

GOVERNMENT OF
THE DISTRICT OF COLUMBIA

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ZONING COMMISSION

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REGULAR PUBLIC MEETING

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MONDAY

MAY 1, 2023

+ + + + +

The Regular Public Hearing of the District of Columbia Zoning Commission convened at 4:00 p.m. EDT, Anthony Hood, Chairperson, presiding.

OFFICE OF ZONING COMMISSION MEMBERS PRESENT:

- ANTHONY J. HOOD, Zoning Commission Chairperson
- ROBERT MILLER, Vice Chair
- PETER MAY, Zoning Commissioner
- JOSEPH S. IMAMURA, Zoning Commissioner

OFFICE OF ZONING COMMISSION STAFF PRESENT:

- SHARON SCHELLIN, Secretary
- PAUL YOUNG, Data Specialist

OFFICE OF ZONING LEGAL DIVISION STAFF PRESENT:

- DENNIS LIU, Esquire

The transcript constitutes the minutes from the Regular Public Hearing held on May 1, 2023.

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

Case No. 22-30
Office of Planning 4

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

(4:00 p.m.)

CHAIRPERSON HOOD: Good afternoon, ladies and gentlemen.

We are convening and broadcasting this public hearing by video conferencing. My name is Anthony Hood. 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, and also from our Office of Zoning legal division, Mr. Dennis Liu.

Copies of today's virtual public hearing notice 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 hearing. Accordingly, all those listening on Webex or by phone will be muted during the hearing, and only those who have signed up to participate or testify will be unmuted at the appropriate time. Please state your name and home address before providing oral testimony on your presentation. When you are finished speaking, please mute your audio so that your microphone is no longer picking up sound or background noise.

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1 instructions. All persons planning to testify either in favor, in
2 opposition, or undeclared, we encourage you to sign up in advance
3 and your name will be called accordingly. If you wish to file
4 written testimony or additional supporting documents during the
5 hearing, then please be prepared to describe and discuss it at the
6 time of your testimony.

7 The hearing will be conducted in accordance with
8 provisions of 11 Z D.C.M.R. Chapter 5 as follows: preliminary
9 matters; presentation by the petitioner, in this case is the
10 Office of Planning, which has up to 60 minutes; we have reports of
11 other government agencies; reports of the ANC, in this case it's
12 8A; testimony of organizations and individuals, each have --
13 organizations and individuals, organizations have five minutes and
14 individuals have three minutes respectively; and we will hear in
15 order from those who are in support, opposition, or undeclared.
16 While the Commission reserves the right to change the time limits
17 for presentations if necessary, it intends to adhere to the time
18 limits as strictly as possible and notes that no time should be
19 ceded. Again, any issues please call our OZ hotline number at
20 202-727-0789.

21 The subject of this evening's hearing is Zoning
22 Commission Case No. 22-30. Again, today's date is May the 1st,
23 2023. This is the Office of Planning, a map amendment from R-3
24 and PDR-1 to MU-7B at Square 5600, 5601, Lots 17, 860, 862 and a
25 portion of 865, Parcels 224/31, and a portion of the 13th Street

1 right-of-way in Ward 8.

2 So with that, Ms. Schellin, do we have any preliminary
3 matters? You're on mute, Ms. Schellin.

4 MS. SCHELLIN: I clicked unmute and it re-muted me. As
5 you stated, the Office of Planning is the Petitioner on this case.
6 ANC 8A has not filed a report as of now, and we do have a report
7 in the record from DDOT. I did not see any reports from other
8 government agencies, and as of right now no one has signed up to
9 testify. So --

10 CHAIRPERSON HOOD: Okay.

11 MS. SCHELLIN: -- I'll leave it at that, and I believe
12 Mr. Lawson and Ms. Maxine Brown-Roberts are going to be the
13 presenters.

14 CHAIRPERSON HOOD: Okay. Let's bring them up and let's
15 go ahead and get started.

16 MS. SCHELLIN: I'm sorry. There is one preliminary
17 matter. The OP report came in less than ten days prior to the
18 public hearing, if the Commission would waive that.

19 CHAIRPERSON HOOD: Okay. Any objections to waiving
20 Exhibit 7? No objections. So noted. Okay. Ms. Brown -- thank
21 you, Ms. Schellin.

22 Ms. Brown-Roberts and Mr. Lawson, you all may begin.

23 MS. BROWN-ROBERTS: Good evening, Mr. Chairman, and
24 members of the Zoning Commission, Maxine Brown-Roberts from the
25 Office of Planning on Zoning Commission Case 22-30. Let's see.

1 Okay.

2 The Office of Planning requests a map amendment to
3 rezone a portion of the property between Good Hope Road, MLK Jr.
4 Avenue, and 13th Street, S.E. from the R-3 and PDR-1 zone to the
5 MU-7B zone. Next slide?

6 As background, the subject property was part of the area
7 plan and approved for the Anacostia Gateway Government Center in
8 Zoning Commission Case 05-03. The vision and need for the
9 Government Center changed and the order was allowed to expire.
10 DMPED solicited RFPs for a mixed-use development on a portion of
11 the area that was planned for the Government Center. To
12 accommodate the development and vision, the property has to be
13 appropriately zoned. Next slide?

14 The FLUM designates the property for mixed-use medium-
15 density residential, medium-density commercial, and local public
16 facilities. The generalized policy map recommends the site as
17 being along a main street mixed-use corridor, neighborhood
18 conservation area, and resilience-focused area. Next slide?

