

GOVERNMENT OF
THE DISTRICT OF COLUMBIA

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ZONING COMMISSION

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REGULAR PUBLIC MEETING

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THURSDAY

MARCH 9, 2023

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

ZONING COMMISSION MEMBERS PRESENT:

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

OFFICE OF ZONING STAFF PRESENT:

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

OFFICE OF ZONING LEGAL DIVISION STAFF PRESENT:

- JACOB RITTING, ESQUIRE
- HILLARY LOVICK, ESQUIRE
- DANIEL LIU, ESQUIRE

The transcript constitutes the minutes from the Regular Public Hearing held on March 9, 2023

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

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

(4:00 p.m.)

CHAIRPERSON HOOD: Good afternoon, ladies and gentlemen. We are convening and broadcasting this public meeting by video conferencing. My name is Anthony Hood, and joining me this evening are Vice Chair Miller, Commissioner May, and Commissioner Imamura. We're also joined by the Office of Zoning staff, Ms. Sharon Schellin and Mr. Paul Young, who will be handling all of our virtual operations. Also the Office of Zoning legal division, Ms. Lovick, Mr. Ritting, and Mr. Liu. I will ask others to introduce themselves at the appropriate time.

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

For hearing actions items, the only documents before us this evening are the application, the ANC set-down report, and the Office of Planning report. All other documents will be -- 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 Commission requests otherwise.

If you experience difficulty accessing Webex or with

1 your phone call-in, then please call our OZ hotline number at
2 202-727-0789 for Webex log-in or call-in instructions.

3 At this time, Ms. Schellin, does the staff have any
4 preliminary matters?

5 MS. SCHELLIN: No, sir.

6 COMMISSIONER HOOD: Okay. Let me get my agenda up.
7 Sorry, I got to figure out how to turn this phone. Okay. Let's
8 go to our first case under final action Zoning Commission Case
9 No. 22-20, 1301 Good Hope Road, LLC, map amendment at Square
10 5768.

11 Ms. Schellin?

12 MS. SCHELLIN: Yes, sir. Since proposed action, since
13 the hearing, the new exhibits at Exhibit 30, there's an in NCPC
14 letter that -- or report that states that the NCPC staff has
15 concluded that the project is exempt from NCPC review. And then
16 at Exhibit 32, there's a cover letter and a draft order from the
17 Applicant. And so this case is ready for the Commission to
18 consider final action today. Thank you.

19 CHAIRPERSON HOOD: Thank you, MS. Schellin.

20 Again, as teed up by Ms. Schellin, we did have a hearing
21 on January 23rd, 2023, and there was a discussion, as we all
22 know, about IZ Plus. In this proceeding, I believe we felt the
23 case -- and also we want to appreciate Mr. Theresa comments. And
24 I believe that the Commission -- I thought at that time we adopted
25 OP's rationale for the for the primary justification with IZ and

1 in their report, and we took Mr. Theresa's reasoning as a
2 secondary justification, but not a substitute. So I think we had
3 discussed a lot of this at that time, but I wanted to make sure
4 we put this on the record in the Commission and we noted that it
5 does not find IZ Plus appropriate for this property because of
6 the disproportionate amount of existing affordable housing
7 already in the area. And I think we've not only heard that from
8 OP, we've heard it actually from residents. While we push IZ,
9 we're trying to find and strike that balance. But with that,
10 let me open it up for questions and comments.

11 Let me do this. Commissioner May?

12 COMMISSIONER MAY: I have no comments. I think you
13 summarized things very well. I agree with your --

14 CHAIRPERSON HOOD: Okay.

15 And Commissioner Imamura?

16 COMMISSIONER IMAMURA: Thank you, Mr. Chairman.
17 Likewise, I recall a very healthy discussion about the
18 disproportionate amount of existing affordable housing, and agree
19 with you and Commissioner May.

20 CHAIRPERSON HOOD: Okay.

21 And Vice Chair Miller?

22 VICE CHAIR MILLER: Thank you, Mr. Chairman. I concur
23 with your comments.

24 CHAIRPERSON HOOD: Okay. So with that as noted, if
25 there's nothing else, I would move that we approve final action

1 for Zoning Commission Case No. 22-20 and ask for a second.

2 COMMISSIONER MAY: Second.

3 CHAIRPERSON HOOD: It's been moved and properly
4 second. Any further discussion?

5 Not seeing any, Ms. Schellin, would you do a roll call
6 vote please.

7 MS. SCHELLIN: Commissioner Hood?

8 CHAIRPERSON HOOD: Yes.

9 MS. SCHELLIN: Commissioner Miller?

10 VICE CHAIR MILLER: Yes.

11 MS SCHELLIN: Commissioner May?

12 COMMISSIONER MAY: Yes.

13 MS SCHELLIN: Commissioner Imamura?

14 COMMISSIONER IMAMURA: Yes.

15 MS SCHELLIN: The vote is four to zero to one to approve
16 final action in Zoning Commission Case No. 22-20, no IZ Plus to
17 apply. The minus one being the third mayoral appointee position,
18 which is vacant. Thank you.

19 CHAIRPERSON HOOD: Thank you.

20 Next, let's go to Zoning Commission Case No. 22-10,
21 Trenton Park Apartments, LP, map amendment at Square 59, 69, and
22 5973.

