

GOVERNMENT OF  
THE DISTRICT OF COLUMBIA

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ZONING COMMISSION

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REGULAR PUBLIC HEARING

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THURSDDAY

MAY 11, 2021

+ + + + +

The Public Hearing by the District of Columbia Zoning Commission convened via videoconference at 4:00 p.m. EDT, Anthony J. Hood, Chairman, presiding.

OFFICE OF ZONING COMMISSION MEMBERS PRESENT:

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

OFFICE OF ZONING STAFF PRESENT:

- ELLA ACKERMAN, Secretary
- PAUL YOUNG, Zoning Data Specialist

OFFICE OF ZONING LEGAL DIVISION STAFF PRESENT:

- HILLARY LOVICK, Esquire
- JACOB RITTING, Esquire
- DENNIS LIU, Esquire

The transcript constitutes the minutes from the Regular Public Hearing held on May 11, 2021.

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

(4:00 p.m.)

CHAIRPERSON HOOD: Good afternoon, ladies and gentlemen.

We are convening and broadcasting this public meeting 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. Ella Ackerman and Mr. Paul Young, who will handling all of our virtual operations, our Office of Zoning Legal Division, Ms. Lovick, Mr. Liu and Mr. Ritting.

We will ask all others to introduce themselves at the appropriate time, if needed. Copies of today's meeting agenda are available on the Office of Zoning's website. Please be advised that 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 action 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 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 something otherwise. If you experience difficulty accessing Webex or with your phone call-in, please call our OZ hotline number at

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At this time, does the Staff have any preliminary matters? Ma. Ackerman, do we have any preliminary matters?

MS. ACKERMAN: No, we do not.

CHAIRPERSON HOOD: Okay. Thank you. No preliminary matters. Let's go right ahead with our agenda. Let's go first with the determination of scheduling or determination, yes, determination of scheduling Zoning Commission Case No. 03-12Y/03-13Y DCHA PUD Modification of Consequence at Square 767, 768 and 882S. Ms. Ackerman?

MS. ACKERMAN: Okay. The Applicant is requesting a PUD Modification of Consequence to extend temporary parking lots until April 1st, 2025. There is an OP report at Exhibit 6. The Office of Planning agrees this is a modification of consequence and recommends approval. This is ready for the Commission to make a determination.

CHAIRPERSON HOOD: Okay. First, let me ask does anyone have any objections to this being considered a request or this being considered to us as a modification of consequence? Not seeing anyone. Ms. Ackerman, can you give us the schedule, please?

MS. ACKERMAN: Yes. So we are - we had put this on the schedule for the 25th of May. The Applicant would need to submit any documents by the 15th and the ANC by the 22nd of May.

(Pause.)

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MS. ACKERMAN: Is Anthony there?

CHAIRPERSON HOOD: Yes, I am. Sorry, Ms. Ackerman.

MS. ACKERMAN: It's okay.

CHAIRPERSON HOOD: And I hate to ask you to repeat that.  
Could you --

MS. ACKERMAN: No problem. It's no problem. Yes. So we would schedule this case for the 25th of May. The Applicant would need to submit any documents by the 15th of May and the ANC by the 22nd of May.

CHAIRPERSON HOOD: Okay. Thank you. All right. Anything else on this? Ms. Ackerman?

MS. ACKERMAN: No, there is not.

CHAIRPERSON HOOD: Okay. So the schedule has been set. Thank you. Let's move right along on the agenda. One second, please. I'll have to ask the young people how to go -- move faster other than scrolling the mouse.

Okay. Zoning Commission Case No. 05-28AF. This is the Lano Parcel 12, LLC modification of consequence of second stage PUD approved by Zoning Commission Order No. 05-28AF at Square 5056. Ms. Ackerman.

MS. ACKERMAN: The Applicant is requesting a modification of consequence to the approved plan to relocate five heritage trees. The Office of Planning submitted a report at Exhibit 5. OP agrees that this is a modification of consequence and recommends approval and this is ready for the Commission to

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make a determination.

CHAIRPERSON HOOD: Thank you, Ms. Ackerman. Commissioners, you've heard the request as to the modification of consequences. Any objections? Not seeing any. Okay. Ms. Ackerman, we will do the determination of scheduling. Can we move to the scheduling.

MS. ACKERMAN: Okay. So it's the same as the first case. We're going to schedule this for the meeting on the 25th of May. The ANC is submitting documents by the 22nd of May and the Applicant by the 15th of May.

CHAIRPERSON HOOD: Okay. Thank you. Let's go to our next case. Zoning Commission Case No. 14-19B 300 M Street Development Group, LLC PUD modification of consequence at Square 772. Ms. Ackerman.

MS. ACKERMAN: Okay. The Applicant is requesting a modification of consequence to the monetary contributions. They can no longer be filled. There's the OP report at Exhibit 4. OP agrees this is a modification of consequence and recommends approval. The ANC submitted a report, ANC 6C at Exhibit 5. They are in support of the application as well. This is ready for the Commission to make a determination.

CHAIRPERSON HOOD: Let me just check, Ms. Ackerman. I believe we can make a, in this case -- and Ms. Lovick or Mr. Liu somebody can (indiscernible) -- I believe in this case we can make a determination and once, well let me do that first. Any

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objections to this being a modification of consequence? Okay. No objections. Instead of doing scheduling, unless I'm incorrect, I think this is a case where the ANC is the only party and they've already submitted support. I believe we can go ahead and deliberate on this or is that not true, Ms. Lovick?

MS. LOVICK: Yes, you can proceed with deliberations.

CHAIRPERSON HOOD: Okay. All right. And those -- and this is, oh, Mr. Eckenwiler is the Chair of ANC 6C and this is Exhibit No. 5 and the ANC which is the only party basically says, this immediately goes on and talks about, "Tony Goodman, the Applicant, now proposes to redirect the proffered 75,000 contributions to the NoMA Business Improvement District for placemaking improvements in the immediate vicinity of the project site. ANC 6C fully supports the Applicant's request and asks for the Zoning Commission to approve it as proposed. Thank you for giving this great weight. Mark Eckenwiler, Chair," and I think due to time and some changes in how that was written previously when this was first in action is the reason for the change so someone can benefit from the amenity.

Let me open it up to any questions or comments. Okay. Not seeing any, that's pretty straightforward. Anyone like to make a motion on this one? Okay.

COMMISSIONER IMAMURA: I'll make the motion, Mr. Chair.

CHAIRPERSON HOOD: Okay. Thank you.

COMMISSIONER IMAMURA: I move that Zoning Commission

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approve Case No. 14-19B 300 M Street Development Group, LLC PUD modification of consequences Square 772.

CHAIRPERSON HOOD: And I'll second that. It's been moved and properly second. Any further discussion? Not seeing any, Ms. Ackerman, can you do a roll call vote, please?

MS. ACKERMAN: Yes, I can. Commissioner Imamura?

COMMISSIONER IMAMURA: Yes.

MS. ACKERMAN: Commissioner Hood?