19 The proposed MU-7B zone is not inconsistent with these
20 designations. The zoning regulations describes the MU-7 zone as
21 medium density, with typical densities between 4.0 and 6.0 FAR
22 with greater densities possible through IZ or PUD. However, the
23 comp plan describes the MU-5 and MU-7 zone as being within the
24 moderate-density commercial category, but that other zones may
25 apply. The comp plan designates the RA-3, MU-8, and MU-10 zone as

1 representative of the medium-density residential commercial zones.

2 In this case, the RA-3 would not be appropriate for the site as

3 it would only allow residential use where the comp plan recommends

4 a mix of uses. As shown on the table, the MU-8 and the MU-10

5 zones would allow much higher densities with heights at the site

6 that are allowed -- much higher than what is allowed by the MU-7B

7 zone. In this case, the MU-7B zone is appropriate as a portion of

8 the property is already zoned MU-7B. The height and density would

9 allow a mixed-use development that would be consistent with the

10 remainder of the overall property that is already zoned MU-7B, and

11 it will be compatible with portions of the adjacent historic

12 district to the south and west which are already zoned MU-7B and

13 the lower density rural dwellings to the east in the R-3 zone. OP

14 recommends that the property not be subject to IZ Plus as the

15 property is owned by the District government and there is a more

16 rigorous affordability requirement as proposals which include

17 multi-family residential units are required to reserve 30 percent

18 of the units as affordable in perpetuity. These conditions are

19 reflected in the District law 10-801, which would require at least

20 25 percent of the units for very low-income households and the

21 remainder of such units for low-income households. In the case of

22 homeownership units, 50 percent of the units for low-income

23 household and 50 percent of the units should be for housing for

24 those in moderate income households. This affordability would be

25 greater than would be required by a regular IZ or IZ Plus.

1 Overall, when evaluated through a racial equity lens, the proposed
2 map amendment is not inconsistent with the comprehensive plan.
3 The rezoning would allow the D.C. government to utilize a property
4 that is vacant to provide affordable housing and neighborhood-
5 serving uses which would be beneficial to the area residents.

6 Next slide?

7 The site is in the far southeast/southwest planning
8 area, and the ACS data indicates that the 2012 to 2016 period, the
9 planning area had 11 percent of the District wide total
10 population. In the 2017-2021 period, the population increased but
11 the planning area decreased to 10 percent of the District wide
12 total. In 2012-2016, 91 percent of the population in the far
13 southeast/southwest planning area were African-American or black,
14 but that dropped to 87 percent in 2017 to 2021, while all other
15 segments of the population increased. The data seems to indicate
16 that the population in the planning area is becoming more
17 diversified, with the largest percentage increase of 2.1 percent,
18 which are identified as persons having two or more races. Next
19 slide?

20 The 2012 to 2016 ACS data identified median household
21 incomes as approximately \$30, \$31,000 for the planning area, which
22 is less than half of the median income of the District, which is
23 about 73,000. Although there was a significant increase of
24 approximately 21,000 in the District wide median income for the
25 period 2018 to 2021, the increase within the planning area was

1 much lower at \$7,000. The low incomes are also reflected in the
2 poverty rate in the 2012-2016 poverty rate District wide where it
3 was 17.9 percent, while the poverty rate in the planning area was
4 over 38 percent. In the period 2017 to 2021 the trend continued
5 with -- but with less of a gap, but still more than double the
6 District wide poverty rate of 15.4 at 31.4 percent in the planning
7 area. Next slide?

8 The issues seem to be reflected in the high percentage
9 of the planning area having a high percentage of renters. In 2012
10 to 2016 a significant percentage, 81 percent, of the population in
11 planning areas were renters. The percentage decreased in the 2017
12 to 2021 period to 77.2 percent, which is still above the -- about
13 three quarters of the households. 21.6 percent of blacks or
14 African-Americans alone households are homeowners, while 77.8
15 percent are renters compared to whites who are 34 percent
16 households and 65 for renters. The proposed map amendment will
17 allow for an increase in density to facilitate the projected
18 increase in population and also provide options for homeownership
19 to the population in the far southeast/southwest area. Next
20 slide?

21 Applying the lens of racial equity in this zoning action
22 would support a community of color. The Mayor's January 2023 D.C.
23 comeback plan indicates that the far southeast/far southwest
24 planning area is on track to significantly increase the Mayor's
25 2025 affordable housing goal, which has a target of 1,120

1 affordable units. As detailed in our report, the map amendment
2 would meet many of the citywide goals for housing, transportation,
3 and resilience. The far southeast/southwest area element
4 highlights the site as being within the historic Anacostia focus
5 area. Although the property is not within the historic district,
6 it identifies the site as being available for mixed-use
7 development. The area is also within the Anacostia transit area
8 strategic investment and development plan approved by the council
9 in 2006 and recommended for development as the Government Center.
10 Although the property would not be developed with government
11 offices as envisioned by the plan, any development of the site
12 would incorporate these planning principles. The height and
13 density allowed by the MU-7B zone would allow the building to be
14 shaped, to be sensitive to the lower density residences to the
15 east and the historic district to the south. Residents would also
16 benefit from the availability of an improved transportation
17 network along Good Hope Road, MLK Avenue, and would also provide
18 access to the 11th Street Bridge, Anacostia Parkway, and Anacostia
19 Park.