23 Ms. Schellin?

24 MS. SCHELLIN: Yes, sir. Since the hearing, we have
25 at Exhibit 45 a letter from the Applicant advising that it met

1 with the three people who testified in opposition at the hearing
2 and advising about that meeting. And Exhibit 45A is a draft
3 order. Exhibit 46 is NCPC letter advising that the case is exempt
4 under the guidelines from NCPC's review. And let's see. And
5 that is it. So this case is ready for the Commission to consider
6 final action. Thank you.

7 CHAIRPERSON HOOD: Okay. Thank you, Ms. Schellin.

8 Let me see if others would like to go first, and then
9 I will talk about the tenant relocation. I think -- I will say
10 this, I think this is pretty similar to the case we just did with
11 the disproportionate amount of affordable housing in the area.
12 And as we've noted, that again I think the recommendation was
13 that IZ Plus not apply in this area as -- for the same reasons -
14 - I think for the same reasons that we did previously, but anyway.
15 Also let me just go ahead -- the tenant relocation plan, I find
16 that acceptable. I appreciate the Applicant for continuing to
17 do that. And also the three that were in that had concerns in
18 opposition, some of their concerns, I don't know how germane they
19 were, but it looks like they're going to continue their
20 conversation. We have the Applicants' word on it, so I'm hoping
21 they will continue to have discussions with the residents, for
22 me, whether they're in good standing or not, and let's help them
23 try to get in good standing. So that's kind of where I'm -- let
24 me hear from others.

25 Commissioner May?

1 COMMISSIONER MAY: I was not part of this case.

2 CHAIRPERSON HOOD: Thank you.

3 All right. Commissioner Imamura?

4 COMMISSIONER IMAMURA: Thank you, Mr. Chairman. I
5 certainly understand the concern that, you know, not applying IZ
6 Plus in areas where there exists affordable housing that could
7 result in future displacement. But you know, I think the current
8 goal here is to increase affordable housing stock in areas where
9 it doesn't exist, you know, to encourage market rate housing in
10 areas with a disproportionate amount of affordable housing. So
11 I agree with your comments.

12 CHAIRPERSON HOOD: Thank you.

13 And Vice Chair Miller?

14 VICE CHAIR MILLER: Thank you, Mr. Chairman. Yes, I
15 concur with each of your comments, and would note, as I think I
16 noted at -- as we noted at proposed action, that even though
17 we're not considering a specific project, the redevelopment
18 plans, and more importantly the affordable housing covenants that
19 already exist on this property, will provide more affordable
20 housing than the IZ Plus minimum would require. So and I'm -- I
21 agree with you on the tenant relocation plan being adequate and
22 commend the Applicant's outreach on that point. And I think
23 we'll get some good quality affordable replacement housing for
24 the outdated housing that was there and plus additional
25 affordable housing and market rate housing, mixed income housing,

1 all good things. Thank you.

2 CHAIRPERSON HOOD: Thank you, Vice Chair and
3 Commissioner Imamura.

4 I do want to say this again about the disproportionate
5 amount of affordable housing, and I think I've mentioned this
6 before. We're not just saying this fly by night. I know I was
7 approached by two ladies in Ward 7 who told me they didn't want
8 all that in their neighborhood. And I had to come back and
9 reassess because we are always pushing for affordable housing and
10 IZ, and it made me have a pause to balance. So I want the public,
11 those who are listening, not to think that we just it's a script
12 and we just going to know. We definitely get confronted in the
13 community. So I want to make sure -- I've said that previously,
14 and I always think about that as much as I've been talking about
15 0 to 30 percent and pushing, and when those two ladies got me
16 over in Ward 7, I just -- and they may be listening and they know
17 who they are -- and it made me think about it a little
18 differently. And I would concur with the fashion in which this
19 Commission is moving forward.

20 Anything else, Commissioners?

21 Okay. So would somebody like to make a motion? And
22 Commissioner May is not on this one.

23 VICE CHAIR MILLER: Sure, Mr. Chairman.

24 I would move that the Zoning Commission take final
25 action on Case No. 22-10, Trenton Park Apartments, LP, map

1 amendment at Square 6 -- 59 and 69 and 5973, a map amendment
2 which -- without a specific IZ Plus designation, but IZ regular
3 will obviously apply, as well as whatever other legal
4 requirements. With all that, I move that motion.

5 COMMISSIONER IMAMURA: Second.

6 CHAIRPERSON HOOD: Thank you, Commissioner Imamura.

7 It's been moved and properly second.

8 Any further discussion?

9 Not hearing any, Ms. Schellin, would you do a roll call
10 vote please.

11 MS. SCHELLIN: Commissioner Miller?

12 VICE CHAIR MILLER: Yes.

13 MS. SCHELLIN: Commissioner Imamura?

14 COMMISSIONER IMAMURA: Yes.

15 MS. SCHELLIN: Commissioner Hood?

16 CHAIRPERSON HOOD: Yes.

17 MS. SCHELLIN: The vote is three to zero to two to
18 approve final action in Case No. 22-10, and that is without IZ
19 Plus being applied. The minus two being Commissioner May, who
20 did not participate in the case, therefore not voting, and the
21 third mayoral appointee position, which is vacant. Thank you.