CHAIRPERSON HOOD: Yes.

MS. ACKERMAN: Commissioner Miller?

VICE CHAIR MILLER: Yes.

MS. ACKERMAN: Commissioner May?

COMMISSIONER MAY: Yes.

MS. ACKERMAN: Case No. 14-19B has been approved for final action four to zero to one, the minus one being the third Mayoral appointee being vacant.

CHAIRPERSON HOOD: Okay. Thank you. Let's move right along. Let's go to deliberations. Zoning Commission No. 08-24D Monroe Street Block A-1 Residential, LLC, et al., PUD modification of consequences, Square 3654. Ms. Ackerman.

MS. ACKERMAN: The Applicant is requesting a modification of consequence for the allocation of parking spaces. At the last meeting, the Commission decided this case was a modification of consequence, so the new exhibits are as follows.

The OP Report is at Exhibit 5. OP agrees this is a

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modification of consequence and recommends approval. The ANC 5F Report at Exhibit 6. They are in support of the application as well. ANC 5A submitted a comment stating they were not participating in this case, at Exhibit 7 and at Exhibit 8 there's a response from the Applicant to OP.

This is ready for the Commission to make a determination.

CHAIRPERSON HOOD: Okay. Thank you, Ms. Ackerman. As noted, one of the requests modification of consequences to modify conditions No. 1 and 4 and then also there was another request to modify the Transportation Demand Management Plan to reflect parking spaces.

So there were some responses that were given, responses to the Office of Planning's request for additional information and those have been provided. A building by building breakdown of the commercial and residential parking spaces and how totals would change as a result of the application. Information regarding how to reach the current residents with the leased parking spaces in Block E, and as we know OP did not support the removal of existing TDM requirement that vehicle parking be unbundled from apartment lease costs. I know that's a very deliberate-able issue there. We can talk about that.

Any other issues on those first two or any other ones besides unbundled from apartment lease costs for parking? Any comments? Commissioner May, do you have any? Everybody

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participating in this? Yes. Commissioner Imamura, you have any?  
And Vice Chair Miller?

VICE CHAIR MILLER: No comments. I'm ready to move forward.

CHAIRPERSON HOOD: Okay. Ready to move. So no one has any issues where -- do we, are we going to go around with what OP did not support or remove the existing TDM requirements to the vehicle parking beyond the bundle?

VICE CHAIR MILLER: Yes. Yes.

CHAIRPERSON HOOD: Everybody's fine with that? Okay. I am too. All right. So with that, unless I'm leaving anything out I think we've got everything that I need to disclose, so with that I would move approval as noted on Zoning Commission No. 08-24B and ask for a second.

COMMISSIONER MAY: Second.

CHAIRPERSON HOOD: It's been moved and properly second. Any further discussion? Not hearing any, Ms. Ackerman, would you do a roll call vote, please?

MS. ACKERMAN: Commissioner Hood?

CHAIRPERSON HOOD: Yes.

MS. ACKERMAN: Commissioner May?

COMMISSIONER MAY: Yes.

MS. ACKERMAN: Commissioner Miller?

VICE CHAIR MILLER: Yes.

MS. ACKERMAN: Commissioner Imamura?

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COMMISSIONER IMAMURA: Yes.

MS. ACKERMAN: Okay. Zoning Case No. 08-24D has been approved for final action four to zero to one, the minus one being the third Mayoral appointee being vacant.

CHAIRPERSON HOOD: All right. So, Ms. Ackerman, are you ready? Just give me a moment. Do you have everything caught up? Are you ready?

MS. ACKERMAN: Yes.

CHAIRPERSON HOOD: Okay. Oh, you're on the ball. Okay. so time extensions. Zoning Commission Case No. 05-28AD Parkside Residential, LLC and Parkside 9A QOZ,B, LLC one-year PUD time extension of Square 50-56, and I don't know if I'm reading that right. Ms. Ackerman.

MS. ACKERMAN: The Applicant is requesting a one-year PUD time extension for Case No. 05-28Q Parcel 9 due to Covid 19 reasons. The use of the space will be changed from office space to housing. There is a hearing coming up on May 15th this Monday. Since the hearing, the following exhibits have been submitted.

The OP Report is at Exhibit 5. He recommends approval so, and that's it. This is ready for the Commission to make a determination.

CHAIRPERSON HOOD: Great. Thank you, Ms. Ackerman. So I think this is ready as stated (indiscernible) Ms. Ackerman, this is for one year. As noted, this has already lapsed the 30 days so we typically request a serving on all parties. That's

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already been taken care of, as noted by counsel, and so there's no -- and also (indiscernible) a period of one year the maximum permitted so there's no requirement for waiving our rule on this, so I think this is ready for us to move forward with this request.

Somebody like to make a motion on it or any questions or comments first?

COMMISSIONER MAY: I would like to say one thing which is that this is the PUD that just doesn't stop giving. We are constantly reviewing bits and pieces of this and, you know, this is one circumstance where a waiver on the time extension limitations is not necessary so it makes it easier to support it.

But it is -- it's still very concerning that, I mean, you know, in hindsight this was just too big a PUD for what we did at the time and it is what it is and this is consistent. It does not need a waiver so I will vote in support of this at this point. Thank you.

CHAIRPERSON HOOD: Thank you. Any questions or comments? All right. And I would agree with Commissioner May. When we moved forward with this I thought we were moving in the right direction but, you know, you live and you learn. This is where we are. We're getting so confused now, I'm (indiscernible) some facts so I'm glad we have a good staff and legal counsel to help us keep track of it.

All right. So with that, I would move to approve of the one-year time extension of Zoning Commission Case No. 5-28AD as

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noted and ask for a second.

VICE CHAIR MILLER: Second.

CHAIRPERSON HOOD: So moved and properly second. Any further discussion? Not hearing any, Ms. Ackerman, could you do a roll call vote, please?

MS. ACKERMAN: Commissioner Hood?

CHAIRPERSON HOOD: Yes.

MS. ACKERMAN: Commissioner Miller?

VICE CHAIR MILLER: Yes.

MS. ACKERMAN: Commissioner May?

COMMISSIONER MAY: Yes.

MS. ACKERMAN: Commissioner Imamura?

COMMISSIONER IMAMURA: Yes.

MS. ACKERMAN: Zoning Case No. 05-28AD has been approved for final action four to zero to one, the minus one being the third Mayoral appointee being vacant.

CHAIRPERSON HOOD: Thank you. Next, Zoning Commission Case No. 05-28AE Lano Parcel 212, LLC One-Year PUD time extension of Square 5056. Ms. Ackerman.

MS. ACKERMAN: The Applicant is requesting a one-year PUD time extension due to the inability to find a tenant for the space. This is the second time extension request. Since the hearing the following exhibits have been submitted.

The OP Report at Exhibit 5. They recommend approval and that was the only exhibit submitted. So this is ready for the

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Commission to make a determination.