20 Concerning community outreach and engagement, the
21 property again is within the Anacostia community, which has a
22 history of racial discrimination and its investment in housing,
23 jobs, medical care, commercial uses, and in particular,
24 neighborhood retail uses to serve residents of the area. However,
25 some reinvestment has begun, and revitalization is underway

1 through investments in housing, neighborhood retail uses, training
2 programs, cultural and recreational activities. The proposed
3 hospital at Saint Elizabeth is a major investment that should
4 assist in addressing the healthcare need of the community.
5 Proposed rezoning of the site would be a further step in direction
6 to providing affordable and homeownership opportunities, retail
7 services with great emphasis. The site is located within the
8 Anacostia community at the gateway into the Anacostia historic
9 district, and the Anacostia community is also known as a community
10 of cultural artists of various types such as musicians, cultural
11 food, dance, and fine arts, and has an arts and culture district.
12 The subject property is just across from the boundary of the
13 historic district and the arts and culture district. Next slide?

14 The community should not be burdened by the development
15 of the property, but should benefit. DMPED has informed OP that
16 there has been many community meetings and comments given as part
17 of the RFP process, and residents were informed that for the
18 development to take place, a rezoning of the property to MU-7
19 would be necessary. DMPED has also informed OP that there has
20 been no opposition to the proposed development of the site or to
21 the density and heights that would be allowed in the MU-7B zone.
22 The community has been vocal as to the development that they would
23 like to see include rental, home ownership, affordable and market
24 rate units for artists and ground-floor retail to activate Good
25 Hope Road. The population that would be affected by the new

1 building would be residences across 13th Street. However, it is
2 not envisioned that the bulk of the development would be towards
3 MLK -- as the bulk of the development would be towards MLK Avenue
4 and Good Hope Road, while the building height would be lowered
5 along 13th Street. This community could be burdened during
6 construction, but as a District property, the developer would be
7 required to have a construction management plan and to limit the
8 negative impact on construction and adjacent residents. Each of
9 the respondents of the RFP gave presentations for their visions
10 for development, and the ANC gave their input into the selection
11 of the development team chosen to develop the site. As part of
12 their support for the development team, changes are being made to
13 the proposal to have retail on the ground floor to help activate
14 Good Hope Road instead of the recommended residential community
15 room. As part of all discussions, the map amendment was discussed
16 to direct the desired density, height, and mix of uses allowed to
17 effectuate the desired development. Committee interaction and
18 input will continue through the approval of the development plans
19 and construction. The ANC is scheduled to vote on the map
20 amendment at their monthly meeting on May 2nd, which is tomorrow
21 night, and the Office of Planning is requesting that the record be
22 left open to accept their recommendation. A positive outcome of
23 the proposed zoning action is that it will allow for the
24 development of a building with approximately 200 residential units
25 and about 1,500 square feet of retail use. The proposal has the

1 support of the community as it will bring housing opportunities
2 for residents who want to remain in the area and have not
3 expressed any probability of negative impacts. The proposal would
4 not lead to any displacement as the property is currently
5 undeveloped and is not expected to lead to displacement within the
6 neighborhood. In fact, it would lead to more affordable market
7 rate and home ownership opportunities that are needed in the area.

8 The action would result in improvements -- of improvements in the
9 infrastructure, streetscape, and public space along Good Hope Road
10 and MLK Avenue, as well as improvements in pedestrian and bicycle
11 movements to run through the area and would provide connections
12 again to 11th Street Bridge with sidewalks and trail connections
13 to link the Anacostia historic area to the areas across the
14 bridge. The site is just outside the Anacostia arts and cultural
15 district boundary, but its location will enhance the entrance into
16 the historic district. The site will also provide construction
17 and other jobs for area residents. In summary, the proposed map
18 amendment will not be inconsistent with the comprehensive plan
19 map. The citywide elements, the far southeast/southwest planning
20 area element, and would further racial equity in the area. The
21 Office of Planning therefore recommends that the proposed map
22 amendment be approved.

23 Again, Mr. Chairman, I'd just also like to note that
24 regarding the portion of the site that was formerly a portion of
25 the 13th Street right-of-way and does not have a recorded

1 subdivision planned at this time, DMPED has informed OP that the
2 surveyor's plat will be done subsequent to disposition agreement
3 and with the chosen developer, but prior to the closing of the
4 property by the end of December 2024, at which time they will
5 return to the Zoning Commission for modification with the recorded
6 squares and lot numbers.

7 Thank you, Mr. Chairman, and I'm available for
8 questions.

9 CHAIRPERSON HOOD: Thank you, Ms. Brown-Roberts, for a
10 very, very well-done presentation to us, very thorough. So thank
11 you.

12 Let's see if we have any questions or comments.

13 Commissioner May?

14 COMMISSIONER MAY: No. actually I don't. I was not here
15 for this set-down, but I went back and listened to that
16 discussion, and it seems like everything that Ms. Brown-Roberts
17 provided today was responsive to the Commission's comments at set-
18 down. Seems like it's pretty straightforward. The fact that we
19 don't have anybody here to testify against it is also good news.
20 And yeah, I think this seems to be pretty straightforward. It's,
21 you know, it's unfortunate that the original PUD didn't get built
22 as planned as I was part of that process when I was not on the
23 Zoning Commission. But I understand why these things happen, and
24 in the end this is probably a better result anyway. So I think
25 this is -- it was sort of a -- back then it was supposed to be an

1 agency headquarters and it was sort of a -- it was 10 pounds of
2 potatoes in a 5-pound bag. So this is a better fit I think.
3 Thanks.