22 CHAIRPERSON HOOD: Okay. Thank you, Ms. Schellin.

23 Let's go to Zoning Commission Case No. 22-12, Mid-
24 Atlantic Neighborhood Development Corporation, map amendment at
25 Square 2819.

1 Ms. Schellin?

2 MS. SCHELLIN: Yes, at Exhibits 32 and 32A you have the
3 Applicant's cover letter and draft order. Exhibit 33, once again
4 you have an NCPC staff letter advising that the application falls
5 under an exception that exempts it from an NCPC review. So this
6 case too is ready for the Commission to determine final action.
7 Thank you.

8 CHAIRPERSON HOOD: Thank you, Ms. Schellin.

9 In this case IZ Plus would be appropriate. Let's -- I
10 think we've already decided that previously. So we did have
11 support from ANC 4E and 4C even though they still had some
12 resistance on density. But I think what the determining factor,
13 the other policy of the affordable housing for seniors, was very
14 much an incentive to garner their support. And I think we've
15 already taken proposed -- have we taken proposed action in this
16 case, Ms. Schellin?

17 COMMISSIONER MAY: Yes.

18 CHAIRPERSON HOOD: Okay. So -- okay, yeah, so we've
19 taken proposed action. I don't have anything else on this. Let
20 me open it up for questions --

21 MS. SCHELLIN: Actually, it was a -- it's a one-vote.

22 CHAIRPERSON HOOD: Oh, it's a one-vote, okay.

23 MS. SCHELLIN: It's a second stage -- right. So it's
24 only a one-vote case.

25 CHAIRPERSON HOOD: It's only one vote, okay.

1 All right. So let me open it up for any questions or
2 comments.

3 MS. LOVICK: No, no, this is the map amendment, isn't
4 it?

5 COMMISSIONER MAY: Yeah, this is map amendment.

6 MS. LOVICK: Isn't this 22-10. Oh, yeah, 22-12. No,
7 this is a two-vote.

8 CHAIRPERSON HOOD: Yeah, we're still in the final
9 action.

10 MS. SCHELLIN: I'm sorry, I was jumping ahead.

11 CHAIRPERSON HOOD: I'm sorry to start that. That was
12 my fault. Put it back on me because I'm trying to figure out
13 did I do proposed action, but we did. Okay. So --

14 MS. SCHELLIN: Yeah

15 CHAIRPERSON HOOD: Anyway, let me go -- let me hurry
16 up and go to somebody else.

17 Commissioner May?

18 COMMISSIONER MAY: I think this is a very
19 straightforward case. And I think you've summarized the minimal
20 issues that were discussed at the hearing. And when you take
21 proposed action with IZ Plus and nothing changes that at this
22 point. I think I'm prepared to vote for final approval of this
23 map amendment with IZ Plus.

24 CHAIRPERSON HOOD: Thank you.

25 Commissioner Imamura?

1 COMMISSIONER IMAMURA: Thank you, Mr. Chairman. I
2 remember this hearing quite well. I think there's a lot of
3 positive potential behind this map amendment and prepared to vote
4 in favor.

5 CHAIRPERSON HOOD: And Vice Chair Miller?

6 VICE CHAIR MILLER: Thank you, Mr. Chairman. I concur
7 with all your comments.

8 CHAIRPERSON HOOD: Would someone like to start us off
9 with a motion? Obviously, this -- we're going to be in favor, I
10 believe.

11 COMMISSIONER MAY: I would make the motion that the
12 Zoning Commission take final action to approve Zoning Commission
13 Case 22-12, Mid-Atlantic Neighborhood Development Corporation,
14 map amendment at Square 2819 with IZ Plus.

15 COMMISSIONER IMAMURA: Second.

16 CHAIRPERSON HOOD: Okay. It's been moved and properly
17 second. Any further discussion?

18 Not hearing any, Ms. Schellin, would you do a roll call
19 vote please.

20 MS. SCHELLIN: Commissioner May?

21 COMMISSIONER MAY: Yes.

22 MS. SCHELLIN: Commissioner Imamura?

23 COMMISSIONER IMAMURA: Yes.

24 MS. SCHELLIN: Commissioner Hood?

25 CHAIRPERSON HOOD: Yes.

1 MS. SCHELLIN: Commissioner Miller?

2 VICE CHAIR MILLER: Yes.

3 MS. SCHELLIN: The vote is four to zero to one to
4 approve final action in Zoning Commission Case No. 22-12, and
5 this one does include IZ Plus. The minus one being the third
6 mayoral appointee position, which is vacant. Thank you.

7 CHAIRPERSON HOOD: Okay.

8 Next, Zoning Commission Case No. 15-24C JBG/6th Street
9 Associates, LLC & Gallaudet University, second-stage PUD at
10 Parcel 129/112.

11 Ms. Schellin?

12 MS. SCHELLIN: Yes, this is the one I was looking at
13 that was a one-voter. This case has at Exhibit 26 a corrected
14 ANC 5D report which corrected the vote to reflect the nine total
15 votes. At Exhibits 27 through 27A11 is the Applicant's post-
16 hearing submissions and that is what is in the record. I have
17 spoken to the attorney. They will be providing a draft order
18 shortly, so this is ready for the Commission to consider final
19 action. Thank you.

