

GOVERNMENT OF THE DISTRICT OF COLUMBIA

ZONING COMMISSION

VIRTUAL PUBLIC MEETING

VIA WEBEX

1583rd MEETING SESSION

THURSDAY, NOVEMBER 30, 2023

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

ZONING COMMISSION MEMBERS PRESENT:

ANTHONY J. HOOD, Chairperson
ROBERT MILLER, Vice Chairperson
TAMMY STIDHAM, Commissioner
JOSEPH S. IMAMURA, Commissioner

OFFICE OF ZONING STAFF PRESENT:

SHARON SCHELLIN, Secretary
PAUL YOUNG, 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 Public Meeting held on November 30, 2023.

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P R O C E E D I N G S

(4:00 p.m.)

1
2
3 CHAIRPERSON HOOD: Good afternoon, ladies and
4 gentlemen. We are convening and broadcasting this public meeting
5 by video conferencing.

6 My name is Anthony Hood. Joining this evening are Vice
7 Chair Miller, Commissioner Stidham, and Commissioner Imamura.
8 We're also joined by the Office of Zoning staff, Ms. Sharon
9 Schellin and Mr. Paul Young, who will be handling all of our
10 virtual operations.

11 We're also joined by the Office of Zoning Legal
12 Division, Ms. Lovick, Mr. Lou, and Mr. Ritting. We will ask all
13 others to introduce themselves, if needed, at the appropriate
14 time.

15 Copies of today's meeting agenda are available on the
16 Office of Zoning's website. Please be advised that this
17 proceeding is being recorded by a court reporter and is also
18 Webcast Live, Webex and YouTube Live.

19 The video will be available on the Office of Zoning's
20 website after the meeting. Accordingly, all those listening on
21 Webex or by phone will be muted during the meeting unless the
22 Commission suggests otherwise.

23 For hearing action items, the only documents before us
24 this evening are the application, the ANC Setdown report, and the
25 Officer of Planning report. All other documents in the record

1 will be reviewed and considered at the time of the hearing.

2 Again, we do not take any public testimony at our
3 meetings unless the Commission requests someone to come forward
4 to speak.

5 If you experience difficulty accessing Webex or with
6 your phone call-in, then please call our OZ hotline number at
7 202-727-0789 for Webex login or call-in instructions.

8 At this time we will deal with any preliminary matters.
9 Does the staff have any preliminary matters?

10 MS. SCHELLIN: No preliminary matters. Thank you,
11 Chair.

12 CHAIRPERSON HOOD: Thank you.

13 Let's go right on to the agenda. One second. Okay
14 first, on the consent calendar, we would take a modification of
15 consequences. We'll be doing deliberations Zoning Commission
16 Case Number 80-70E, Georgetown University PUD modification of
17 consequence at square 563.

18 Ms. Schellin?

19 MS. SCHELLIN: Yes, sir. If the Commission will
20 recall, the Commission did decide this case was indeed a
21 modification of consequence and the ANC and the OP report was
22 considered previously, however, the prior ANC, the boundaries had
23 changed in this situation.

24 So the prior ANC, the Commission wanted them to be made
25 aware of this case before moving forward. And so at Exhibit 8,

1 there's a filing from the applicant advising -- confirming rather
2 that they did indeed reach out to ANC 6C. And ANC 6C, at Exhibit
3 8-A, there's an email to the applicant from them stating they
4 will not participate in the application because the property in
5 question is now outside of their new boundaries.

6 So if the Commission chooses to do so, they can proceed
7 with final action in this case now that that issue has been
8 cleared up. Thank you.

9 CHAIRPERSON HOOD: Thank you, Ms. Schellin, again.
10 Exhibit 3 has some of the requests as asked. The Georgetown
11 University request a modification to our order, which was Zoning
12 Commission numbers 324 and 80-07D. The University undertaking a
13 full-scale renovation.