4 CHAIRPERSON HOOD: All right. Thank you.

5 Commissioner Imamura?

6 COMMISSIONER IMAMURA: Thank you, Mr. Chairman.
7 Sometimes good things take a while to write. So I think there's a
8 lot of potential behind this map amendment. Ms. Brown-Roberts,
9 thank you for the way you broke down the ACS data between the 2012
10 to 2016 and 2017 to 2021. I thought that was really effective, so
11 I took some notes there. And that was (indiscernible), that's a
12 very effective way to illustrate that information. Just noticed
13 one thing that stood out to me was the 77.2 percent renters, so
14 the way you provided that information and data was very helpful.

15 I'm curious what you think might be a positive or
16 perhaps a negative impact on that race and ethnicity trend since
17 you probably know the data really well if the map amendment is
18 approved?

19 MS. BROWN-ROBERTS: I think that it should help because
20 I think from some of the feedback that we've gotten from the
21 community is that they're really looking forward to the home
22 ownership units and so we're hoping that at least that will have -
23 - and they really stressed that, you know, there was -- they have
24 a lot of sort of rental affordable units there, but they're
25 looking for more units to sort of fill the gap within that sort of

1 middle income area or, you know, workforce housing area and for
2 even some of their artists and that sort of thing who live within
3 the area. So that's what they're sort of -- they're looking for.

4 COMMISSIONER IMAMURA: That's a great response, Ms.
5 Brown-Roberts. I appreciate that because that kind of answers my
6 next question about the four ANC meetings that took place. I was
7 curious what kind of input, to your knowledge, was received, and
8 then, you know, what was the response to some of that input, so?

9 MS. BROWN-ROBERTS: A lot of the input was sort of
10 around the RFP because DMPED went out pretty early and started
11 talking to them. Each of, as I said, each of the respondents also
12 had community meetings where they made presentations and, you
13 know, gathered input as to what some of the -- what the residents
14 wanted to see in some of them. Some had included some things that
15 they were -- I know that one had included a hotel and they were
16 pretty adamant that they didn't want that, you know.

17 COMMISSIONER IMAMURA: Sure.

18 MS. BROWN-ROBERTS: So yes, they were able to give good
19 feedback and, you know, they were saying that, you know, this
20 property has been vacant for a long time. It is right at the
21 entrance into Anacostia. They're trying to build up the area and
22 the entrance into the historic district. So you know, they were
23 supportive of it.

24 COMMISSIONER IMAMURA: Terrific. And again, another
25 terrific response, Ms. Brown-Roberts, because that is a segway to

1 my next question. For the four ANC meetings, we set this down I
2 think back in December of 2022 so about 120 days ago, four ANC
3 meetings although, you know, those don't always reach the entire
4 community, so I'm curious for those maybe who weren't able to
5 attend, particularly those who might be disenfranchised or
6 vulnerable persons in the community, what additional outreach has
7 DMPED or OP done, to your knowledge, to reach other residents in
8 the surrounding neighborhood?

9 MS. BROWN-ROBERTS: They have spoken about it when they
10 have other community events. The BID in -- the Anacostia BID is
11 also very active, and they have also been a part of this in
12 getting the word out about the redevelopment, you know, along
13 with, you know, having the -- creating this new Anacostia cultural
14 center. So that has always been a part of -- you know, this
15 development of this property has always been a part of that, you
16 know, getting the word out.

17 COMMISSIONER IMAMURA: Terrific. All right. Thank you,
18 Ms. Brown-Roberts. Another thorough and comprehensive report, so
19 thank you very much.

20 Mr. Chairman, those are all the questions that I have.

21 CHAIRPERSON HOOD: Thank you.

22 Vice Chair Miller?

23 VICE CHAIR MILLER: Thank you, Mr. Chairman and thank
24 you, Ms. Brown-Roberts, for the Office of Planning report on this
25 case and I appreciate the comments and agree with the comments and

1 | questions of my colleagues thus far, Commissioners May and
2 | Imamura.

3 | So I don't really have a lot of really -- much questions
4 | to ask. I mean, I look forward to hearing from -- getting the ANC
5 | report following tomorrow's, I guess it's tomorrow's, scheduled
6 | ANC 8A meeting, and we have two votes on this case as I understand
7 | it. So even if we proceed tonight, we certainly would want to
8 | know what ANC 8A, how they weigh in on this, although I appreciate
9 | all the changes that have been made by the DMPED and the District
10 | government, OP, with the RFP in response to ANC and other
11 | community concerns in this long-awaited development of this
12 | parcel, which is mostly vacant, as I understand, it's just a
13 | surface parking lot; is that correct?

14 | MS. BROWN-ROBERTS: Yes, that's correct.

15 | VICE CHAIR MILLER: Is it currently operating as a
16 | surface parking lot?

17 | MS. BROWN-ROBERTS: A portion --

18 | VICE CHAIR MILLER: Do you know how many spaces are
19 | there and who's using it and are they going to be accommodated or
20 | do they need to be accommodated? I didn't see really anything in
21 | the DDOT report except that they said that more parking is not
22 | necessary because that could be -- they were encouraging even less
23 | parking than the zoning -- well, the zoning actually does permit
24 | less parking because of its location near Metro and high transit
25 | corridors. But who is that parking serving right now, are there

1 other government uses nearby?