20 CHAIRPERSON HOOD: All right. Let me let me start with
21 somebody else on this one. Who would like to start us off? I
22 usually go to Commissioner May. Were you on this one?

23 COMMISSIONER MAY: I was on this one. I don't have a
24 whole lot more to say about this. I mean, I think we hashed out
25 the issues. The design had improved from set-down, and I don't

1 think there are any outstanding issues with the design. I believe
2 Vice Chair Miller had some questions about the two-bedroom units
3 and the market analysis for that. So I'll let him speak to that.

4 And you know, I mean, you know, this case has what we
5 would consider today to be insufficient inclusionary zoning based
6 on the way we are viewing cases right now, but because we are at
7 the second stage and those issues were addressed in the first
8 stage, in my mind I don't feel like we're in a position to impose
9 or even to ask strongly for much in the way of inclusionary zoning
10 or changes to that. There's no change in the relief or, you
11 know, any other benefits that the Applicant would be getting, so
12 there isn't really that much that we can do other than look at
13 the fact that, you know, if this were happening now, we would
14 have -- if this were stage one right now, we might have gotten
15 to a higher IZ level on this one, but we are where we are, so
16 I'm prepared to move forward with final action today.

17 CHAIRPERSON HOOD: Thank you, Commissioner May.

18 Commissioner Imamura?

19 COMMISSIONER IMAMURA: Thank you, Mr. Chairman. I
20 think the Commissioner May summarized it quite well. It's
21 regrettable that the Applicant couldn't reach at least some of
22 the requests by OP, DHCD, DOEE, but on balance, I think, you
23 know, the architecture, landscape, public space I think will be
24 a positive public benefit. So I don't think I have any further
25 -- anything further to add.

1 CHAIRPERSON HOOD: Okay.

2 And Vice Chair Miller?

3 VICE CHAIR MILLER: Thank you, Mr. Chairman. Again, I
4 concur with each of your comments. I did ask, as Commissioner
5 May noted, at the public hearing or proposed action I can't
6 remember, for addit- -- since there was a reference in the
7 Applicant's statement about that the market would not support as
8 much affordable two-bedroom units as OP was requesting an
9 increase of and so was DHCD. They did provide some information
10 to back up their previous statement on that, and I will accept
11 that as reasonable.

12 This is a large project which will bring a large amount
13 of housing to this neighborhood, including affordable housing.
14 And the ANC, as you've noted, and the Office of Planning support
15 it. And so I continue to support it. I think I was -- might
16 have been critical at proposed action or the hearing. I get
17 confused. Maybe they were the same day. I might have been
18 critical of the design a little bit. I think I might have called
19 it a lot of punched out facade in my face. And I don't know if
20 it's -- there were design changes or there were better renderings,
21 but -- or whether it's just I've gotten used to it, but it's
22 grown on me a little bit. The latest renderings are not as
23 underwhelming as I found the previous rendering, so I'm prepared
24 to move forward. Thank you, Mr. Chairman.

25 CHAIRPERSON HOOD: Thank you, Vice Chair.

1 Sometimes if you look at it long enough, it grows on
2 you, so. So anyway, I would agree with all of my colleagues,
3 especially with the ask. You know, government is always
4 predictable. And what we do needs to be predictable. And I
5 understand where we are. And I think Commissioner May and
6 Commissioner Imamura summed it up the best, but I'm going to go
7 a little step further and just ask if the Applicant can find in
8 the kindness of their heart to do what OP, DDOE, and DHCD has
9 requested, it would most appreciated and I'll leave it at that.

10 Any other questions or comments? Okay. So with that,
11 I think this is ready for our approval unless I hear otherwise.
12 I would move approval of Zoning Commission Case No. 15-24C with
13 the comments as we've made in this case and ask for a second.

14 COMMISSIONER MAY: Second

15 CHAIRPERSON HOOD: It's been moved and probably second.
16 Any further discussion?

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

19 MS. SCHELLIN: Commissioner Hood?

20 CHAIRPERSON HOOD: Yes.

21 MS. SCHELLIN: Commissioner May?

22 COMMISSIONER MAY: Yes.

23 MS. SCHELLIN: Commissioner Miller?

24 VICE CHAIR MILLER: Yes.

25 MS. SCHELLIN: Commissioner Imamura?

1 COMMISSIONER IMAMURA: Yes.

2 MS. SCHELLIN: The vote is four to zero to one to approve
3 final action in Zoning Commission Case No. 15-24C. The minus one
4 being the mayoral appointee position, which is vacant. And if
5 we can have the Applicant provide that draft order within two
6 weeks, that would be great. Thank you.

7 CHAIRPERSON HOOD: Okay. Thank you.

8 Let's go to time extension, Zoning Commission Case No.
9 15-18C, Initio, LP, two-year PUD time extension at Square 1194.

10 Ms. Schellin?

11 MS. SCHELLIN: Yes sir, the Applicant is requesting,
12 as you stated, a two-year time extension to extend the date to
13 start construction to March 9, 2025. A building permit was filed
14 on time by the March 9, 2020 start deadline and approvals were
15 received in the summer of 2022. The Applicant has stated that
16 financial difficulties resulting from COVID-19 have made it
17 difficult for the Applicant to secure tenants or investors for
18 the site. In addition, the costs of construction and financing
19 has increased. The Applicant has also learned that its building
20 permit documents needed to be updated to comply with the 2017
21 building code, and it has spent considerable time searching for
22 a consultant to review the plans to bring them into conformance.
23 And to add to that, the Applicant's original mechanical,
24 electrical, and plumbing engineer firm went out of business and
25 the Applicant has had to hire a new firm to redraw and restamp

1 the mechanical drawings.