14 Another thing, the building is expected to be used as a
15 multi-use educational facility for new learning hubs. The
16 facility, the project, the University proposes a series of
17 modifications to the exterior of the building with new entrances,
18 ground floor, retail spaces, and we have some additional
19 architectural plans, and the proposed design flexibility, which
20 is being asked for, is in our Exhibit 3-F.

21 And again, as stated, we have a letter from ANC 6E, in
22 this case, the new AN as well. The ANC, this jurisdiction now
23 filed a report stating that a regularly scheduled and property
24 notice meeting on October 3rd, 2023, with a quorum present, the
25 ANC voted 5-0-1 in support this application.

1 Let me open up any questions or comments. Commissioner
2 Stidham, do you have any questions or comments?

3 COMMISSIONER STIDHAM: No, sir.

4 CHAIRPERSON HOOD: Okay. Commissioner Imamura?

5 COMMISSIONER IMAMURA: No questions. The only comment
6 is that I appreciate the applicant reaching out to ANC 6C, as we
7 requested for due diligence. So I'm pleased to see that they did
8 that. ANC 6C responded.

9 CHAIRPERSON HOOD: Okay. And Vice Chair Miller?

10 VICE CHAIR MILLER: No comments other than, I support
11 this application and ready to move forward.

12 CHAIRPERSON HOOD: Okay. So with that, I will move
13 that we approve, as stated, Zoning Commission Case Number 80-07E,
14 as specified, Georgetown University PUD, modification of
15 consequences, square 563, and ask for a second.

16 VICE CHAIR MILLER: Second.

17 CHAIRPERSON HOOD: It's been moved and properly
18 seconded. Any further discussion?

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

21 MS. SCHELLIN: Commissioner Hood?

22 CHAIRPERSON HOOD: Yes.

23 MS. SCHELLIN: Commissioner Miller?

24 VICE CHAIR MILLER: Yes.

25 MS. SCHELLIN: Commissioner Imamura?

1 COMMISSIONER IMAMURA: Yes.

2 MS. SCHELLIN: Commissioner Stidham?

3 COMMISSIONER STIDHAM: Yes.

4 MS. SCHELLIN: The vote is four to zero to one to
5 approve final action in Zoning Commission Case Number 80-07E, the
6 minus one being the third mayoral appointee seat, which is
7 vacant. Thank you.

8 CHAIRPERSON HOOD: Thank you. I think I'm going to
9 call these next two, yeah, I think I'm going to call them
10 together, Ms. Schellin.

11 Zoning Commission Case Number 23-08, Wesley Theological
12 Seminary of United Methodist Church, first stage PUD at square
13 1600, lot 6, 818 and 819, seven, eight, and nine. Also Zoning
14 Commission Case Number 23-08(1), Wesley Theological Seminary of
15 the United Methodist Church campus plan at square 1600, lot 6,
16 818 and 819. Seven, eight and nine.

17 Ms. Schellin?

18 MS. SCHELLIN: Yes, sir. I'm just going to give the
19 campus plan exhibits because I think it confuses everybody when I
20 jump back and forth.

21 But the new exhibits in this case, at Exhibit 66, the
22 applicant requested a two-month continuance until January 31,
23 2024, to give the applicant time to meet with AU to further
24 explore the possibility of a text amendment option and to provide
25 supplemental information on the student affordable housing

1 program.

2 At Exhibit 67, you have a response from ANC 3E who
3 opposes that request. Exhibit 68, you have a response from the
4 party in opposition, NLCSVWHCA, who also opposes that request.

5 At exhibit 69 the applicant filed a request today to
6 reopen the record to accept an untimely filing, which was
7 something that the Commission had asked for when they previously
8 deliberated on this case, which was to -- advising of AU's,
9 American University's position, with regard to this application.