2 MS. BROWN-ROBERTS: Well, there is one government use --
3 yeah, there's one government use, but that building has a parking
4 lot. That has underground parking. There is a parking lot
5 operated by the government. I'm not sure exactly who it is, but I
6 think it may be out of DMPED, and it's a paid parking lot
7 currently. There is a lease to an operator, and from talking to
8 DMPED they said that, you know, it will continue until it's time
9 for redevelopment of the site.

10 VICE CHAIR MILLER: Right. And I saw the reference in
11 your report I think to that, that it probably will be -- it might
12 be terminated by the District for this development and ahead of
13 this development. The status -- I know we're not dealing with a
14 specific project, we're dealing with a map amendment, which is a
15 zoning -- largely a zoning consistency case -- okay, so I'll get
16 back to what the project is in a minute, but. So on the zoning
17 consistency issue, I think it's all there in your report, both
18 your written report and what you presented today, that this
19 property on the comprehensive plan land use map it's local public
20 facilities on part of it and medium mixed-use density on most of
21 it, and what's being proposed is the project that the RFP, that
22 the development was awarded is 200 units of residential housing;
23 is that correct?

24 MS. BROWN-ROBERTS: Approximately.

25 VICE CHAIR MILLER: And --

1 MS. BROWN-ROBERTS: Approximately.

2 VICE CHAIR MILLER: Approximately.

3 MS. BROWN-ROBERTS: Yeah.

4 VICE CHAIR MILLER: And it's providing more, as your
5 report says, more affordable, much more affordable housing than
6 our regular inclusionary zoning would require and our inclusionary
7 zoning plus would require and because it's a District-owned
8 property and there's D.C. law that requires that dispositions
9 have, I think it's a 30 percent set-aside.

10 MS. BROWN-ROBERTS: Right.

11 VICE CHAIR MILLER: IZ Plus, it would only be 20 percent
12 at most. So there's more affordable, I think it's deeper
13 affordable, and there's also I think in that development family-
14 sized units as well, so there's all the IZ -- it's beyond what IZ
15 Plus would have encouraged or required. So I saw that statement
16 in your report why it doesn't have to be mapped at IZ Plus, and I
17 think you also had a statement there in the report because the law
18 does require more than what IZ Plus requires. It's also what we
19 found in this area of the city, that this planning area is already
20 providing more than its fair share or whatever share you want to
21 call it, more than the goal of affordable housing for the city by
22 this planning area, they're already providing. So it didn't need
23 to be capped at IZ Plus which is what we've used as a rationale in
24 the past, plus the fact that it's District-owned. And I've asked
25 this question before, but if you can just tell me, remind my thick

1 | memory again as to why -- what is the harm -- what's the harm of
2 | doing a IZ Plus map if they're going to be doing beyond it, if
3 | they're required to do it under another law beyond, way beyond,
4 | the set-aside and beyond the affordability levels, the harm, is
5 | there a harm, what's the harm in mapping it at IZ Plus or is this
6 | just the standard that we're evolving that where it's already
7 | meeting the planning goals of the city, it already is on track and
8 | it's going to be providing it pursuant to other means, that it's
9 | not necessary, just could you for the public record here just
10 | restate that again?

11 | MS. BROWN-ROBERTS: Yes. I mean, just as you said that
12 | the projection for affordable units in that area far exceeds what
13 | the projection is right now -- I'm sorry -- and therefore, we
14 | didn't think that IZ Plus is necessary since as --

15 | VICE CHAIR MILLER: If you want to take a minute.

16 | MS. BROWN-ROBERTS: Yes, I'm sorry.

17 | VICE CHAIR MILLER: Get some water, take a minute and
18 | have some water.

19 | MS. BROWN-ROBERTS: I think I'm good. I think I'm good
20 | now. Yes. So yes, we're saying that the IZ Plus isn't necessary
21 | because we have a project that is ready to go on the site and in
22 | addition to that, all the projections for the area for affordable
23 | units far exceeds what is projected for the area. So, you know,
24 | so there's no need to do that, to map the IZ Plus on the site.

25 | VICE CHAIR MILLER: And in terms of the zoning

1 consistency, your report also did address this. But if you could
2 just also briefly restate since the comp plan map does -- future
3 land use map does call for medium density mixed use and the zone
4 that we are mapping, this added MU-7B, certainly fits within that,
5 but it also fits within moderate density mixed-use or moderate
6 density residential in terms of the future land use map and
7 framework designations of that definition of moderate and I saw
8 why MU-8 and MU-10 would not be appropriate because there are
9 other comp plan policies that call for compatibility with the
10 surrounding neighborhood, the historic district that's right next
11 to it, the gateway, Anacostia gateway, the zoning previously that
12 was done I think is adjacent to it is 7B so --

13 MS. BROWN-ROBERTS: Yes.

14 VICE CHAIR MILLER: -- am I stating why --

15 MS. BROWN-ROBERTS: You're correct.

16 VICE CHAIR MILLER: -- you stating why you've gone for
17 the 7B for a more moderate zoning category that fits within medium
18 obviously, but that you didn't go for a higher because of those
19 other comp plan goals and the compatibility with the whole
20 neighborhood and historic considerations?

21 MS. BROWN-ROBERTS: That's correct. The other zones
22 that the comp plan recommends, you know, would give such a high
23 density and height at this location that it was sort of
24 inappropriate, you know, to mix with the -- to be adjacent to the
25 residential and also the historic district. So you know, and the

1 comp plan -- and the zoning also says that, you know, other zones
2 may apply. So we looked for the one that is most appropriate for
3 the location, you know, so it does give that -- but the comp plan
4 and the zoning gives that flexibility so that, you know, we can
5 take a look at a specific site and see what is more appropriate
6 for that site and, you know, it's not cookie cutter things when
7 we're not looking at what is projected for the site, what are some
8 of the recommendations under the comp plan, and also what is
9 existing and how to be compatible with the uses that are existing.

