 CHAIRPERSON HOOD: There you go.

25 MR. NICKERSON: All right. Good. Am I heard?

1 CHAIRPERSON HOOD: Yeah.

2 MR. NICKERSON: All right.

3 CHAIRPERSON HOOD: There you go.

4 MR. NICKERSON: Commissioners (indiscernible) Hood.  
5 Thank you for your time today and for your service to the City.  
6 I live on Capitol Hill (inaudible) G Street since 2007. No one  
7 from ANC has knocked on my door about this. I received, I  
8 believe, one letter several years ago -- a year ago. I'm not  
9 -- I'm really not certain about -- from the developer about this.  
10 I'm not sure how much outreach has been done. I know there is a  
11 Linden Neighborhood Association, but as far as I can tell, there  
12 is no member list. It could just be two -- two people that are  
13 members of the Linden Neighborhood Association.

14 But I'm definitely in favor of adding more housing and  
15 having this property developed, but I'm against the zoning  
16 changes. I'd like to focus during my three minutes on the  
17 suitability of the local infrastructure for the proposed zoning  
18 changes. I'm not convinced the developer will actually build or  
19 if they'll sell if the zoning changes. The current zoning laws  
20 allowed for a large buildings to be built on the property. For  
21 that, we could have many needed apartments for people. Under the  
22 new zoning, however, during a recent discussion with the  
23 developer and his attorney, we heard from the -- about the implied  
24 number of units for a building with proposed zoning changes.  
25 From my understanding, that was approximately up to 180 units

1 with the new zoning.

2           A hundred and eighty units equals a great quantity of  
3 alley traffic. Here's why it's too much. There are no curb cuts  
4 allowed and all the buildings service, and underground traffic  
5 for these apartments will be directed toward a long, narrow alley  
6 that is not wide enough at the 13th Street end for larger vehicles  
7 and trucks to fit through it. In case of emergency, a fire truck  
8 can't fit through that. Already there isn't enough room for  
9 restaurant trash cans and dumpsters at the 13th Street end of the  
10 alley. And with so many units, this would not become an alley  
11 that would deal with a high traffic load.

12           This alley just cannot support all large service  
13 vehicles, 18-wheelers, box trucks needed to enter and exit  
14 through the 12th Street alley entrance. The alley would need to  
15 be wider to accommodate. At the 13th Street exit, this is not  
16 possible. If the 12th Street alley entrance is blocked, many  
17 vehicles will not be able to leave the alley. This is such a  
18 narrow space. The 13th Street side is so narrow that our  
19 neighbor's home and the property across the street the alley, or  
20 across the alley from it, are regularly hit with vehicles.

21           I wish the ANC had reached out more to the neighbors  
22 who would be impacted and had visited this site before assuredly  
23 giving their thumbs up to the zoning change. The size of a  
24 building cannot be supported by an alley with such restrictions.  
25 Respectfully, Frank Nickerson. Thank you.

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1 CHAIRPERSON HOOD: Thank you, Mr. Nickerson. I think  
2 that the Applicant is, even though you might not have been  
3 notified by your ANC, and no one's knocked on your door -- when  
4 I heard you say that nobody's ever knocked on your door.

5 MR. NICKERSON: Are we having connectivity problems?

6 CHAIRPERSON HOOD: Excuse me?

7 MR. NICKERSON I just wondered if we had connectivity  
8 problems. I really was not aware that this was coming through  
9 the ANC. When I saw he was coming along --

10 CHAIRPERSON HOOD: Yes, I hear that. I was making my  
11 point to you that, you know, in this city, I don't believe  
12 anybody's ever -- maybe others, but they don't knock on my door.  
13 I have to go out and find out what's going on. Let me just  
14 encourage you to do this. Now that you know this is in play,  
15 regardless of what this Commission does, I don't know when ANC-  
16 6A meets, but you may want to call ANC-6A.