10 The request to reopen the record was approved and that
11 letter was placed into the record at Exhibit 69-A. At Exhibits
12 70 and 71 were responses to that letter from ANC 3D and again the
13 parties in opposition. I won't repeat all of those letters, but
14 just say the parties in opposition.

15 As of now, there are still two parties who have not had
16 an opportunity to respond to that request to reopen the record --
17 I'm sorry, the letter that was placed in the record today, and
18 that would be ANC 3E and the party in support.

19 So this is before the Commission now to proceed however
20 they decide to do so. Thank you.

21 CHAIRPERSON HOOD: Thank you, Ms. Schellin. On the
22 advice of counsel, we have been made aware that, as Ms. Schellin,
23 just mentioned, some parties have not had the opportunity to
24 respond within the seven-day period. We have to allow for that
25 opportunity.

1 So I would recommend or strongly encourage, especially
2 on the advice of counsel, that we deal with this on December the
3 14th with all the other issues that were stated by Ms. Schellin.

4 Any objections? Not seeing any objections.

5 So, Ms. Schellin, can we put this on the agenda for
6 December the -- is it the 14th? Okay.

7 MS. SCHELLIN: Yes, sir.

8 CHAIRPERSON HOOD: And we will deal with all the other
9 requests on the 14th that are in this case, but we have to make
10 sure, first of all, we follow our regulations and make sure that
11 we allow opportune time for the parties to be able to sign and
12 allow them that time frame to go by.

13 MS. SCHELLIN: Okay, and other than that, the record is
14 closed?

15 CHAIRPERSON HOOD: Yeah. Other than that, the record
16 is closed.

17 MS. SCHELLIN: Just to clarify.

18 CHAIRPERSON HOOD: Right. Okay.

19 MS. SCHELLIN: Thank you.

20 CHAIRPERSON HOOD: All right. Thank you. Let's move
21 on. One second. Okay.

22 Final Action Zoning Commission Case Number 23-16,
23 University of District of Columbia, Lamond-Riggs Campus, 2023
24 through 2033 master campus plan at square 3757.

25 Ms. Schellin?

1 MS. SCHELLIN: Yes, sir. This one we have some new
2 exhibits. At Exhibit 20, these were all things that the
3 Commission left the record open for. At Exhibits 20, we have the
4 testimony from Ms. Evans when she testified; Exhibit 21, we have
5 an updated ANC 5A letter in support.

6 You may not recall, but they had previously provided
7 their letter, but it was missing the quorum, I believe is what it
8 was missing, from the letter to be able to be afforded great
9 weight.

10 So they provided an updated letter. At Exhibits 24 and
11 25, you have the applicant's post hearing statement and their
12 draft order. So this is ready for the Commission to consider
13 final action if you choose to do so. Thank you.

14 CHAIRPERSON HOOD: Thank you, Ms. Schellin, and I
15 appreciate the responses that we got.

16 Again, for the public, this is the modernization of the
17 former Bertie Backus Middle School, which is now known as the
18 University of District of Columbia, one of their campuses. It's
19 the Lamond-Riggs campus.

20 And I'll just start right off. I've asked the
21 president to relook at naming it after Bill Spaulding. I'm still
22 going to do every opportunity; I'm going to seize the moment.
23 I'm sure others support me to name it after Bill Spaulding, who
24 was the former council member -- the first council member in Ward
25 5, who actually, I think, offered the legislation for UDC.

1 And I would have to confirm that, but that's what I
2 have been informed. I guess, Rob, you might would know more
3 about that than I would. But either way, one of the questions I
4 had during the hearing was about having a conversation with North
5 Michigan Park.

6 I feel good about that because I know 5A and North
7 Michigan Park work hand in hand. And we have a letter from 5A.
8 I am not concerned about the issues of 5A, as well as the young
9 lady, which her name escapes me right now, Ms. Evans, I believe,
10 as stated, Ms. Evans, we know there are concerns on Hamilton
11 Street, but I think under leadership of our new president give
12 him opportunity to continue to be a good neighbor.