CHAIRPERSON HOOD: Okay. Commissioner May, would you like to go first? If you could just repeat, do you want to repeat it or --

COMMISSIONER MAY: I don't need to repeat it.

CHAIRPERSON HOOD: All right. Anybody have any questions or comments on this? Again, this is one-year we don't have to worry about rules. Somebody like to make a motion?

VICE CHAIR MILLER: I will move, Mr. Chairman, that the Zoning Commission take final action on the one-year time extension request in Case No. 05-28AE which is Parkside Parcel 12H, an extension for one-year of PUD Order 05-28T and ask for a second.

COMMISSIONER IMAMURA: Second.

CHAIRPERSON HOOD: Okay. So moved and properly second. Any further discussion? Not hearing any, Ms. Ackerman, could you do a roll call vote, please?

MS. ACKERMAN: Commissioner Miller?

VICE CHAIR MILLER: Yes.

MS. ACKERMAN: Commissioner Imamura?

COMMISSIONER IMAMURA: Yes.

MS. ACKERMAN: Commissioner Hood?

CHAIRPERSON HOOD: Yes.

MS. ACKERMAN: Commissioner May?

COMMISSIONER MAY: Yes.

MS. ACKERMAN: Zoning Case No. 05-28AE has been approved

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for final action four to zero to one, the minus one being the third Mayoral appointee being vacant.

CHAIRPERSON IMAMURA: I do apologize, Ms. Ackerman. My dog didn't agree.

MS. ACKERMAN: Oh, it's okay. I thought somebody was barking at me. I was like, what is that?

CHAIRPERSON HOOD: Well, I'm going to tell you this, Ms. Ackerman, we've had dogs to bark especially when called for a vote. They don't like it, they bark. It's not done when (indiscernible). Anyway, all right.

Let's go to proposed action Zoning Commission Case No. 22-33 NHP Foundation and Elm Gardens, owner, LLC map amendment at Square 3351. Ms. Ackerman.

MS. ACKERMAN: Okay. The Applicant is requesting a map amendment from RA-1 and MU-4 to RA-3. Since the hearing we have had a few exhibits submitted. At Exhibit 73 there is a report from 4B04 with an attached report from 4B. They are both in support of the application.

At Exhibit 74 there's a letter in opposition. At Exhibit 75 there is a response from the party in opposition, Jeremy Jones. At Exhibit 76, there's 76B, there are post-hearing submissions from the Applicant and Exhibit 77 there are responses from the Eastmont Coop. At Exhibit 78 there's a letter in response from the Applicant. At Exhibit 79, the Applicant submitted findings of facts and conclusions, and Exhibit 80, there

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is a response from the party in opposition, Jeremy Jones. Lastly, at Exhibit 81 there is a letter from the Applicant.

This is ready for the Commission to take proposed action.

CHAIRPERSON HOOD: Okay. Let me say that we had a very thorough hearing. We got a lot of responses and sometimes, you know, these are not the cases that I necessarily care for but we're going to do our job and we will make a decision by the law.

So, you know, I understand what the public is saying. I understand why people feel that this is a no win situation I think concerning, you know, somebody's going to be mad but we have to what's right within the regulations. So, that's enough of a sermon. As I read through this case, I've had a lot of cases that stayed on my mind for a long time and this is one of them. This rolls right up there with some at the top, so I'm going to leave it at that.

Let me open it up for any questions or comments.  
Commissioner May?

VICE CHAIR MILLER: Mr. Chairman, before we begin --

CHAIRPERSON HOOD: Yes.

VICE CHAIR MILLER: -- deliberations I just wanted to note for the record that I was not present at the April 6th public hearing on this case although I have reviewed the voluminous record in this case and have watched and re-watched the video of that four hour hearing, so I'm ready to deliberate along with my

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colleagues.

CHAIRPERSON HOOD: Sounds good. Thank you Vice Chair for putting that out here. Commissioner May.

COMMISSIONER MAY: Yes. Thank you, Mr. Chairman, and I agree with you this is a very hard one. It's one of those ones that weigh on the mind because we want to try to do the right thing for the city and the right thing for the neighborhood and sometimes it's not possible to satisfy all of those competing interests.

First I just want to say that I do believe that everyone has worked very hard to do a good thing here; right? I mean, I think it's -- the way it has, the project has developed, the effort that's already gone through -- the Applicant has already gone through, the ANC and their support of this but also, you know, the opposition who have raised I think very serious concerns about the proposed map amendment.

You know, as far as the facts of the case the first problem that I see is that the problem is the property is not in the medium density residential commercial load density portion of the FLUM. In fact, if I understand what Mr. Cochran testified to about which map we should be paying attention to it does not even touch that portion of the map. This property is actually separate from that by a lot, a single lot, not a lot in terms of a large area but a big lot -- I don't know what the number is.

The second problem is the property is entirely within

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the neighborhood enhancement area which includes the other garden apartments right next door to the southeast. To me, that signals a very clear intention that the relatively low-rise garden apartment nature of the block, including the subject property, should be maintained.

Now, I know the comp plan maps are not zoning map and they are not mapped precisely and that the boundaries are blurry, and I know the policies the map's to be interpreted in conjunction with the other comprehensive plan policies. I also know the Zoning Commission has demonstrated flexibility when it comes to the interpretation of the maps, particularly in the case of PUDs where we have the ability to grant flexibility in light of the full scope of benefits of a project.

I appreciate the Applicant also meeting with the parties after our last discussion of this, meeting with the party in opposition in attempting to modify their proposed building to satisfy the concerns of the residents of the Eastmont Cooperative.

However, that proposed building is not what we are considering. We are having to consider the entire potential development and while I understand and appreciate the ways in which the proposed map amendment is support by other comprehensive plan policies including those related to affordable housing and racial equity, I do not believe the supportive policies are sufficient to override as what I see as the clear intent of the maps to preserve this area, this property as moderate density

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residential.

So I cannot vote in favor of this proposed map amendment to change it to RA-3. Thank you.

CHAIRPERSON HOOD: Okay. Thank you, Commissioner May. Commissioner Imamura.

COMMISSIONER IMAMURA: Thank you, Mr. Chairman. Thank you, Commissioner May, for a thorough summary of facts of the case. I certainly am in agreement and align myself with Commissioner May. I'm not fully convinced that the greatest intensity allowed in the RA-3 zone is appropriate for this particular parcel, given some of the facts that Commissioner May has already stated. I am more inclined to think that maybe the greatest intensity of a RA-2 zone might be more appropriate for this particular parcel and would be interested in, you know, the Applicant looking into that a bit further. But suffice to say, that I agree with Commissioner May and am not prepared to support this amendment.

CHAIRPERSON HOOD: Okay. Vice Chair Miller.