2 So with that, the Applicant has made this request,
3 and it is before the Commission. Oh, I am sorry, at Exhibit 5,
4 OP did file a report recommending approval of the time extension
5 request and at Exhibit -- I'm sorry, the ANC 2E has not submitted
6 a response. However, the time period of 30 days has passed, so
7 at this point the Commission is free to move forward if it chooses
8 to do so. Thank you.

9 CHAIRPERSON HOOD: Thank you, Ms. Schellin, for teeing
10 that up. I won't be repetitive and repeat any of that.

11 I do -- I am sympathetic to what's going on here,
12 especially after COVID. I know prior to COVID, I used to hear
13 different rationales, sometimes I really had to weigh it, but I
14 know COVID has taken a big issue in the way things are even going
15 on in downtown and around town and around the country, so. And
16 when I hear that the firm has went out of business and have to
17 go back to another firm, me personally, I don't want to put any
18 more on this Applicant. And that's where I am, so with that,
19 I'm ready to give them a two-year time extension and I hope things
20 work out for them. So let me open it up, any questions or
21 comments?

22 Commissioner May?

23 COMMISSIONER MAY: I was just -- I've been wondering
24 recently whatever happened to this project because I know it
25 hadn't gotten under construction. But now I know. And boy, is

1 it a saga. So I'm sorry that it's been so difficult. And
2 hopefully this two-year time extension will give them the time
3 they need to get them underway. So I'm in favor of granting the
4 time extension.

5 CHAIRPERSON HOOD: Okay.

6 Commissioner Imamura?

7 COMMISSIONER IMAMURA: I don't think I have any further
8 -- anything further to add. I hope the Applicant is able to get
9 back on track. It's regrettable that they had to find a new MEP
10 firm, that's difficult to do (indiscernible).

11 CHAIRPERSON HOOD: Okay.

12 And Vice Chair Miller?

13 VICE CHAIR MILLER: Thank you, Mr. Chairman. I concur
14 with each of your comments and look forward to this project
15 proceeding.

16 CHAIRPERSON HOOD: Okay.

17 Would somebody like to make a motion for the two-year
18 time extension?

19 COMMISSIONER MAY: I'll make the motion.

20 CHAIRPERSON HOOD: Okay.

21 COMMISSIONER MAY: Okay. I would move that the Zoning
22 Commission approve a two-year time extension in Zoning Commission
23 Case 15-18C, Initio, LP, and that's a PUD time extension at Square
24 1194.

25 VICE CHAIR MILLER: Second.

1 CHAIRPERSON HOOD: It has been moved and properly
2 second. Any further discussion?

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

5 MS. SCHELLIN: Commissioner May?

6 COMMISSIONER MAY: Yes.

7 MS. SCHELLIN: Commissioner Miller?

8 VICE CHAIR MILLER: Yes.

9 MS. SCHELLIN: Commissioner Hood?

10 CHAIRPERSON HOOD: Yes.

11 MS. SCHELLIN: Commissioner Imamura?

12 COMMISSIONER IMAMURA: Yes.

13 MS. SCHELLIN: The vote is four to zero to one to
14 approve final action in Zoning Commission Case No. 15-18C. The
15 minus one being the third mayoral appointee position, which is
16 vacant.

17 CHAIRPERSON HOOD: Next let's go to hearing action
18 Zoning Commission Case No. 22-31, Sim Development, LLC, map
19 amendment at Square 5868. I believe it's Ms. Thomas.

20 (Pause.)

21 CHAIRPERSON HOOD: Ms. Thomas?

22 Can you all hear me?

23 COMMISSIONER MAY: Yeah.

24 CHAIRPERSON HOOD: Okay. Just making sure. You never
25 know around here.

1 MS. THOMAS: I am so sorry.

2 CHAIRPERSON HOOD: Oh, okay, there you are.

3 MS. THOMAS: My computer went -- just the power cord
4 just went out. Sorry.

5 CHAIRPERSON HOOD: Okay.

6 MS. THOMAS: Yeah.

7 CHAIRPERSON HOOD: You may begin whenever you're ready.

8 MS. THOMAS: Yes, sure. Good afternoon, Mr. Chair,
9 members of the Commission. Karen Thomas presenting OP'S set-
10 down report for Case 22-31, a map amendment to rezone the property
11 at 2662 to 2666 Martin Luther King Jr. Avenue, S.E. from the RA-
12 1 to the MU-8A zone.

13 This site was previously developed with two one-family
14 detached dwellings, one on each lot, and have since been
15 demolished and the lots are now overgrown with vegetation. It
16 is situated between a four-story 110-unit apartment house to the
17 north; two two-story rowhouses to the south; to the east is
18 unimproved Dunbar Road and Southern Parkway; and to the west, a
19 three-story garden apartment buildings. Next slide?