13 As far as I'm concerned in this case, I'm ready to move
14 forward. I think that if it's something that's not mitigated, I
15 understand about some of the food issues and the hub and some of
16 the issues, but I believe the good relationship that UDC and
17 Lamond-Riggs Campus, hopefully soon to be the Bill Spaulding,
18 William Spaulding Campus, I believe the good relationship they
19 have with that community will continue, especially under our new
20 president.

21 Let me open up any questions or comments. I'm ready to
22 move forward. Vice Chair Miller?

23 VICE CHAIR MILLER: Thank you, Mr. Chairman. Yeah, I
24 did work on the council when Bill Spaulding was your council
25 member. And I think that's an appropriate recommendation for the

1 university to consider in terms of the renaming.

2 But back to the case, I also, I'm ready to move
3 forward. I think the university has made its case and I
4 appreciate the response to my request that the campus plan be
5 enhanced with a more fulsome discussion about the Urban Food
6 Program, which has been an important part of that campus'
7 mission.

8 And it was important also to the ANC and to the one Ms.
9 Evans, who testified. So I appreciate that they've enhanced the
10 discussion about the Urban Food Program going forward, and
11 hopefully they'll have enough resources to beef up that program
12 and continue to interact with the community in an educational
13 way.

14 So thank you, Mr. Chairman.

15 CHAIRPERSON HOOD: Thank you.

16 Commissioner Stidham, any questions or comments? Well,
17 any comments?

18 COMMISSIONER STIDHAM: No comments. And I'm ready to
19 support this as well.

20 CHAIRPERSON HOOD: Okay. Commissioner Imamura, any
21 comments?

22 COMMISSIONER IMAMURA: Nothing further to add, Mr.
23 Chairman. I'm prepared to vote in support.

24 CHAIRPERSON HOOD: That sounds good. Somebody like to
25 make a motion?

1 VICE CHAIR MILLER: Yeah, I'd be happy to move that the
2 Zoning Commission take final action on Case Number 23-16,
3 University of the District of Columbia Lemond-Riggs Campus 2023
4 to 2033 master campus plan at square 3757 and ask for a second.

5 COMMISSIONER IMAMURA: Second.

6 CHAIRPERSON HOOD: It's been moved in properly second.
7 Any further discussion?

8 Not hearing any, Ms. Schellin, would do a roll call
9 vote, please?

10 MS. SCHELLIN: Sure. Commissioner Miller?

11 VICE CHAIR MILLER: Yes.

12 MS. SCHELLIN: Commissioner Imamura?

13 COMMISSIONER IMAMURA: Yes.

14 MS. SCHELLIN: Commissioner Hood?

15 CHAIRPERSON HOOD: Yes.

16 MS. SCHELLIN: Commissioner Stidham?

17 COMMISSIONER STIDHAM: Yes.

18 MS. SCHELLIN: The vote is four to zero to one to
19 approve final action in Zoning Commission Case Number 23-16,
20 minus one being the third mayoral appointee position, which is
21 vacant.

22 CHAIRPERSON HOOD: Next. Let's go to Zoning Commission
23 Case Number 23-15, 315 Brooklyn Plaza Owner, LLC voluntary design
24 review at square 3822.

25 Ms. Schellin?

1 MS. SCHELLIN: Yes. On this one, the new exhibit,
2 since you last saw this case at the hearing, there is an Exhibit
3 16, which were the comments from Kathy Jacquart and Michael Dill
4 that the record was left open for.

5 Exhibit 17, the ANC 5B report, which is in support.
6 Testimony from John Feely, Exhibit 19, and then at Exhibits 20
7 and 21 you have the applicant's post hearing statement and their
8 draft order.

9 So this case, like the last one, is ready for the
10 Commission to consider final action. Thank you.

11 CHAIRPERSON HOOD: Thank you, Ms. Schellin, and I know
12 this is a design review, so I'm going to our very -- I'm going to
13 start off with our very accomplished architect, part of what he
14 does. Commissioner Imamura.