VICE CHAIR MILLER: Thank you, Mr. Chairman, and thank you to my colleagues for your comments, all of which I agree with including the Chairman's opening comments that this is one of -- that this is a difficult case and the other colleague comments that, you know, you want to do, everybody's tried to do the right thing. But we do have, the standard for a map amendment is largely, only really, the consistency with the comprehensive plan

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and while there are many, many, many land use and housing and other policies throughout the text of the comprehensive plan which support the greater density being near a transit site, transit stop, metro transit stop and preserving affordable housing which the Elm Gardens has been a rent controlled property for many years and this would -- they exercise their TOPA rights and the known profit developer that was going to preserve their house to allow them to return to a redeveloped property does meet those other comprehensive plan policies as well as the covenants and other agreements that may have been entered into between the Applicant and the Elm Gardens people or the Applicant and DHCD which may be providing tax relief for this property if it's all affordable and perpetuity.

But the problem is, as Commissioner May has pointed out, that all of the site is in the moderate density residential zone and the RA-3 is clearly a medium density category and if there were some medium density intermixed in the site and low density commercial as was originally represented, I could probably get there to say that this particular -- that we could go forward, although it's just the map amendment before us. None of those agreements with DHDD or with the tenants, Elm Gardens' tenants, can be included as conditions of our Order because this is a map amendment.

It probably should have been a different map amendment, as Commissioner Imamura suggested. RA-2 would have been in line.

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I heard the testimony that they wouldn't get the density that they needed with RA-2. I think the delta is between 60 percent density and 75 percent between RA-2 and RA-3, I can't -- I'm doing that off the top of my head. In any event, if it was totally financially feasible without that additional density or other flexibility under RA-2, they probably should come in for a PUD. I mean, this project is -- this case is all about the project even though we can't make the project part of our Order because it's a map amendment that would allow whatever the matter-of-right is for RA-3 and they're clearly, the matter-of-fact maximum density, as Commissioner Imamura said, if that was permitted which, if we approve this case would permit, there would be no controls that we control on what could happen there and all those agreements could fall apart.

So, I would encourage the Applicant to come back with an amended application that meets the RA-2 which I think if you amend it from RA-3 to RA-2, we probably can do that on an expedited basis but the notice has been out there about this case. If you did an RA-3 with a PUD or a RA-2 with a PUD it probably would need to start all over. I don't know what our procedural rules require but we could also expedite that process through waivers of time period since it has been so much public discussion of this case.

So that's -- it's unfortunate that we as a Zoning Commission have been placed in this position almost the last person consulted on this, the last entity consulted. HPR, now was

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this alone with HPRV? No. Yes, it is. So HPRV has weighed in. The common historic district neighbors have weighed in. DHCD has weighed in but I think there was a mistake apparently in what the comp plan land use map designation as which is very unfortunate and it could have been taken care of two years ago when the comp plan was before the Council to make it clear that medium density would also be permitted or other language that would facilitate this project on the FLUM.

So that's unfortunate. It's unfortunate that it's before us when all this work has been done, but I think we can get to still a win/win situation that protects the existing -- all the existing tenants on the site, both Elm Gardens and Eastmont, and allows Eastmont to proceed with a TOPA process or other process that allows them to return if the site is redeveloped to affordable housing in that neighborhood which is very densely packed into that square, so there's that factor as well as why some of the RA-2 parameters might be more appropriate than the RA-3 in this case, at least the RA-3 without a PUD that where we could make the refinements, get rid of the extra floor that they offered and other additional refinements that might meet the Eastmont concerns. But we can't do that because we're not in a PUD situation which is unfortunate. We are where we are.

Thank you, Mr. Chairman.

CHAIRPERSON HOOD: Okay. Thank you. I don't want to muddy the waters. I believe my colleagues have articulated very

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well. I know that we have been through the whole discussion about medium and moderate and other comp plan policies and I think the court has sent us a clear signal one time and I believe -- I really like the way Commissioner, I think he was here when and he got probably singing along with me, so I think we know about that now and this is a far stretch, and I hate -- I'll just say this and I'm going to leave it alone. I hate the position I was put in. I'm ready to make a decision and I agree with my colleagues. I'm just glad all of us agree and we see the same way we've been doing this process, and I appreciate our counsel keeping us on track from a legal standpoint.

For me I can tell you, I've been all over the place because of the -- if you watch the hearing, you know, this group, that group back and forth and it was, you know, I hate to be in a situation like this but I think I'm not going to recommend the RA-2 because I don't know what works.

But I will say that I agree with my colleagues and I see that's what requested in front of us today is not going to pass, the RA-3 zoning. But I will say though, and I'm not going to recommend anything, I will ask and I think from my notes I think that we have some options. If we deny it I believe, Ms. Lovick, and I'm asking Ms. Lovick now, if we were to deny this which looks like that's where we're going, don't they have to take two years to come back or how does that, I don't remember how that works? Of if you don't have an answer I'll just wait and we do that

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(indiscernible).

MS. LOVICK: I think it's six months.

CHAIRPERSON HOOD: Six months?

MS. LOVICK: But let me check the regs. But, yes, let me check. Hold on one second.

CHAIRPERSON HOOD: Okay. Just give her a moment. Because I do want to afford the opportunity. I've heard Commissioner Imamura and Vice Chair Miller and I'm not sure if Commissioner May, if you mentioned that, give them an opportunity to go back and -- I think we gave them an opportunity but they didn't but I don't think they heard what they're hearing now, so.

Commissioner May?

COMMISSIONER MAY: Yes. I think, I mean what we wanted them to do was to try to come to some agreement. I think it was implicit that there might have to be a zone change, but it was not explicit to the Applicant that RA-3 wasn't going to fly. So I think it would be a fair thing to give the Applicant the opportunity to reconsider the application and modify it if they think that they can make something work and then bring it back to us because I think that would be more expeditious than simply doing a denial. I mean, I'm not ready to just, you know, deny it at this point if there's that possibility that it could come back in a form that's more acceptable.

CHAIRPERSON HOOD: Okay. Okay. All right. Ms. Lovick, if we're going to save some time so you don't have to look that

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up, it looks like we're going to and I need you to help me with this, it looks like we're going to give them time to whether they want to -- we're not going to take a vote. We'll give them time to see whether they want to reconsider or do something else and at that point in time, or do they just want to -- they can come back and tell us they want us to vote and if they want us to vote we will happily do that. They can let us know and what about, give them two weeks? A week? Or if somebody normally, Ms. Ackerman, are you able to get in touch with them now or do we have their legal counsel? Commissioner May.

COMMISSIOENR MAY: Mr. Chairman, I mean, I'm inclined to leave it open ended and let them come back when they figure it out because if they are going to make an attempt to consider an RA-2 option that's going to take more than a week or two.

MS. LOVICK: Sorry. So, excuse me. I was looking for -- I can't find, I apologize. I think what I was looking for has to do with a situation where there's a withdrawal. But you know what? I think it's moot because I just -- I received something just now from the Applicant saying, asking that the Commission hold off so that they have an opportunity to amend the application potentially, so. Oh, there's Jake. Maybe he knows the answer.

CHAIRPERSON HOOD: Okay.