10 VICE CHAIR MILLER: Well, thank you for restating that.
11 It's all there in your report. I just wanted to have that out
12 there for our whatever public viewing audience might be seeing
13 this now or on replay later just to have that information.

14 It's a very thorough report and I compliment you on
15 that, as others, as my fellow Commissioners did. I think this is
16 one of the first reports since we published our revised racial
17 equity tool that applicants and the Office of Planning should
18 utilize, in this case the Office of Planning is the applicant, and
19 you have and you've addressed the questions that we've asked
20 applicants to answer and you've done that very thoroughly, and I
21 think that's a good model for other applicants going forward and I
22 compliment you on that on the way you have presented that.
23 There's always room, obviously, for improvement. It's an evolving
24 process. We're all trying to adapt and accommodate the goals that
25 we collectively share for racial equity inclusion. But I think

1 your report does get at a lot of -- get at all of really what we
2 were trying to ask questions about, and I compliment you on that.

3 Just one final thing. So you said -- well, what's --
4 the status, when was the RFP, the disposition of the site act- --
5 it was approved a couple of months ago, a few months ago?

6 MS. BROWN-ROBERTS: February. In February, the
7 developer was chosen, yes.

8 VICE CHAIR MILLER: Right. And that went through a
9 council approval process as well yet or --

10 MS. BROWN-ROBERTS: No, it hasn't gone for disposition
11 as yet. They're working towards that right now.

12 VICE CHAIR MILLER: They're working towards that, and
13 you did mention a late 2024, I think, closing date. Do you know
14 when this does go before the council just in terms of timing
15 because it looks like we're going to get something back because
16 what's also being rezoned is the 13th Street right-of-way and we
17 don't have the exact square and lot numbers that we normally would
18 have. So you say we're going to get a modification, or I don't
19 know if it's a modification or a correction or something in the
20 record that we can change the order or do we know when that's
21 going to happen?

22 MS. BROWN-ROBERTS: Well, from what DMPED has said, the
23 disposition goes to the council in September of this year and then
24 following that, they have to go through the subdivision process in
25 preparation for closing. So that usually takes some time. The

1 subdivision process usually takes some time because that also has
2 to go to council to get approved. So they were saying at the --
3 the maximum time would be December of 2024. That would be sort of
4 the furthest out that they're projecting. It should be before
5 that, but that's what they're projecting.

6 VICE CHAIR MILLER: So the subdivision has to be
7 approved, and that's a process that -- is that -- excuse my
8 ignorance after all these years, does that involve us or we just
9 get the square and lot numbers to identify what's actually
10 rezoned? We have the metes and bounds. We know the area. It's
11 very clearly delineated in your report, but is it just the square
12 and lot numbers that we're going to get or do we approve the
13 subdivision at the zoning level or that's not --

14 MS. BROWN-ROBERTS: No, the subdivision, it's a separate
15 -- it's a different process. It doesn't come through the Zoning
16 Commission. But it's council approved and as soon as that
17 happens, then we can come back to get a modification or cha- -- or
18 you know, correction to have on the record what that right-of-way
19 is, you know, that it's taken -- that section of property is taken
20 out of the right-of-way and is now not part of the right-of-away.

21 VICE CHAIR MILLER: So, yeah, on that right-of-way issue
22 which we're rezoning here in this proposal, so there's a separate
23 -- not -- sorry to get into the weeds here, Mr. Chairman, I'm just
24 trying to understand the process and make sure that the public
25 understands the steps that are all necessary for this project,

1 long awaited development, to finally proceed on the site. Is
2 there a street closing process that's going to go before the
3 council?

4 MS. BROWN-ROBERTS: Yes.

5 VICE CHAIR MILLER: Okay. But is it going to be
6 actually developed -- is there a development going to happen on
7 the right-of-way or on part of the right-of-way or is it just
8 necessary to facilitate the development and there's -- and the
9 right-of-way's going to continue as a right-of-way? The DDOT
10 reports seemed to indicate, I don't know if DDOT's here tonight,
11 they seem to indicate opposition to closing the street to -- I
12 don't even know if it's open to vehicular traffic now, but they
13 seem to be opposed to a closure.

14 MS. BROWN-ROBERTS: My understanding is that there was a
15 right-of-way and then it was supposed to be part of a bridge to go
16 over 11th street or some part of some right-of-way. However, it
17 was deemed that they didn't need all of the right-of-way, so they
18 took off a portion of it so that the 13th Street right-of-way that
19 they need is there right now. But this portion has to -- was
20 given back. I'm not sure of what the process was, you know, to
21 take that part out of it. However, it was never recorded, so
22 that's what has to happen.

23 VICE CHAIR MILLER: And that'll all involve a public
24 process that the community will continue to be engaged in?

25 MS. BROWN-ROBERTS: Yes, it's a public process, yes.

1 VICE CHAIR MILLER: Yeah. And we'll, as your report
2 notes, we may see this again, even if we proceed with this zoning
3 to delineate the square and lot numbers --

4 MS. BROWN-ROBERTS: Yes.

5 VICE CHAIR MILLER: -- in the future?

6 MS. BROWN-ROBERTS: Yes.

7 VICE CHAIR MILLER: So I applaud your community
8 engagement and DMPED's community engagement and all the changes
9 that were made, the retail providing, the ground-floor retail that
10 is part of -- that seems to be part of the vision here, and I
11 thank you for that and for all of the work that everyone's done to
12 finally get this to where we are today. So thank you very much.