17 I don't even know who your commission is, but I would  
18 suggest, as you've heard the conversation earlier, there's going  
19 to be another bite of apple, whenever project is -- comes up. So  
20 you want to be involved in those discussions, and I'm sure that  
21 possibly Mr. Miller and others will reach out to you and your  
22 neighbors now that they know you are on target with this. I  
23 don't want to speak for them. I'm just saying that's how I think  
24 things usually work.

25 MR. NICKERSON: Well, I appreciate you saying that. I

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1 don't have a lot of faith in our local ANC. I know people went  
2 and talked. I found out afterwards, and the -- I don't know. It  
3 didn't seem like anybody listened.

4 CHAIRPERSON HOOD: Okay.

5 MR. NICKERSON: So I definitely support Mr. Velasquez  
6 and the other comments from people that are against this.

7 CHAIRPERSON HOOD: Okay. All right. And let's see if  
8 we have any other questions and comments.

9 Commissioner May, any follow up questions/comments?

10 COMMISSIONER MAY: No. Thank you.

11 CHAIRPERSON HOOD: Commissioner Imamura, any questions  
12 or comments?

13 COMMISSIONER IMAMURA: I do not.

14 CHAIRPERSON HOOD: And Vice Chair Miller?

15 VICE CHAIR MILLER: No. Thank you, Mr. Nickerson, for  
16 your testimony today.

17 MR. NICKERSON: Welcome. Thank you.

18 CHAIRPERSON HOOD: And I too appreciate your testimony.  
19 I just -- it's just something when I hear rubber stamp. I hear  
20 that quite a bit in the last few years. This Commission does  
21 not rubber stamp, even to the point that we have stamps with our  
22 heads on the lampposts around the town. But we do not rubber  
23 stamp. I just -- and I've told counsel this, and I'm going to  
24 say this again. We don't rubber stamp. We do what's in front  
25 of us, we follow regulations, and we also actually, what we --

1 | what I know I do, and I'm particularly specific others probably  
2 | do, we probably do things outside the regulations to try to push  
3 | for the community. So I just want to make sure that's clear.  
4 | And we have a big ask. That's not in the regulations. So when  
5 | you say rubber stamp, please just follow what we do. And I'll  
6 | leave it.

7 |           MR. NICKERSON: Oh, I apologize when I said rubber  
8 | stamp. I think, you know, a lot of things have happened these  
9 | past couple of years. You know? There's the pandemic, and people  
10 | aren't always paying attention as they were. And you know, this  
11 | came along. A lot of my neighbors, we just were not aware of  
12 | it, weren't aware it was coming up this soon. I know other  
13 | neighbors that have been very interested in speaking forcefully  
14 | against this. And unfortunately, they're out of town. They  
15 | don't have the bandwidth, the capability to deal with it during  
16 | the month of July.

17 |           CHAIRPERSON HOOD: Okay. All right. That's --

18 |           MR. NICKERSON: Again, I appreciate your time very  
19 | much.

20 |           CHAIRPERSON HOOD: Okay. Thank you. Hold tight. We  
21 | might have something.

22 |           Ms. Prince, do you and Mr. Miller have any questions  
23 | or comments?

24 |           MS. PRINCE: No questions or comments.

25 |           CHAIRPERSON HOOD: Okay. Thank you, Mr. Nickerson.

1 And I would implore you to stay tuned and stay engaged with this  
2 process, period.

3 MR. NICKERSON: Most definitely. Thank you.

4 CHAIRPERSON HOOD: Okay. All right. Ms. Prince, let  
5 me just ask this. You've heard Mr. Nickerson mention about a lot  
6 of neighbors. Have you all seen -- because he's saying -- he's  
7 represented to us that to a lot of people don't know about this  
8 project. So we're just going to do this. I would -- regardless  
9 of what happens here, I would encourage you and Mr. Miller to  
10 continue that, especially those who are most affected. You may  
11 have already done that.

12 I know that -- I don't know how exhaustive it's been  
13 during the pandemic, but I would encourage you all to reach out  
14 and make sure that you touch all our -- all it is a ask. Make  
15 sure that you touch all those who not -- and you may have already  
16 done that. I don't know. I wasn't clear on that part, but  
17 anyway, do you have a response on any of that, you or Mr. Miller?