MR. RITTING: The rule that you guys were thinking about is Z700.2 which says that no application or petition essentially the same as that denied following a hearing shall be accepted for

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filing within one year after the denial. So that was I think what you were thinking about but it sounds like you're going down a different road now so that's (indiscernible).

CHAIRPERSON HOOD: Yes. So (indiscernible).

MS. LOVICK: Thank you, Jake. Yes, that is what it is. I was down in 702, I was in the wrong place. All right.

CHAIRPERSON HOOD: And I know, Commissioner May, I think we're all in agreement but I guess I was trying to get in under a deadline, so I guess that's not going to work with you. All right. Okay. So, Ms. Lovick?

MS. LOVICK: Yes. I mean, you can hold it in abeyance and you could, but I mean, you know, obviously it potentially would take some time for them to figure out if doing the RA-2 zone is something that's feasible and so I don't know if two weeks is long enough. I think you could just hold it in abeyance and then OZ Staff can coordinate with the Applicant because like I, in fairness, I think that probably is the best course of action.

CHAIRPERSON HOOD: Yes. Okay.

COMMISSIONER MAY: If I might also say, I mean, it would be good if they could, you know, determine relatively quickly whether they intend to amend. They also have the option of withdrawing it. I don't know what that does in terms of resubmitting anything, but no, it would be good if they sort of figure out their course soon and give us an update on that. That would be helpful to know.

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But the other thing is that if they do come back with an RA-2 proposal, then I think we'd probably have to reopen the record and have a hearing on their arguments to justify an RA-2 zone because it's a different case at that point --

CHAIRPERSON HOOD: Okay.

COMMISSIONER MAY: -- in that case, but different arguments.

CHAIRPERSON HOOD: Right. Okay. And if they go that route, I'm not going to make a recommendation, but if they go that route as stated we'd go through that whole process again with the community and everything. So that's kind of where I am or where I think we should be.

All right. So Ms. Lovick all we have to really do is --

VICE CHAIR MILLER: I have a comment, Mr. Chairman.

CHAIRPERSON HOOD: Yes.

Vice chair miller: I agree with everything that's been said by you and Commissioner May and Commissioner Imamura and our counsel. But I just wanted to, while they're reconsidering or rather considering whether to amend the application or to come up with a new application that's RA-2, I think they should also consider one of the -- they should consider other zones, I mean for, and I guess also should consider in conjunction with a PUD where it can be project specific and not have the effect on the neighborhood that it would otherwise have and we can consider conditions that are project specific.

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So as they're considering amending the RA-3 application to something else, I just wanted that something else to include not just RA-2 but RA-2 with PUD, RA-3 with PUD, MU-4 with or without PUD (phonetic), just whatever might work to make it work for both the subject property and the neighbors.

CHAIRPERSON HOOD: Okay. That sounds good, but I want to make sure the Applicant knows that while we're making these suggestions, none of them are approved or you tell us to come back with RA-2, or you tell us to come back with a PUD. Make no mistake about it, none of that's, it's not a -- or you told us do R2 so they can, no. Same process, as Commissioner May mentioned, we have to look at all the facts and we have to look at our regulations and consult with all -- we'll do the same thing we did in this case. So I wanted to make sure I put that out there.

So we will hold this in abeyance. But let me ask this though, Ms. Lovick. The reason why I'm asking, they should be able to tell us -- they should be able to tell us within two weeks whether or not they plan on moving forward. I'm not asking what the program and parts of it are, but whether or not they intend on continuing to move forward. That's all I was trying to see, whether we --

MS. LOVICK: Yes, and I don't disagree with that. I think that's -- I just didn't know if they would be ready to submit a fully amended application in that time frame. But absolutely, I would agree with you that they within two weeks

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should be able to say whether they intend to amend.

CHAIRPERSON HOOD: Okay.

MS. LOVICK: So --

CHAIRPERSON HOOD: Yes. If we could get that --

MS. LOVICK: -- so, yes, let's do it. Let's set -- why don't we set that time frame officially.

CHAIRPERSON HOOD: And let me ask this, Ms. Lovick, do we need to have something for our next meeting? We don't need that for our next meeting. It's just letting the staff know.

MS. LOVICK: No. I don't think so.

CHAIRPERSON HOOD: Okay. So I'll leave that up to Staff -- can I just leave that to the Staff or do I need to make an announcement?

MS. LOVICK: No. I mean, I think two weeks from now would actually be the date of the next meeting which is May 25. So if we could just ask that the Applicant submit something to the record by May 25th to let the Commission know whether it intends to amend the application and what that time frame would look like.

CHAIRPERSON HOOD: Okay. So I'm sure that Ms. Ackerman, or Ms. Lovick and as my colleagues says, otherwise we're going to dig our -- whether Ms. Lovick has mentioned (indiscernible).

Do we need to do anything else on this?

COMMISSIONER MAY: No.

CHAIRPERSON HOOD: All right. So with that, Ms. -- let's take a two minute break and we'll come back in two minutes.

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(Whereupon, there was a brief recess.)

CHAIRPERSON HOOD: Okay. We're ready to go back in session. Let's go to our next case. Zoning Commission Case No. 22-29 JT EB Land Fund, LP consolidated PUD and related map amendment of Square 274. Ms. Ackerman.

MS. ACKERMAN: The Applicant is requesting a consolidated PUD and related map amendment from ARTS-1 and RF-1 to ARTS-4 and RF-4. The Commission will recall this was on the April 13th meeting agenda but it was delayed for additional submissions. Since then we have had a post-hearing statement from the Applicant at Exhibit 72 and 72A. At Exhibit 73 we have a submission from the party in opposition, the SPP Group, and at Exhibit 74 we have the ANC 1B report. They are in support of the application. So this is ready for the Commission to take proposed action.

CHAIRPERSON HOOD: So, let me first thank my colleagues for holding this off to give me a comfort level. I, like I said then I wasn't sure whatever came back that I was going to be okay with it but the decision I made was the ANC reiterated their support. I'm not sure where others still are and still where you were when we discussed this previously, and I know that's basically the main issue is about the alley lots and I think the things that were put in place with this, I -- the mirrors and it gives me concern but I think it also helps mitigate with the mirrors and some of those other tools that they are using in the alley would release some of the concern I have, while I would

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rather reduce some things but I know that probably would not happen, those townhomes. I am -- I would probably vote in favor of it and I'll just leave it at that.

Let me open up. Any, I know a lot of it was on that. Let me open up to any questions or comments. Commissioner May?

COMMISSIONER MAY: Mr. Chairman, I think I made extensive comments at the last meeting when we discussed this to try to, you know, make the case that the project should be approved but of course is open to allowing the Applicant to make a further submission to see what they could do to address safety concerns with the operation in the alley and, you know, I have to propose some measures which I think are helpful.

I was not as concerned about that issue myself in the beginning and so, but I think anything that you can do to keep people safe is well worthwhile and so now we received that and they have made some suggestions and the ANC continues to strongly the PUD, I am prepared to vote in favor today.