15 COMMISSIONER IMAMURA: Thank you, Mr. Chairman. Very
16 kind of you.

17 So I asked for a few things to be included in the
18 record. But first, I want to make note that those that have
19 expressed concern for this, particularly because of the height,
20 have commented about the 65 feet. But I just want to underscore
21 and reiterate that it's not 65 feet, that it's 59 feet, which is
22 in part the reason why I asked for the shadow study.

23 And I did take a look at that and I'm satisfied with
24 the shadow study as submitted into the record. I also asked for
25 more detailed landscape plans, specifically sections to better

1 understand the dimensions for their landscape strips and flat
2 work.

3 And so I was also satisfied with their submission. And
4 I also asked for, I think, more information about their
5 sustainability measures, which was lacking at the hearing. They
6 have provided some documentation for that. I wish it were in a
7 different form, so to speak, but certainly acknowledge that they
8 did provide the information we requested.

9 And I'm satisfied and prepared to move forward in
10 support and also want to note that the ANC was also in support of
11 this effort. So I am prepared to vote in favor.

12 CHAIRPERSON HOOD: Thank you. Commissioner Stidham,
13 anything to add?

14 COMMISSIONER STIDHAM: No, sir. I'm ready to support
15 in favor also.

16 CHAIRPERSON HOOD: Okay. Thank you.

17 Vice Chair, anything to add?

18 VICE CHAIR MILLER: Just a quick statement in support
19 from our draft order that the applicant, just for the benefit of
20 the public, the applicant proposes to redevelop a substantially
21 underutilized property in close proximity to Metrorail with a new
22 mixed use development that will provide a commensurate amount of
23 neighborhood, retail and service uses as what currently exists on
24 the property, as well as a substantial amount of new housing,
25 including affordable housing devoted to households earning no

1 more than 60 percent MFI.

2 And they will also be preserving a historic landmark as
3 well. So I'm prepared to move forward, Mr. Chairman.

4 CHAIRPERSON HOOD: Thank you. I do know that the
5 Brooklyn Civic Association, Ms. Stephanie Farrell, had sent a
6 letter in support, but still has some concerns.

7 I always ask that the applicant continue to work with
8 the community on this. I would agree with everything that my
9 colleague said. I appreciate the work that has been done to get
10 us to this point.

11 I understand Mr. Filley, who's had some concerns about
12 some of the zoning we've done in the Brooklyn neighborhood,
13 period. I know his long-standing historic views of how things
14 should be preserved.

15 And I'm hoping, as well, as while we may not, and I
16 appreciate, Commissioner Imamura, for straightening out the
17 height issue, which I think Mr. Filley had recognized in his
18 submission. But I think that, Mr. Filley, I would ask the
19 African also to continue to work with longtime residents like Mr.
20 Filley, John Filley, and others who have some reservations as the
21 city continues to progress.

22 And I'll just leave it at that. So with that someone
23 like to make a motion? I would be supporting this as well.

24 COMMISSIONER IMAMURA: I will make a motion.

25 CHAIRPERSON HOOD: Commissioner Imamura?

1 COMMISSIONER IMAMURA: Yeah, thank you, Mr. Chairman.
2 I move that the Zoning Commission take final action for zoning
3 Case Number 23-15, Brooklyn Plaza Owner LLC, voluntary design
4 review at square 3822 and ask for a second.