13 MS. BROWN-ROBERTS: You're welcome.

14 VICE CHAIR MILLER: Thank you, Mr. Chairman. I'm sorry
15 to have gotten into the weeds there.

16 CHAIRPERSON HOOD: All right. No problem.

17 Ms. Brown-Roberts, let me start off by saying I'm very
18 confident in the outreach when I look at the players, Commissioner
19 Clarke and Commissioner McKinney. I have no doubt that it went
20 beyond ANC, so trust me, I know their work, I've been knowing
21 their work for years so I'm confident with that.

22 But you know, also as I reflect back on this application
23 or this rulemaking, I'm looking at, as mentioned by my colleagues
24 about the racial equity lens, one of the things that I appreciate
25 here the way you did in your report is spelled it out, especially

1 with the disparities, the blacks and the Asians, and what it says
2 is where they are. So this is what I'm taking it, and this is one
3 of our first ones and I really appreciate how this was done, very
4 well done. I hope all -- I hope people look to this for the
5 model of what I know what Commissioner Hood will be looking for.
6 I want to look at this and I'm going to see whatever happens here,
7 if I'm around, and I'd like for the Office of Planning and the
8 Commission at the time, let's look and see where we are now with
9 the reports and the stats that you gave us, and after something
10 goes on, let's see how we have closed the gap on those stats.
11 That's kind of what I'm trying to achieve. Now, this is still
12 something that we're trying to still evolve with. But I think
13 this kind of goes to what the council had in mind because there's
14 an old saying if we don't practice what we preach, then our words
15 just become a speech, and I'm not just up here giving speeches.
16 We want to see something actually done.

17 So I appreciate your report. I don't have a lot of
18 questions. Looking forward to the ANC report. We'll probably
19 have that in a few days. I know they meet tomorrow. And I
20 believe, knowing those two commissioners, if there was a problem,
21 we would have known about it before tomorrow. So I'm hoping that
22 -- maybe I shouldn't be putting the cart before the horse waiting
23 for the vote, but if I know those two commissioners, if there was
24 a problem, we would have known before now. So but we'll see, I'll
25 just wait and see what comes back.

1 I don't necessarily have any questions again, Ms. Brown-
2 Roberts, but I want to commend you on a very well done report,
3 very thorough and it actually opens my eyes to see how I think
4 we're moving down the road as we still evolve, the Commission
5 still evolves as well, in trying to figure these things out to
6 close some of these gaps for this racial equity. Not just talking
7 about it, but let's -- we're trying to be about it. So thank you.

8 Any other questions for Ms. Brown-Roberts? Okay.

9 Thank you, Ms. Brown-Roberts.

10 MS. BROWN-ROBERTS: You're welcome, Mr. Chairman.

11 CHAIRPERSON HOOD: Let me see here. We don't do a lot
12 of rulemaking, so I used to -- I know the contested case off the
13 top of my head. The Office of -- I'm sorry, Department of
14 Transportation -- Ms. Schellin, I don't think we have anyone here
15 and I think we've already talked --

16 MS. SCHELLIN: Right. There's no other government
17 agencies, that's correct.

18 CHAIRPERSON HOOD: Oh, that's right. Okay. So DDOT has
19 spelled out -- has some concerns or they spelled out some of the
20 issues, I'm sure that'll be worked out. But it does say DDOT "has
21 reviewed the Applicant's request and determined that based on the
22 information provided, the proposed rezoning is appropriate, given
23 that the subject property is a short walking distance to several
24 priority bus routes, the proposed changes in zoning is consistent
25 with DDOT's approach to new developments, supports higher density,

1 adjacent to transit and walkable design, DDOT has no objection to
2 the approval of the requested map amendment." And that's on --
3 let's see what exhibit -- that's on Exhibit 6.

4 All right. Give me one moment. Too many files opened
5 up. All right. Let's go to, again the ANC report. We'll get
6 that. As Ms. Brown-Roberts said, they're meeting tomorrow, so we
7 should get that later.

8 Ms. Schellin, do we have anyone here to testify in
9 support, opposition, or undeclared?

10 MS. SCHELLIN: No, sir, nobody has signed up in any
11 category.

12 CHAIRPERSON HOOD: Okay. Let the record reflect. Ms.
13 -- and this is a two-vote case -- Ms. Brown-Roberts, do you have
14 any closing? I know it's not necessarily on our agenda, but I'm
15 just going to ask do you have any closing, anything you want to
16 sum up? If not, we'll keep on moving. I think you said no. You
17 had a smile, so I'm sure that's no, even though you're on mute.
18 I'm learning how to read when people are on mute now, so. I
19 assume that was no.

20 MS. BROWN-ROBERTS: No.

21 CHAIRMAN HOOD: Okay. All right. Thank you.

22 All right. Let's see. Commissioners, we know that what
23 we have outstanding is the ANC report and this is a two-vote case.
24 What is your pleasure? What would you all like to do with this?
25 Wait or -- for the ANC report, even though it's two votes, or go

1 ahead and do the first vote proposed tonight? As Commissioner May
2 said, nobody's here. That shows, yes, shows I think silence
3 sometimes is golden.