CHAIRPERSON HOOD: Thank you. Vice Chair Imamura, I mean, Commissioner Imamura. Maybe Vice Chair Miller's going to be the Chair after this and you're going to be the Vice Chair and I'll be gone, so.

COMMISSIONER IMAMURA: Thanks, Mr. Chair, for the promotion but I humbly decline and so will defer to Vice Chair Miller. Thank you for the opportunity to comment. I'm not sure that I have anything more to add. Like You, Mr. Chairman, I was a

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little underwhelmed by the additional tools, traffic negation (phonetic) tools, but as Commissioner May pointed out it's all worthwhile. So I'm prepared to vote in support and I will defer to -- I will yield back to Vice Chair Miller.

CHAIRPERSON HOOD: Well, I was going to call him Chairman Miller. All right. Vice Chair Miller.

VICE CHAIR MILLER: Well, I decline that offer as well. Anyway, I thank the -- I agree with the comments of my colleagues and I appreciate the Applicant's opportunity to address some of the safety items they should be added to the mitigation measures that are part of our PUD Order, if we get to that point and, you know, there was strong opposition by the existing townhouse owners to the townhome development, and I could see how their preference for a two story alternative including the widening and narrowing of various public ways that would go along with that might have less potential adverse impact on their continued living in that area.

However, in this case, I mean, as we pointed out in the previous iteration and throughout the record, the comp plan does call for immediate, well it's called for RF-1 on the townhome development site medium density where the apartment building is going. We're getting 15, the City is getting 15 three bedroom townhomes in a very amenity-rich neighborhood that is close to transit, a substantial number of which of those 15 three bedroom townhomes will be affordable.

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So that is not something to be taken lightly and that's in conformance with many comprehensive plan policies on affordable housing, so I'm prepared to move forward tonight -- today, Mr. Chairman.

CHAIRPERSON HOOD: Okay. Again, I thank everyone for their indulgence and to me our Exhibit No. 74 is what has made me go ahead forward. If I didn't, not seeing a reiteration ANC's are volunteers and they are the first line elected officials. While I still have some concerns and I appreciate the Applicant, as I stated earlier, doing a revision, I'm going to go ahead and vote in favor of it and I think that Exhibit 74 is what's driving me to do this. Typically, and I'll put it all on the ANC because I could have still easily voted against it, but the folks at (indiscernible) believe it'll work and support it, and mention in their letter about different houses sitting and how they're hidden and poorly kept, I will certainly yield to the front line elected officials.

So with that, would someone like to make -- unless there's any other comments or questions, I think it was really held up just on this, so I will ask somebody to make a motion. I don't know if I can go as far as making a motion but I'm going as far as I can.

COMMISSIONER MAY: Mr. Chairman, I'll be happy to make a motion. I would move that the Zoning Commission take proposed action on Case No. 22-29 JT EB Land Fund, LP Consolidated PUD and

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related map amendment at Square 274.

VICE CHAIR MILLER: Second.

CHAIRPERSON HOOD: Okay. It's been moved and properly second. Any further discussion? Not hearing, Ms. Ackerman, can you do a roll call vote, please?

MS. ACKERMAN: Yes. Commissioner May?

COMMISSIONER MAY: Yes.

MS. ACKERMAN: Commissioner Miller?

VICE CHAIR MILLER: Yes.

MS. ACKERMAN: Commissioner Hood?

CHAIRPERSON HOOD: Yes.

MS. ACKERMAN: And Commissioner Imamura?

COMMISSIONER IMAMURA: Yes.

MS. ACKERMAN: Zoning Case No. 22-29 has been approved for proposed action four to zero to one, the minus one being the third Mayoral appointee being vacant.

CHAIRPERSON HOOD: Okay. Thank you. Let's go to the next. One moment. Let's go to hearing action. Zoning Commission Case No. 23-06. This is the Blue Ridge 1515 9th Street, LLC map amendment and Square 397. Mr. Kirchenbaum.

MR. KIRCHENBAUM: Good evening, Chair Hood, and Members of the Zoning Commission. I am Jonathan Kirchenbaum with the Office of Planning.

This application is for a proposed map amendment on the 8057 square foot lot. The lot is in front of you. The Applicant

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proposed to rezone this split-zoned property from the RF-1 MU-4 zones to the MU-5B zone. On balance, when viewed through a racial equity lens the proposal is not inconsistent with the comprehensive plan including its policies, future land use map and generalized policy map. OP recommends this application be set down for a public hearing and that it would be appropriate for IZ Plus.

Next slide, please. The future land use map indicates that the property is generally appropriate for medium density mixed uses. According to the framework elements of the comprehensive plan, the MU-5B zone is consistent with this category.

Next slide, please. The generalized policy map indicates that the property is designated as neighborhood enhancement areas. The framework element described neighborhood enhancement areas where there are substantial amounts of under-utilized land and where there are new opportunities for infill development of mixed use buildings. The existing property is currently under-utilized and the proposed zoning would provide new opportunities for mixed use buildings.

Next slide, please. IZ Plus would be appropriate to apply to this map amendment because the rezoning request is to a new zone that permits greater density. The District's 2019 Housing Equity Report set a goal for the Near Northwest Planning Area to produce 1,250 affordable units by 2025. As of January of

this year, the planning area had only achieved about 10 percent of this goal and is estimated to only reach about 37 percent of this goal by 2025.

Next slide, please. The Cedric property is split-zoned to 49 percent of the lot in the RF-1 zone and 51 percent of the lot in the MU-4 zone. For the purposes of calculating IZ Plus the existing total FAR permitted for this lot currently is 1.71 FAR.

Since map amendment applications only consider consistency with the comprehensive plan and not a specific development proposal, OP estimates that six or seven IZ units could be provided at the subject property based on whether the property is redeveloped to be a mixed use building or entirely residential.

Next slide, please. So the comprehensive plan analysis through a racial equity lens indicates that the map amendment proposal on balance would not be inconsistent with the comprehensive plan. The subject property is in the Near Northwest Planning Area and within the Planning Area it's located in the Shaw neighborhood. This neighborhood, along with many other neighborhoods, in both the Near Northwest and Mid-city Planning Areas, experienced similar unrest and riots after the assassination of Dr. Martin Luther King, Jr., in 1968. According to the Ward 6 Heritage Guide that was produced by OP, the destruction from the rioting was devastating. More than 900 businesses were damaged and nearly 700 dwellings were destroyed,

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leaving once bustling blocks in ruins and so within a decade (phonetic) adopted the 1968 riots for the Shaw neighborhood's rebuild and the new housing bill was often not affordable for the existing residents of the neighborhood who are predominantly Black or African American.

The proposed map amendment could provide significantly more housing overall where currently none exists with an estimated 24 some IZ Plus set aside requirements. This Planning Area has one of the lowest shares of dedicated affordable housing units in the District and the third highest need for more affordable housing units as identified in the 2009 Housing Equity Report. Making room for more affordable housing has the potential to benefit not only populations who on average have lower income than White residents. Redevelopment of this site would not result indirect displacement of the existing residents as there are currently no residential uses at the property.