5 COMMISSIONER STIDHAM: Second.

6 CHAIRPERSON HOOD: It's been moved and properly
7 seconded. Any further discussion?

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

10 MS. SCHELLIN: Sure. Commissioner Imamura?

11 COMMISSIONER IMAMURA: Yes.

12 MS. SCHELLIN: Commissioner Stidham?

13 COMMISSIONER STIDHAM: Yes.

14 MS. SCHELLIN: Commissioner Hood?

15 CHAIRPERSON HOOD: Yes.

16 MS. SCHELLIN: Commissioner Miller?

17 VICE CHAIR MILLER: Yes.

18 MS. SCHELLIN: The vote is four to zero to one to
19 approve final action in Zoning Commission Case Number 23-15, the
20 minus one being the third mayoral appointee seat, which is
21 vacant.

22 (Pause in the proceedings.)

23 CHAIRPERSON HOOD: Sorry about that. My file closed
24 up.

25 Hearing action, Zoning Commission Case Number 23-11.

1 Ms. Schellin, let me ask, before we go to Mr. Jesick, do we need
2 to bring up the correspondence? It's about 15 minutes out from
3 us getting to the correspondence item. I wanted to make sure
4 that the person who wants to hear us on the correspondence item
5 is available.

6 MS. SCHELLIN: Yes, about 15 -- 10 to 15 minutes out,
7 he was told. So Ms. Ackerman of the Office is keeping watch.

8 CHAIRPERSON HOOD: I think we're about 15 minutes out
9 now, aren't we? Okay.

10 MS. SCHELLIN: We probably are.

11 CHAIRPERSON HOOD: Well, I'll let you --

12 MS. SCHELLIN: She's already done it. She's already
13 reached out to him.

14 CHAIRPERSON HOOD: Okay.

15 MS. SCHELLIN: She's already done it. She's already
16 reached out to him.

17 CHAIRPERSON HOOD: Okay. Okay, great. Great.

18 MS. SCHELLIN: Yeah, we're all on.

19 CHAIRPERSON HOOD: Thank you.

20 Let's go to Mr. Jesick, Office of Planning?

21 MR. JESICK: Thank you, Mr. Chairman and members of the
22 Commission.

23 This is an application for a Zoning map amendment at
24 7709 Georgia Avenue Northwest to change the zoning on the site
25 from MU-4 to MU-10. The MU-10 zone would not be inconsistent

1 with a comprehensive plan, including when viewed through a racial
2 equity lens, and the Office of Planning therefore recommends
3 setdown of the application. OP also recommends that the site be
4 subject to IZ Plus.

5 The subject site is located at the very northern end of
6 Georgia Avenue in the District, near the Maryland line, at the
7 corner of Kalmia Road and Georgia Avenue.

8 It is currently developed with a one-story commercial
9 building and a surface parking lot.

10 Next slide, please, Mr. Young.

11 The Future Land Use Map identifies the site as
12 appropriate for medium density commercial and medium density
13 residential mixed use. The MU-10 zone, which permits up to 100
14 feet in height and 7.2 FAR with IZ, would not be inconsistent
15 with those designations and is specifically mentioned in the plan
16 as a zone compatible with medium density commercial.

17 The generalized policy map shows the site as within a
18 Main Street mixed-use corridor. Infill development, in line with
19 the MU-10 zone, would not be inconsistent with the policy map and
20 would help to achieve planning goals for the area.

21 Next slide, please.

22 The proposed Map amendment, together with the IZ Plus
23 designation, could potentially further a number of planned
24 policies related to equity, including the creation of more market
25 rate and affordable housing, which would help achieve production

1 targets for the planning area, improving equitable transportation
2 access, improving air quality and water quality, and improving
3 the pedestrian environment and the visual quality of the upper
4 Georgia Avenue corridor.

5 A full analysis against the criteria of the Zoning
6 Commission's Racial Equity Tool can be found in the OP setdown
7 report. The applicant has also provided a racial equity analysis
8 in Exhibit number 3, and in that same exhibit, they describe
9 their community outreach efforts to date and state that they will
10 provide an update of those efforts prior to the public hearing.

11 OP has also asked that the applicant provide an update
12 prior to the hearing of their efforts to assist the existing
13 businesses on the site either relocate to the site or relocate in
14 nearby proximity in the neighborhood.