18 MS. PRINCE: I mean, I can address the community  
19 outreach certainly. And --

20 CHAIRPERSON HOOD: I saw the -- I think it was a slide.  
21 I saw the slide. I heard some. But then when you have people  
22 who show up and say they didn't know anything about it, that  
23 concerns me. Always has. So but -- let's put that on the record.  
24 Let's address it.

25 MS. PRINCE: Okay. I would have to say I've been to

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1 every single one of the community meetings on this project, and  
2 I have been surprised by the high level of attendance. There  
3 have been Zoom meetings. And it's kind of easy on Zoom to see  
4 how many people are really there. With -- Ben, correct me if  
5 you disagree -- but I would say 20 people on Zoom meetings about  
6 this project.

7 Mr. Pittman has done an extraordinary job reaching out  
8 to the community and providing notice above and beyond what I see  
9 as the norm on the project. In addition, I think the ANC has  
10 done a lot of outreach. The ANC meetings were very well attended.  
11 And even despite the COVID situation, we even had a meeting at  
12 Maketto in person, and that was well attended.

13 So I regret that some people feel that they weren't  
14 aware of the product of the rezoning request. They'll certainly  
15 be aware of BZA project. And I have no regrets about the way  
16 outreach has been handled. I think Mr. Pittman, in particular,  
17 has taken real ownership of the outreach effort here.

18 CHAIRPERSON HOOD: Okay. Thank you for that response.  
19 I'm fine. I appreciate that response, but I do agree, Mr.  
20 Nickerson, and Mr. Velasquez, and those who -- there is a process.  
21 If this Commission approves this request, there is another  
22 process where you can fine tune with some of the things that I  
23 see in the letter, especially group of the -- those who were in  
24 opposition.

25 Whatever project comes forward, there is -- that's

1 | where you want to have -- be able to have discussions to kind of  
2 | curtail things back if need be. So I'll leave it at that.

3 |           And then my colleagues have any further questions or  
4 | comments?

5 |           And my colleagues may not agree with my comments, but  
6 | anyway, those are my comments.

7 |           Vice Chair Miller?

8 |           VICE CHAIR MILLER: I do agree with your comments, Mr.  
9 | Chairman. I just had one question in response to Mr. Vasquez  
10 | -- now, I'm mispronouncing it -- Velasquez's statement about  
11 | parking. What would be the NC-15 parking requirement for the  
12 | site? He seemed to indicate that you're going to seek relief,  
13 | if you get to a -- when you get to a project, which the BZA --  
14 | we're considering the public would have input on, if that's the  
15 | case. But what is the requirement, if any, for onsite parking  
16 | for the -- for this site?

17 |           MR. VELASQUEZ: Vice Chair Miller, is that to me, Mr.  
18 | Velasquez?

19 |           VICE CHAIR MILLER: No, that was actually -- oh, it was  
20 | to the -- I'm sorry, that was to the -- you did ask -- talk. You  
21 | did ask that question. If you have that answer, yes. But I was  
22 | speaking to --

23 |           MR. VELASQUEZ: No, I don't have it. I would offer up  
24 | to the expert's response on that.

25 |           VICE CHAIR MILLER: Yeah, goes to the Applicant.

1 MS. PRINCE: It's one for each three units. This site  
2 is eligible for the 50 percent reduction, I believe. So one for  
3 every six units. And as you know, under the regulations as  
4 they're now drafted, there are actual punitive measures for  
5 oversupplying parking. So we're just trying to thread that  
6 needle. It's a really delicate balance now, when we encounter  
7 community groups that really want more parking than the  
8 regulations effectively allow. But we're not there yet. We  
9 haven't designed the building.

10 VICE CHAIR MILLER: Right. We're not there yet. And  
11 that will all be a subject that is up for grabs at the BZA, so.

12 MS. PRINCE: Exactly.

13 VICE CHAIR MILLER: Thank you.

14 CHAIRPERSON HOOD: All right. Any other follow up  
15 questions or comments?

16 (No audible response.)