The existing tenant at the property is Shiloh Baptist Church Outreach Center which sold the property to the current Applicant and has issued a letter of support to the record at Exhibit 12. Indirect displacement is also not likely because increased residential zoning in the city creates more housing options and the comprehensive plan recognizes that without increased housing the imbalance between supply and demand drives up housing prices that particularly impact low income residents. There should also not be negative physical impacts because the

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primary uses allowed by the proposed MU-5B zone are residential and neighborhood serving retail uses.

Finally, the proposal would be located near many neighborhood opportunities including schools, retail, supermarkets, other recreational opportunities and several bus and metro rail stations.

Regarding community outreach, the Applicant at Exhibit 14A filed an outreach log detailing their outreach efforts with the ANC, civic associations, neighborhood associations as well as individual members of the public and this ends my presentation.

Please let me know if you have questions. Thank you.

CHAIRPERSON HOOD: Thank you very much, Mr. Kirchenbaum. Let's see if we have any questions or comments. Commissioner May.

COMMISSIONER MAY: No, I don't actually.

CHAIRPERSON HOOD: Okay. And Commissioner Imamura.

COMMISSIONER IMAMURA: Thank you, Mr. Chairman. No, I don't. Just want to compliment Mr. Kirchenbaum on his thorough and detailed reports. I always appreciate them so thank you very much.

CHAIRPERSON HOOD: And Vice Chair Miller.

VICE CHAIR MILLER: No comments, Mr. Chairman. I strongly support setting this down for a public hearing.

CHAIRPERSON HOOD: Okay. Mr. Kirchenbaum, let me just ask a couple of questions. Are you familiar with any other -- is

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there any ANC opposition to this proposed map amendment? Are you familiar with any of that?

MR. KIRCHENBAUM: None that I'm familiar with.

CHAIRPERSON HOOD: And I guess for the hearing, we have a series of questions we want to make sure that we ask the Applicant about this community outreach, community efforts, specifically reaching the Shiloh Baptist Church Outreach Center to another site in the neighborhood. You know, different questions I want them to come prepared with other than telling us -- also other than telling us that they reached out to the ANC. What other groups have they reached out to?

MR. KIRCHENBAUM: They have provided that at Exhibit 14A for all the different groups and individual community members they have reached out to so far.

CHAIRPERSON HOOD: Okay. So that's where we're at, okay, and looked at all that. Anyway, I just want them to come prepared for any questions that may go down that road, especially when we're trying to put all that out as well.

MR. KIRCHENBAUM: Sure.

CHAIRPERSON HOOD: I think I've covered all those. Hold on one second. One of the things we do want to ask them and if they provide it I'll get on this case and really get into it, at the hearing we'd like to ask them as to how the race and ethnicity trends that identified could be impacted by the proposed map amendment. Just have them come prepared to ask those kind of

questions as well, specifically especially with the racial equity component.

MR. KIRCHENBAUM: Absolutely. That's also, you know, analysis OP is charged with doing as well and we'll be prepared to discuss that as well at the public hearing.

CHAIRPERSON HOOD: But I will tell you this, Mr. Kirchenbaum, I don't want the Applicant to come in and just adopt what you all say. I want them to come in with their own. All right. Thank you, Mr. Kirchenbaum.

Let's see if we have any other questions of you? Any? All right. Somebody like to make a motion and set this down?

VICE CHAIR MILLER: Sure.

COMMISSIONER IMAMURA: I'll defer to Vice Chair Miller.

VICE CHAIR MILLER: Okay. Thank you. I would move that the Zoning Commission set down for a public hearing in Case No. 23-06 Blue Ridge 1515 9th Street, LLC map amendment at Square 397 and ask for a second.

COMMISSIONER IMAMURA: Second.

CHAIRPERSON HOOD: So moved and properly second. Any further discussion and let me clear what I said to Mr. Kirchenbaum. I don't want the Applicant to come in and copy OP's homework. I'll just leave it at that. If it's similar, that's fine, but don't come in copying OP's homework.

Okay. Any further discussion? All right. Ms. Ackerman, could you do a roll call vote, please?

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MS. ACKERMAN: Commissioner Miller?

VICE CHAIR MILLER: Yes.

MS. ACKERMAN: Commissioner Imamura?

COMMISSIONER IMAMURA: Yes.

MS. ACKERMAN: Commissioner Hood?

CHAIRPERSON HOOD: Yes.

MS. ACKERMAN: Commissioner May?

COMMISSIONER MAY: Yes.

MS. ACKERMAN: Zoning Case No. 23-06 has been approved to, sorry, has been approved four to zero to one to set down as a contested case, the minus one being the third Mayoral appointee being vacant.

CHAIRPERSON HOOD: Okay. Thank you. I think this is our last case; correct, Ms. Ackerman? Our last hearing case?

MS. ACKERMAN: Yes, it is, 22-37.

CHAIRPERSON HOOD: I just wanted to make sure. Okay. Zoning Commission Case No. 22-37 Walter Reed Gateway, LLC and Thomas Calomiris map amendment at Square 2947. Mr. Mordfin.

MR. MORDFIN: Okay. All right. Good evening Chair and Members of the Commission. I am Stephen Mordfin with the Office of Planning.

The subject property located at 6634 and 6640 Georgia Avenue, N.W., is on the west side of Georgia Avenue mid-block between Van Buren and Aspen Streets. The Applicant is requesting a map amendment from the RA-2, a moderate density residential

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zone, to RA-3, a medium density residential zone.

Can we go to the next slide, please? The Future Land Use Map generally identifies the subject property as appropriate for medium density residential uses consistent with the requested RA-3 zone. The generalized policy map designates the site as located within neighborhood conservation areas for locations intended for conservation and enhancement of established neighborhoods but not to prevent development.

As an under-utilized site that also includes a structure designed for a non-conforming use, the requested map amendment would make an increase in density consistent with the recommendations of the comprehensive plan and the Upper Georgia Avenue Great Streets Redevelopment plan. It could also facilitate the construction of new affordable and market rate housing that will be subject to the inclusionary zoning regulations increasing the supply of housing units within the Rock Creek East Planning Area alleviating pressure on housing costs overall and potentially increasing the range of housing types and ability to provide housing for a variety of household sizes and income levels, especially as 10.3 percent of the population of the Rock Creek East Planning Area was living in poverty as recently as 2021.

Therefore, OP recommends that the Commission set this application down for a public hearing and is available for questions. Thank you.

CHAIRPERSON HOOD: Thank you, Mr. Mordfin. Let's see if

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we have any questions or comments? Commissioner May.

COMMISSIONER MAY: Sorry. Can you come back to me?

CHAIRPERSON HOOD: Okay. Sure. Vice Chair, or, yes, let me do that. Vice Chair Miller.

VICE CHAIR MILLER: Okay. Mr. Chairman. Thank you, and thank you, Mr. Mordfin, for your report, your thorough report.