15 In summary, the subject site is in an area considered
16 appropriate for the MU-10 zone, based on the comprehensive plan
17 maps, as well as a number of written plan policies, and the
18 proposal, therefore, is not inconsistent with the plan, including
19 when viewed through a racial equity lens.

20 OP recommends that the map amendment be setdown for a
21 public hearing and that it be subject to IZ Plus. Thank you, and
22 I'm available for questions.

23 CHAIRPERSON HOOD: Thank you, Mr. Jesick. Let's see if
24 we have any questions or comments.

25 Commissioner Imamura?

1 COMMISSIONER IMAMURA: Thank you, Mr. Chairman.

2 Mr. Jesick, as always, I appreciate your thorough
3 report. I do have one question going from the existing MU-4 to
4 MU-10 with IZ, I acknowledge and recognize that essentially, it's
5 about twice the height from 50 feet to 100 feet.

6 We do know that -- acknowledge that it's not
7 inconsistent with the FLUM for medium density, but I also know
8 that MU-8 is also an appropriate zone. But I'd like to know from
9 you, in your expertise, why MU-10 is more appropriate than, say,
10 MU-8?

11 MR. JESICK: I don't know that I could say that one is
12 maybe more appropriate than another. MU-10 was what was
13 requested. We reviewed the policies of the plan. The land use
14 maps of the plan, as well as other policy guidance, such as the
15 Upper Georgia Avenue Corridor Plan and we felt that the MU-10
16 zone was not inconsistent with those policy documents.

17 So we felt that, on balance, this was appropriate for
18 setdown and that the Commission could hold a public hearing on
19 this and it was not inconsistent with the comprehensive plan.

20 COMMISSIONER IMAMURA: Thank you, Mr. Jesick. And then
21 I think you might have mentioned this, but just give you an
22 opportunity to mention it one more time. Is OP aware of any
23 opposition at all?

24 MR. JESICK: I'm not aware of any opposition at this
25 time.

1 COMMISSIONER IMAMURA: Okay. And then I think if we do
2 move forward with setdown, I would just ask if perhaps OP might
3 be ready to prepare to comment on how this map amendment might
4 affect the current trends in the Rock Creek East Planning Area?

5 And then I'd like to look for that or hear a little
6 more about that if we do set this down.

7 So with that, Mr. Chairman, I yield back. Thank you,
8 Mr. Jesick.

9 CHAIRPERSON HOOD: Thank you.

10 Commissioner Stidham, any questions?

11 COMMISSIONER STIDHAM: No questions. Just appreciate
12 how the applicants thoroughly addressed the community outreach
13 and engagement as part of the racial equity tool and addressed
14 discrimination.

15 CHAIRPERSON HOOD: Okay. Thank you.

16 Vice Chair Miller, any questions?

17 VICE CHAIR MILLER: No questions. Thank you, Mr.
18 Jesick, as usual, for your thorough report, you know, this is
19 another opportunity to revitalize the Georgia Avenue corridor in
20 a way that's consistent with the comprehensive plan land use map
21 and other housing and other policies.

22 And I'm sure the applicant, at the hearing -- well, at
23 the hearing we can get more an update on efforts to relocate or
24 assist existing businesses that are there with relocation or
25 return that we can deal with that at the hearing.

1 So thank you, Mr. Chairman.

2 CHAIRPERSON HOOD: Thank you.

3 And Mr. Jesick, I would also ask the legal folks over
4 in OP, as well as I know ours has looked into this. I know this
5 is close to the Maryland line. We've run into this before and I
6 would like for us to eventually get to the bottom of it, whether
7 our regulations apply.

8 And I know you all know planners over there on the
9 Maryland side as well. Do they send us a notice when they're
10 doing projects? And should we be sending him a notice?