20 The existing RA-1 zone permits low to moderate density
21 development, including detached dwellings, rowhouses and low-
22 rise apartments. And the proposed MU-8A zone is a medium density
23 mixed-use residential office and retail zone intended to be
24 located on arterial roadways such as Martin Luther King Jr.
25 Avenue. This is not inconsistent with the future land use map

1 and the main street corridor of the general policy map. This
2 increase in density would lead to more housing and commercial
3 opportunities for the community, ultimately improving the overall
4 quality of life in the area. To that end, that said, OP does
5 not recommend the map amendment be subject to IZ Plus due to the
6 disproportionate number of affordable housing units in the far
7 southeast and southwest planning area where the property is
8 located. And here it has more than 30 percent of all affordable
9 housing in the District. And that data is included in our set-
10 down report. So in light of the abundance of the existing
11 affordable housing and the intent of IZ Plus to produce affordable
12 housing in areas that are not reaching their goal, we are
13 recommending that this rezoning not be subject to IZ Plus, but
14 to maximize the density of the new zone housing an inclusionary
15 zoning unit would be required. As a map amendment application,
16 there are no particular details about development of the site,
17 but it establishes what can be allowed and potentially develop.
18 Thus, a racial equity evaluation will only be able to analyze
19 potential development uses and impacts under the proposed zone
20 compared to the existing zone. The comp plan analysis applying
21 the equity tool is in our report. As a vacant property
22 (indiscernible) standing policy focus area, it could support
23 infill housing within the planning area. And the application of
24 inclusionary zoning will increase units for persons of low and
25 moderate incomes. On balance, the proposal would not be

1 inconsistent with the comprehensive plan, and a permitted
2 increase in residential density would increase housing available
3 to existing and future Ward 8 and District residents. OP is
4 asking the Commission to set-down the application for public
5 hearing. Thank you.

6 CHAIRPERSON HOOD: Thank you very much, Ms. Thomas.
7 And I would just ask at the hearing, since you did not recommend
8 IZ Plus, that OP come again to elaborate on the mitigating
9 circumstances it has identified in making its recommendation of
10 IZ Plus is not appropriate. And we can discuss that further at
11 the hearing. Also, we would like to ask for an updated racial
12 equity analysis that complies with our revised tool that we have
13 out. And also, just if we can hear about from the Applicant as
14 well as OP the follow-up on engagement it has done with ANC 8C
15 and other stakeholders. I think that will be very fruitful and
16 productive, as I believe we may set this down. So that's my ask.
17 Let me ask others.

18 Commissioner May?

19 COMMISSIONER MAY: I don't have any questions or
20 comments. I agree with the Office of Planning's report and
21 prepared to vote for set-down.

22 CHAIRPERSON HOOD: Okay.

23 And Commissioner Imamura?

24 COMMISSIONER IMAMURA: Thank you, Mr. Chairman. I
25 align myself with your three requests and prepared to vote in

1 favor of set-down.

2 CHAIRPERSON HOOD: Okay.

3 And Vice Chair Miller?

4 VICE CHAIR MILLER: Thank you, Mr. Chairman. Yes, I
5 also concur with each of your comments and your, Mr. Chairman,
6 your three requests, and also would add to that a request that
7 the Applicant at the hearing, if we set it down, which appears
8 to be the case that we're going to do, that at the hearing or
9 prior, that they, the Applicant, provide an updated analysis of
10 the consistency with the Congress Heights Small Area Plan, which
11 may have been developed -- which includes this property, I
12 believe. And so it may have been developed after this application
13 was originally filed. But just to have a little more information
14 on that, as well as what you've requested, Mr. Chairman. It's
15 largely a zoning consistency case, which seems to be very
16 appropriate.

17 CHAIRPERSON HOOD: Okay. So with that, I'll just go
18 ahead, unless there are other comments, let me move that we --
19 let me find the case number, hold on a second. Go back up. Bear
20 with me. I move that we set down for a zoning -- set-down Zoning
21 Commission Case 22-31 with the comments we've made and ask for a
22 second.

23 COMMISSIONER IMAMURA: Second

24 CHAIRPERSON HOOD: Been moved and properly second.

25 Ms. Schellin, could you do a roll call vote please?

1 MS. SCHELLIN: Commissioner Hood?

2 CHAIRPERSON HOOD: Yes.

3 MS. SCHELLIN: Commissioner Imamura?

4 COMMISSIONER IMAMURA: Yes

5 MS. SCHELLIN: Commissioner May?

6 COMMISSIONER MAY: Yes.

7 MS. SCHELLIN: Commissioner Miller?

8 VICE CHAIR MILLER: Yes.

9 MS. SCHELLIN: So Case No. 22-31 is set-down as a
10 contested case by a vote of four to zero to one. The minus one
11 being the third mayoral appointed position, which is vacant.

12 CHAIRPERSON HOOD: And thank you, Ms. Thomas, for your
13 report.

14 Let's go to our next case is Zoning Commission Case No.
15 22-34, Berean Baptist Church, map amendment at Square 2991.

16 Ms. Schellin?

17 Oh, I'm sorry, Mr. Kirschenbaum. I'm putting Ms.
18 Schellin in the OP now. Okay.

19 MR. KIRSCHENBAUM: It's an honor to be mistaken as Ms.
20 Schellin. So good afternoon Chair Hood and members of the Zoning
21 Commission, I am Jonathan Kirschenbaum with the Office of
22 Planning. This application is for a proposed map amendment from
23 the RF-1 zone to the RA-2 zone on a 14,000 square foot property
24 owned by Berean Baptist Church.