17 CHAIRPERSON HOOD: Not seeing any.

18 Ms. Prince, you want to do any rebuttal or closing?

19 MS. PRINCE: Just briefly in closing. This is a really  
20 large site. This is a three-quarter acre site with 371 feet of  
21 frontage on H Street. I really believe it's very appropriate for  
22 IZ Plus, particularly given the protections of the additional BZA  
23 review. And I just want to note to the Commission, IZ Plus, I  
24 mean, I think it's a great tool. It's not the right tool for  
25 every project, but what I really like about it is as opposed to

1 PUDs, PUDs can lapse, but a rezoning that's established through  
2 IZ Plus never lapses.

3           So you are really guaranteed that high percentage of  
4 affordable housing for any residential project on the site. And  
5 I've worked on PUDs, where the ultimate developer has decided to  
6 drop the PUD and go matter of right. And that will be at the  
7 eight or 10 percent IZ level.

8           Once Mr. Miller -- my Mr. Miller, Ben Miller, agrees  
9 to IZ Plus, he's locking that site into the 20 percent affordable  
10 housing for non-concrete building. And I think that's very  
11 consistent with what your goals have been. And also, I would  
12 just note that, you know, with the generous rear yard requirement,  
13 the 80 percent lot occupancy for residential, we're going to look  
14 very carefully at that alley condition and do our very best to  
15 address what have been, you know, clearly articulated concerns  
16 from the neighbors, and we're going to work with DDOT to try to  
17 make sure we can address concerns in the BZA process. But that's  
18 all I have tonight, and I appreciate your time this evening.

19           CHAIRPERSON HOOD: Okay. With that, I'll -- we'll  
20 close the hearing, unless my colleagues have other questions or  
21 things they need to ask for.

22           And I thank you, Ms. Prince and Mr. Miller and all  
23 those who've testified, both proponents and opponents, for giving  
24 us information in this case.

25           Commissioners, let me -- let's talk about the path

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1 forward. For me, I believe that it's ready. And what gives me  
2 some assurances is that some of the issues that have been brought  
3 up can be addressed with BZA. I know I asked -- we asked that  
4 question early on, but after our counsel and -- will ask it  
5 actually as Ms. Prince said, I have got that it's better this  
6 way, because that gives those who may not have known and those  
7 who do know and had been working more of an opportunity once  
8 there's a proposal in front of them to tweak, have discussions,  
9 continued discussions, with Mr. Miller and fine tune so it can  
10 be a win-win for both sides. So that's, that's why I'm with  
11 this, but let me hear from others.

12 Commissioner May?

13 COMMISSIONER MAY: Well, I -- yeah, I don't know that  
14 there's any more information that we need to be able to make a  
15 decision on this. I think I've said before, I'm not -- I'm rarely  
16 a fan of making a bench decision when we have heard testimony in  
17 opposition, because I think we all need some time to consider  
18 that testimony. And so unless there's some pressing reason to  
19 move forward with the decision tonight, having to do with the  
20 Applicant's schedule, I would, you know, I'd be happy enough to  
21 take this up at the next meeting for a decision. That's, you  
22 know, that's my general reaction. If there's, you know, if others  
23 feel that we should move ahead tonight, I'm not going to make a  
24 big issue of it.

25 CHAIRPERSON HOOD: Okay.

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1 Commissioner Imamura?

2 COMMISSIONER IMAMURA: Thank you, Mr. Chairman. I'm  
3 comfortable moving forward.

4 CHAIRPERSON HOOD: And -- my computer keeps going out  
5 on me. Vice Chair Miller?

6 VICE CHAIR MILLER: I lost -- well -- thank you,  
7 Mr. Chairman. I am comfortable moving forward as well. This is  
8 a two-vote case, correct? So I think that it's important for a  
9 site that's been slated for development, both as an AutoZone and  
10 now as redevelopment as something even better, affordable  
11 housing. So I want to keep that momentum going and have the one  
12 vote -- I'd like to have the first -- the proposed action tonight,  
13 and we can do final action in the fall.