Are you -- we have a report from ANC 4B in support of the rezoning. I believe that their boundaries are currently across the street, across Georgia Avenue I believe. Do we have anything from ANC 4A or indication of where they are on this map amendment proposal?

MR. MORDFIN: No. We did not receive anything from them.

VICE CHAIR MILLER: Okay. Hopefully by the time of the public hearing the Applicant will have reached out and, if they haven't already, they probably have already, but hopefully we will have the 4A comments since that's the ANC within which it's located.

Do we also have any indication of what the plans are for the existing daycare center that's on the site, I believe? Do you know any -- well, let's say at the time of the public hearing it would be good to have information on what's happening with the existing uses on this site including the daycare use. I'm prepared to set this down for a public hearing, Mr. Chairman, and get additional information from the community and the Applicant,

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and Office of Planning, at the public hearing.

CHAIRPERSON HOOD: Okay. Thank you, Vice Chair Miller. Commissioner Imamura.

COMMISSIONER IMAMURA: Thank you, Mr. Chairman. I just want to thank Vice Chair Miller for his questions. I don't have anything further to add. Mr. Mordfin, thank you for your report.

CHAIRPERSON HOOD: Commissioner May, are you ready, or I can go first?

COMMISSIONER MAY: Yes. Sorry about that. So I just want to note the fact that at least for part of the frontage of this property is directly across the street from the Battleground National Cemetery which is a Park Service property and, you know, I don't often have to speak directly to concerns about impacts to Park Service property, but this is one where I think an over-large building could have some negative impact on that important historic place.

So I would just ask that when we do consider this, that someone, the Applicant, OP, I'm not sure who is best able to do this, provide some 3D modeling of the area so we understand the heights -- I mean, I know that, you know, directly across the street there are four or three and a half story apartment buildings, there are some right next door to the cemetery as well -- understand how this building fits into that context and whether in fact there is a concern about a building of that height, and again I understand the, you know, what the

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comprehensive plan calls for, et cetera, but just to know that would be helpful and of course I'm not asking for information about a specific project, just to understand what the potential building and float would be should we approve this map amendment. That's it.

CHAIRPERSON HOOD: Mr. Mordfin, do you want to respond or you just take down as notes?

MR. MORDFIN: Oh, we will contact the Applicant and talk to him about that, about creating some modelling of what could be built on the site --

COMMISSIONER MAY: Right.

MR. MORDFIN: -- based on their requested zoning and how that fits in with the other buildings that are already there on either side of this and across the street.

CHAIRPERSON HOOD: Okay. I have a couple of questions that I've been formulating. Let me just ask this for the record. Is OP aware of any other community outreach on days (phonetic) that the Applicant has done to date? I'm sure they can respond when they come.

Also, is there any ANC opposition that you know of at this point to this proposed map amendment and whether the Applicant's plans for existing daycare on the property and whether they have been offered a buyout relocation right to return?

MR. MORDFIN: As for the ANC that this subject property is located in, the Applicant did inform me that one thing that

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happened was the Single Member District Representative had passed away and that may have -- I'm sure that impacted their response to this application.

CHAIRPERSON HOOD: Okay. Okay. All right.

MR. MORDFIN: And --

CHAIRPERSON HOOD: I know that Commissioner, I know who this is now. Okay. Okay. I get that, I get that. But whoever took the place, and I understand he passed. It was Steve, I think it was Whatley, up in that area. He was a great guy. Let me just say that. You brought that up and that jogged my memory, so I'm very well aware of Commissioner Whatley and if anybody's listening he was very well respected in that area and he served this city stellar-ly and he definitely did a great job as commissioner. So I'll leave it at that. All right. Mr. Mordfin, I didn't mean to cut you off but I just thought about who the person was.

MR. MORDFIN: And also I know with the existing apartment building there's been discussions about their right to return and how that would operate with the residents, and I believe the occupants of these buildings did respond.

For the daycare center, right now I'm not sure it's still functioning in that building but I will get more information on that --

CHAIRPERSON HOOD: Okay.

MR. MORDFIN: -- prior to the public hearing.

CHAIRPERSON HOOD: And again, Mr. Mordfin, I'm not

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trying to put all the work on you. I would like for the Applicant, especially deal with the racial equity with the race and ethnicity trends other than just dittoing the Office of Planning's homework. So I'll leave it at that for now. Okay?

All right. Any other questions or comments for Mr. Mordfin? And thank you again, Mr. Mordfin. So with that, unless I hear -- somebody like to make a, I'll make the motion that we set down Zoning Commission Case No. 22-37 Walter Reed Gateway, LLC Thomas Calomiris map amendment at Square 2947 and ask for a second.

COMMISSIONER MAY: Second.

CHAIRPERSON HOOD: So moved and properly second. Any further discussion? I just want to thank Mr. Mordfin for his report as far as our discussion. Any further discussion? Not hearing any, Ms. Ackerman, could you do a roll call vote, please?

MS. ACKERMAN: Commissioner Hood?

CHAIRPERSON HOOD: Yes.

MS. ACKERMAN: Commissioner Imamura?

COMMISSIONER IMAMURA: Yes.

MS. ACKERMAN: Commissioner Miller?

VICE CHAIR MILLER: Yes.

MS. ACKERMAN: Commissioner May?

COMMISSIONER MAY: Yes.

MS. ACKERMAN: Zoning Case No. 22-37 has been approved four to zero to one to set down as a contested case, the minus one

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being the third Mayoral appointee being vacant.

CHAIRPERSON HOOD: Okay. Thank you, Ms. Ackerman. Ms. Ackerman, do we have anything else before us?

MS. ACKERMAN: No.

CHAIRPERSON HOOD: Okay. Give me one second so I can mention what the Zoning Commission will be dealing with next week.

MS. ACKERMAN: We have a --

CHAIRPERSON HOOD: Hearing, Ms. Ackerman, did you know we have a hearing?

MS. ACKERMAN: Sorry.

CHAIRPERSON HOOD: No, go ahead.

MS. ACKERMAN: I was just saying it's on May 15th. I didn't know if you were looking for it.

CHAIRPERSON HOOD: Yes. Can you tell us what it is?

MS. ACKERMAN: Yes, sure. It's on May 15th at 4 p.m. It is Zoning Case No. 05-28AC.

CHAIRPERSON HOOD: Okay. And that's Parkside Residential. That's a good point. I think from now on, Ms. Schellin, that's a good point you brought, Ms. Ackerman. Ms. Schellin can start doing that as opposed to me trying to fumble through it.

MS. ACKERMAN: Okay.

CHAIRPERSON HOOD: All right. Well, I want to thank Ms. Lovick and her team and you, Ms. Ackerman, and all my colleagues and all those who participated in making this meeting happen. So

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with that, I want to thank you and, again, as Ms. Ackerman stated we'll see you Monday, the same platform at 4 p.m.

Thanks everybody. Good night.

(Whereupon the above-entitled hearing was adjourned.)

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In the matter of: Public Meeting

Before: DCZC

Date: 05-11-2023

Place: Teleconference

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