25 Faith-based institutions, such as Berean Baptist

1 Church, represent a significant opportunity for the development
2 of affordable housing, which is often within their charitable
3 missions. Much of the land owned by these institutions is in
4 residential neighborhoods and have some type of residential
5 zoning, such as the RF-1 zone at the subject property. This type
6 of zoning limits any new development to low-density single-family
7 homes or flats.

8 As part of the District's faith-based housing
9 initiative, OP is committed to removing zoning barriers that
10 prevent the development of new housing, particularly affordable
11 housing on land owned by faith-based organizations. On balance,
12 when viewed through a racial equity lens, the proposal is not
13 inconsistent with the comprehensive plan, including its policies,
14 future land use map, and generalized policy map. OP recommends
15 this application be set-down for a public hearing, and the
16 proposal would be appropriate for IZ Plus. Next slide please?

17 The future land use map indicates that the property
18 is appropriate for moderate density residential uses according
19 to the framework element of the comprehensive plan that the RA-
20 2 zone is consistent with this land use category. Next slide
21 please?

22 The generalized policy map indicates that the property
23 is designated as a neighborhood conservation area. As discussed
24 in finer detail in our set-down report, this does not preclude
25 new development or the ability to upzone a property. The framework

1 element states that densities for the neighborhood conservation
2 areas are guided by the property's FLUM designation. And as I
3 just mentioned, the proposed map amendment would not be
4 inconsistent with the FLUM. Next slide please?

5 So IZ Plus would be appropriate to apply to this map
6 amendment because the rezoning request is to a new zone that
7 permits greater density. And as of November 2022, 5.2 percent
8 of total housing units in ANC 4B, which was the prior ANC prior
9 to 2023, were affordable, and 7.3 percent of total housing units
10 in the current ANC, which is ANC 4D, are affordable. Further,
11 the Rock Creek East planning area only contained 4.9 percent of
12 the District's total number of affordable housing units as of
13 2022. The District's housing equity report sets a goal that
14 every planning area should contain at least 15 percent of the
15 District's total number of affordable housing units. And so
16 applying an IZ Plus requirement will help, you know, the District
17 achieve these goals. Since map amendment applications only
18 consider consistency with the comprehensive plan and not a
19 specific development proposal, OP estimates that six IZ units
20 could potentially be provided through an IZ Plus requirement if
21 the property were to be rezoned and redeveloped. Next slide
22 please?

23 So the comprehensive plan analysis through a racial
24 equity lens indicates that the map amendment is not inconsistent
25 with the comprehensive plan. The proposed map amendment could

1 provide an estimated 30 dwelling units overall where currently
2 none exist at the property with an estimated 20 percent IZ Plus
3 set-aside requirements. This planning area has both the lowest
4 shares of dedicated-- has one of the lowest shares of dedicated
5 affordable units in the District and the second highest need for
6 more affordable housing units as identified in the housing equity
7 report. Making room for more housing and more affordable housing
8 has the potential to benefit non-white populations who on average
9 have lower income than white residents. Redevelopment of the
10 site would not result in direct displacement, as there are
11 currently no residential uses at the property. Indirect
12 displacement is also not likely because increased residential
13 density creates more housing options overall, and the
14 comprehensive plan recognizes that without increasing housing,
15 the imbalance between supply and demand drives up the cost of
16 housing, and that particularly impacts low-income residents.
17 There should also be no negative physical impacts because the
18 primary uses allowed by the proposed RA-2 zone are residential
19 and community facility uses.

20 And finally, the proposal will be located near many
21 neighborhood amenities, including schools, retail, supermarkets,
22 other recreational opportunities across the street, and several
23 bus lines on Georgia Avenue. This concludes my presentation.
24 Please let me know if you have any questions. Thank you.

25 CHAIRPERSON HOOD: Thank you, Mr. Kirschenbaum. First,

1 let me put a disclosure out there, Reverend Robert Chiles, who
2 some may know as a school board member some years ago is the
3 pastor of Berean Baptist Church, who is someone that I know and
4 familiar with. I don't know about all what they plan to do with
5 this particular application. But I want to put that on the
6 record, so later on down the road if that comes out, then I've
7 already disclosed that. But I plan to participate unless I hear
8 my colleagues or others say otherwise. He's a great minister
9 here in the city. I do know of his reputation. I know of him.
10 And I'm sure Rob and others, Commissioner -- Vice Chair Miller
11 and others, remember him when he was on the school board years
12 ago. So I will leave it at that unless I hear from others.

13 The other thing -- and I plan to participate. The
14 other thing is that I would ask the Applicant, Mr. Kirschenbaum,
15 if we can just -- if they can revise their racial equity tool to
16 come up to par or up to speed with our new tool, I think that
17 would be great. I know they've already provided information on
18 the community engagement, which I think is sufficient, but if
19 they want to upgrade that -- update that, that would be good.
20 That's sufficient, I think, for me for right now. So with that,
21 let me see if others have any questions or comments.