14 CHAIRPERSON HOOD: So I've heard from all my  
15 colleagues. Again, this is a two-vote case. We can do proposed.  
16 But one thing I don't want to do, even though we had opposition.  
17 I don't want to put anybody on promised land and show back up  
18 here and approve it in a week. I'm ready to move forward with  
19 it. I think there are other ways, I believe, that this applicant  
20 will continue to reach out to the community, especially those now  
21 who have commented today.

22 And there is another public input process when they  
23 come forward with their proposal. I just don't -- I think -- I  
24 hear what you're saying about opposition. We don't take it  
25 lightly. But I -- one thing, as everybody knows, I don't like

1 | to put anybody on promised land, and give them some hope to think  
2 | that we're going to do something, and then we come back with  
3 | another way.

4 |           I'm ready to move forward with this. I think all the  
5 | merits of this case are there. But I also do not fall short on  
6 | the comments I heard in opposition. I think all that can be  
7 | worked out. H Street has not always been easy to develop. And  
8 | as mentioned by, I think, some -- one of the -- I don't know if  
9 | it was one of the Millers or who had mentioned about, it's tough  
10 | when you -- and I've known this throughout the City, it's starting  
11 | to get tougher now, the more we're getting built up. You know,  
12 | everybody has an opinion, but you go to certain cities, they  
13 | don't care about your opinion. My daughter tells me she looks  
14 | up the stuff is already built down the street from her house. So  
15 | this D.C. very unique and special, so we need to cherish that.

16 |           But I'm ready to move forward with this. I think this  
17 | is a win-win for the City. I just would hope that the Applicant  
18 | will continue to work with the community as he's done in the  
19 | past. So continue to work with those who may not have known.  
20 | Not putting all the burden on you, but -- because I think that  
21 | those who did not know have to do -- have to share some of the  
22 | burden and go to the ANC Commission meetings and do work too,  
23 | and make sure that their voices are heard as well.

24 |           So unless I hear anything, otherwise, I would move --  
25 | one moment -- approval of Zoning Commission Case No. 22-03, WCP

1 1207 H Street, LLC Map Amendment at Square 1004, Lot 3342, 1207  
2 H Street, Northeast and as for -- also with the caveat of concerns  
3 we have that that continue to be worked out, as they further move  
4 down the line in the process and whatever is going to be done on  
5 that site, and ask for a second.

6 VICE CHAIR MILLER: I would second that, Mr. Chairman,  
7 and just note that the map amendment that you referenced, also  
8 reiterate that it includes the IZ Plus designation.

9 CHAIRPERSON HOOD: Thank you. We'll add that to it.  
10 Any -- it's been moved and properly second. Any further  
11 discussion?

12 (No audible response.)

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

15 MS. SCHELLIN: Yes, sir.

16 Commissioner Hood?

17 CHAIRPERSON HOOD: Yes.

18 MS. SCHELLIN: Commissioner Miller?

19 VICE CHAIR MILLER: Yes.

20 MS. SCHELLIN: Commissioner May?

21 COMMISSIONER MAY: Yes.

22 MS. SCHELLIN: Commissioner Imamura?

23 COMMISSIONER IMAMURA: Yes.

24 MS. SCHELLIN: The vote is four to zero to one to  
25 approve proposed action on the Zoning Commission Case No. 22-03,

1 and the record is closed.

2 Did you ask the Applicant for anything? I don't recall.

3 CHAIRPERSON HOOD: No, I don't think anybody asked for  
4 anything.

5 MS. SCHELLIN: Okay. So the record is only open for  
6 Mr. O'Connor's testimony, and if the Applicant could provide a  
7 draft order in two weeks, and then we will put this on for final  
8 action September 8th.