4 COMMISSIONER MAY: I think it's safe to wait -- I'm
5 sorry, to go ahead tonight and then just get the ANC report, be
6 more final. I'm sure it won't show any problems, but you know, it
7 is a two-vote case as you say.

8 CHAIRPERSON HOOD: Okay. We all in agreeance with that?
9 By a show of nodding heads. Okay.

10 All right. Somebody like to make a motion? Maybe the
11 Vice Chair since he had the most questions. Would you like to
12 make a motion?

13 VICE CHAIR MILLER: Okay. It's a lot of lots and
14 squares that I hope are all correct. You did it so well, Mr.
15 Chairman, I thought you were going to do it, but correct me,
16 somebody, if I don't state it correctly.

17 Zoning Commission, I move that the Zoning Commission
18 take proposed action on a map amendment from the Office of
19 Planning from R-3 and PDR-1 to MU-7B at Square 5600, Lot 17,
20 Square 5601, Lots 860, 862, a portion of Lot 865, Parcel 224/31,
21 and a portion of the 13th Street right-of-way in Ward 8 in the
22 vicinity of Good Hope Road and MLK Avenue, S.E., and ask for a
23 second?

24 COMMISSIONER MAY: Second.

25 COMMISSIONER IMAMURA: Second.

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

3 COMMISSIONER MAY: Yeah, Mr. Chairman?

4 CHAIRPERSON HOOD: Yes.

5 COMMISSIONER MAY: I just wanted to make the observation
6 that the -- it's a little unclear from DDOT what they're saying
7 about the portion of the 13th Street closure that might be
8 necessary for transportation purposes. But it seems like it could
9 be as simple as making sure that there's just sufficient sidewalk
10 on the western side of the existing 13th Street and the area
11 where, you know, that's being rezoned here is the old ramp to the
12 old 11th Street bridge. That's where that swath of land is, it's
13 not something that was anticipated to happen in the future. It's
14 something that is no longer needed. The vast majority of that
15 swath of land is no longer needed because it was for the 11th
16 Street bridge that is now gone.

17 So I don't think there'll be any long-term issues with
18 that. I just thought I would try to clarify that because I -- it
19 sounded like somebody suggested that there is some future
20 significant transportation use on 13th Street. I think it just
21 comes down to making sure there's adequate space for sidewalk and
22 tree boxes and things like that on the west side of 13th.

23 CHAIRPERSON HOOD: Okay. Let me do this out of order a
24 little bit. Ms. Brown-Roberts, is that what Commissioner May has
25 just mentioned, is that how you interpret what's going on here as

1 well?

2 MS. BROWN-ROBERTS: That exactly is my understanding,
3 yes, Mr. Chairman.

4 CHAIRPERSON HOOD: Okay. All right. Thank you. So
5 it's been moved and properly second. Any further discussion?

6 All right. With that, Ms. Schellin, would you do a roll
7 call vote please?

8 Thank you, Commissioner May.

9 COMMISSIONER MAY: Uh-huh.

10 CHAIRPERSON HOOD: You're on mute. Ms. Schellin, you're
11 on mute. You're still on --

12 VICE CHAIR MILLER: I saw you say Mr. -- I saw her lips
13 say Mr. Miller, so I will say yes.

14 COMMISSIONER MAY: Yes.

15 CHAIRPERSON HOOD: Oh, that's what we got to do now?
16 Okay. Let me look.

17 COMMISSIONER MAY: Ms. Schellin is permanently muted. I
18 don't know what's going on there.

19 CHAIRPERSON HOOD: You're permanently muted? Okay. Let
20 me do this. All those in favor, I say all those in favor. Ms.
21 Schellin, would you -- who made the motion? Vice Chair Miller?
22 I'm going to call it now.

23 Vice Chair Miller?

24 VICE CHAIR MILLER: Yes.

25 CHAIRPERSON HOOD: Who second?

1 COMMISSIONER MAY: We both did.

2 CHAIRPERSON HOOD: May, well, we'll go with Commissioner
3 May then. Commissioner May second it. Commissioner May?

4 COMMISSIONER MAY: Yes.

5 CHAIRPERSON HOOD: Commissioner Imamura?

6 COMMISSIONER IMAMURA: Yes.

7 CHAIRPERSON HOOD: Commissioner Hood? Yes.

8 So the vote is four to zero to one, one commissioner not
9 appointed. I don't know, whatever you say. All right. So
10 anything else, Ms. Schellin, on that vote? Okay, good. I just
11 wanted to make sure that that it was a voice vote so we wouldn't
12 have any issues.

13 All right. Thank you everyone, and thank you again, Ms.
14 Brown-Roberts, for your report. Very well done. Who's your
15 supervisor so I can send a survey to him? I'm just playing. I'm
16 just playing with you.

17 Let me see. The Zoning Commission will be meeting again
18 May the 4th. Right, Ms. Schellin? Okay. May the 4th. It looks
19 like we have two cases: Zoning Commission Case No. 19-31A and
20 Zoning Commission Case No. 23-01, both from the Office of
21 Planning. And we'll meet on these same platforms on May the 4th.

22 Right, Ms. Schellin? Okay. I want to thank everyone for their
23 participation tonight and this hearing is adjourned. Good night
24 and thank you.

25 (Whereupon, the above-entitled matter adjourned.)

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: 05-01-23

Place: Teleconference

was duly recorded and accurately transcribed under my
direction; further, that said transcript is a true and
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JULIE SOUZA