22 Commissioner May?

23 COMMISSIONER MAY: I do not have any comments. Thank
24 you.

25 CHAIRPERSON HOOD: Commissioner Imamura?

1 COMMISSIONER IMAMURA: No comments.

2 CHARIPERSON HOOD: And Vice Chair Miller?

3 VICE CHAIR MILLER: Thank you, Mr. Chairman. Yes, I
4 would associate myself with your comments, all of your comments,
5 and just note that this is another zoning consistency map
6 amendment case. Both the existing RF-1 and the proposed, is it,
7 RA-2 zoning are not inconsistent with the comp plan, but the
8 proposed rezoning would provide for the opportunity for
9 additional density, enhanced development standards, new
10 residential housing, including importantly, affordable housing,
11 supporting critical District-wide affordable housing needs, and
12 needs in this particular planning area. So I'm supportive -- I
13 support setting down this hearing.

14 And I also would commend the Applicant on their
15 statement that includes a discussion of potential inconsistencies
16 with the comprehensive plan, because there are a lot of policies
17 in that thousand plus page comprehensive plan, as we know, as
18 neighbors know, neighborhoods know. But they addressed -- they
19 went through any potential inconsistencies and addressed why the
20 balancing exercise weighs strongly in favor of this map
21 amendment. So I'm supportive of setting it down, Mr. Chairman,
22 thank you.

23 CHAIRPERON HOOD: Thank you.

24 And again, Mr. Kirschenbaum, thank you for your report.
25 And I apologize, I will tell you, you weren't around when they

1 used to confuse me and Carol Mitton all the time. So I apologize
2 to you.

3 So with that, would somebody like to make a motion?

4 Thank you again Mr. Kirschenbaum for your report.

5 Can I get a motion?

6 COMMISSIONER IMAMURA: I will make the motion, Mr.
7 Chairman.

8 CHAIRPERSON HOOD: Thank you.

9 COMMISSIONER IMAMURA: Yeah, I move the Zoning
10 Commission set-down Case No. 22-34, Berean Baptist Church, map
11 amendment at Square 2991.

12 VICE CHAIR MILLER: Second.

13 CHAIRPERSON HOOD: Okay, great.

14 It's been moved and properly second. Any further
15 discussion?

16 COMMISSIONER IMAMURA: Yes, Mr. Chairman. I'd just
17 echo Vice Chair Miller's comment about Mr. Kirschenbaum's
18 thorough analysis about the potential inconsistencies and just
19 wanted to make a comment that it's a model example of what we'd
20 like other applicants to prepare as well. And I'm certain that
21 Ms. Steingasser is listening in also, so compliments to Mr.
22 Kirschenbaum for his work.

23 CHAIRPERSON HOOD: Well said. I would ditto and echo
24 that as well.

25 Any further discussion?

1 Not hearing, Ms. Schellin, would you record the vote
2 please?

3 MS. SCHELLIN: Commissioner Imamura?

4 COMMISSIONER IMAMURA: Yes.

5 MS. SCHELLIN: Commissioner Miller?

6 VICE CHAIR MILLER: Yes.

7 MS. SCHELLIN: Commissioner Hood?

8 CHAIRPERSON HOOLD: Yes.

9 MS SCHELLIN: Commissioner May?

10 COMMISSIONER MAY: Yes.

11 MS. SCHELLIN: The vote is four to zero to one to set-
12 down Zoning Commission Case No. 22-34 as a contested case. The
13 minus one being the third mayoral appointee position, which is
14 vacant. Thank you.

15 CHAIRPERSON HOOD: Okay. Ms. Schellin, do we have
16 anything else on the agenda?

17 MS. SCHELLIN: No, sir.

18 CHAIRPERSON HOOD: Okay. The Zoning Commission will
19 be meeting again --

20 VICE CHAIR MILLER: Mr. Chairman?

21 CHAIRPERSON HOOD: Yes.

22 VICE CHAIR MILLER: So we don't have any reports from
23 the Office of Planning today?

24 Ms. Schellin, we don't have any reports from the Office
25 of Planning?

1 MS. SCHELLIN: No, sir.

2 VICE CHAIR MILLER: Okay. Do we have another meeting
3 in March?

4 MS. SCHELLIN: Yes.

5 VICE CHAIR MILLER: Okay. I was expecting an update
6 on a particular long-pending discussed zoning case at one of our
7 meetings in March. So as long as we have another meeting in
8 March, I will be expecting an update on that downtown IZ zoning
9 exemption case.

10 CHAIRPERSON HOOD: Okay. I will tell you that I've
11 looked up our next meeting. I was going to the Nationals opening,
12 and when you said the next meeting, it jarred my memory that I
13 will not be going to the Nationals open because I will be here
14 doing zoning. So anyway. All right. So the Zoning Commission
15 will meet again on March 13th -- no, I'm sorry. The Zoning
16 Commission will -- yeah, we will meet again March the -- for a
17 public hearing March the 13th. The hearing is Zoning Commission
18 Case No. 22-33, NHP Foundation on these same platforms at 4 p.m.
19 So with that, I want to thank everyone for their participation
20 in this meeting tonight, and this meeting is adjourned. Good
21 night.

22 (Whereupon the above-entitled meeting was adjourned.)

23

24

25

C E R T I F I C A T E

This is to certify that the foregoing transcript.

In the matter of: Public Hearing

Before: DCZC

Date: 03-09-2023

Place: Teleconference

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

GARY EUELL