9 CHAIRPERSON HOOD: So what I would like to do -- what  
10 I'm going to ask is that Mr. Miller and Ms. Prince, that you all  
11 -- you heard the two gentlemen who are in opposition. What I'm  
12 going to ask is that between now and proposed -- I mean final,  
13 already did proposed, that you all have a conversation. I'm not  
14 saying you come back holding hands, but at least have a  
15 conversation, make sure that their concerns are addressed, if not  
16 all the way fixed. But see how we can do to mitigate. That's  
17 my ask. Okay.

18 VICE CHAIR MILLER: And Mr. Chairman, even though the  
19 record is officially closed, this is a proposed action. It's a  
20 map amendment. So I think it's out there for comment. No?

21 MS. SCHELLIN: No. It's not a rulemaking.

22 VICE CAHIR MILLER: It's not a rulemaking.

23 MS. SCHELLIN: It's a contested case.

24 CHAIRPERSON HOOD: But I want -- it's open for what I  
25 just asked for. I want that. What I just asked for, I want

1 that.

2 MS. SCHELLIN: Which was?

3 CHAIRPERSON HOOD: Well, I want to know what the  
4 response from those conversations with those two that had  
5 problems.

6 VICE CHAIR MILLER: That was my point. There is time  
7 --

8 CHAIRPERSON HOOD: Yeah.

9 VICE CHAIR MILLER: -- to hear other concerns, if --  
10 and we can --

11 CHAIRPERSON HOOD: Well, I want -- I do want it just  
12 from -- I want it just from the two people who showed up here  
13 tonight. I don't -- I guess -- I'm sure that the lawyers will  
14 tell me if I can't do that, because I'm sure they're going to  
15 represent everybody they said they represented in those comments.  
16 That's the way I'm looking at it. I can't cut anybody off, but  
17 those two showed up, they had concerns, and I think we need to  
18 figure out how to employ the Applicant and then to continue to  
19 have discussions. Who knows? They may get closer. They're far  
20 apart now. They may be closer by the time we do our final action.

21 MS. SCHELLIN: Okay. So then in that situation then,  
22 could I set a date for the -- for submissions to be submitted  
23 then?

24 CHAIRPERSON HOOD: Yes.

25 MS. SCHELLIN: Okay. So the Applicant and

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1 Mr. Nickerson and Mr. Velasquez, if they could meet and each of  
2 them make their submission regarding their meeting by August 31.  
3 Give them a whole month to meet. And so they need to make their  
4 submission regarding their meeting by 3:00 p.m. on August 31st.  
5 And the record will be open only for those two and the Applicant  
6 to make that submission. And the draft order, if -- I'll change  
7 the date on that. If Ms. Prince could provide the draft order  
8 by August 31st also, then we'll put it on for September 8th for  
9 consideration of final action.

10 CHAIRPERSON HOOD: And I will also ask -- and maybe if  
11 you all can invite Mr. Pittman, if he would like to be involved  
12 with that. I think it's good to have a good sound discussion,  
13 and I know he will help present that.

14 All right. Again, trying to make it work for everybody,  
15 even though I know we can't always do that. But at least we can  
16 put an effort and try.

17 All right. Do we have anything else, Ms. Schellin?

18 And I want to thank everybody -- first, I want to thank  
19 everybody on this case tonight. We really appreciate all the  
20 work that was in front of us and all the hard work that has been  
21 done. And for those who may feel left out, let's make sure that  
22 they are included.

23 All right. Ms. Schellin, do we have anything else?

24 MS. SCHELLIN: No, sir.

25 CHAIRPERSON HOOD: Okay. My normal announcement. The

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1 Zoning Commission will be meeting again in about five minutes on  
2 another link, Zoning Commission Case No. 04-08G/02-45, WMATA on  
3 behalf of the Department of General Services. So we should have  
4 another link, and we have to go to that. And we'll be there in  
5 five minutes.

6 Ms. Prince, Mr. Miller and all, thank you all for your  
7 participation tonight.

8 And this hearing's adjourned.

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

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This is to certify that the foregoing transcript

In the matter of: Public Hearing

Before: DCZC

Date: 07-25-22

Place: Teleconference

was duly recorded and accurately transcribed under my  
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