11 That's something that maybe I don't know if the
12 applicant can come back with us and let us know because they're
13 close. Did they send notice to folks in Maryland? And I guess
14 OP can let me know. Does Maryland send us a notice?

15 Because I don't want to keep running into issues like
16 that just in case it may not be prevalent in this case, but in
17 other cases, it always shows up.

18 So if we can kind of try to fine tune that and get that
19 off the plate, I think we can move forward other cases that may
20 be closer to line.

21 So other than that, I think it's a great report, and I
22 appreciate all the comments of my colleagues, and I'm ready to
23 vote to set this down.

24 So with that, I would move that we setdown for a
25 hearing on Zoning Commission Case Number 77 -- I'm sorry, Zoning

1 Commission Case Number 23-11, and ask for a second.

2 COMMISSIONER IMAMURA: Second.

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

5 Not hearing any, Ms. Schellin, can you do a roll call
6 vote, please?

7 MS. SCHELLIN: Commissioner Hood?

8 CHAIRPERSON HOOD: Yes.

9 MS. SCHELLIN: Commissioner Imamura?

10 COMMISSIONER IMAMURA: Yes.

11 MS. SCHELLIN: Commissioner Miller?

12 VICE CHAIR MILLER: Yes.

13 MS. SCHELLIN: Commissioner Stidham?

14 COMMISSIONER STIDHAM: Yes.

15 MS. SCHELLIN: The vote is four to zero to one to
16 setdown Zoning Commission Case Number 23-11 as a contested case,
17 the minus one being the third mayoral appointee seat, which is
18 vacant.

19 CHAIRPERSON HOOD: All right, thank you. And thank you
20 again, Mr. Jesick.

21 Let's move right on the Zoning Commission Case Number
22 23-14, 14th street collective property owners map amendment at
23 squares 2704 and 2706.

24 Ms. Thomas?

25 MS. THOMAS: Yes. Hi, good afternoon, Mr. Chair, and

1 members of the commission. Karen Thomas with the Office of
2 Planning requesting the Commission setdown the proposed Map
3 amendment from MU-3 to MU-5 zone proposed by the applicant, 14th
4 Street Collective, LLC.

5 And the map amendment would be applied to the
6 highlighted area between Decatur Street and Buchanan Street,
7 across the street from the Decatur Street Car Barn, and within
8 the 4600 block of 14th street.

9 And these are primarily developed with one- and two-
10 story brick buildings. Just a bit of a background. The rezoning
11 request tonight is a culmination of the efforts by property
12 owners who came to OP some years ago asking about redevelopment
13 of their properties in the commercial corridor.

14 And at that time, OP advised that their development
15 request would have been inconsistent with zone and comp plan as
16 it exists. So they patiently waited for the comp plan update and
17 submitted a request for a comp plan amendment at the time of the
18 2021 updates.

19 Which brings us to the applicant's request, which, on
20 balance, when viewed through a racial equity lens, is not
21 inconsistent with the comp plan, including its policies, the
22 Future Land Use Map, and Generalized Policy Map.

23 So OP recommends that this application be setdown for a
24 public hearing, and the proposal would be appropriate for IZ
25 Plus.

1 Next slide.

2 The Future Land Use Map indicates that the property is
3 generally appropriate for mixed use, moderate density residential
4 and commercial uses. The MU-5A is consistent with this category.
5 A policy map designates this site as located within the Main
6 Street mixed use corridors, which are typically traditional
7 commercial business corridors with a concentration of older
8 storefronts along the street where some of these corridors are
9 underutilized.

10 Next slide.

11 As noted in our report, IZ Plus would be appropriate to
12 apply to this map amendment primarily because the rezoning
13 request would permit housing where few or none could reasonably
14 be developed by today's standards, including affordable housing,
15 and it would support the planning area's goal, which is still
16 short of its housing production goal here.

17 OP estimates that about up to between 17 to 29 units
18 could be provided through IZ Plus if the properties were to be
19 redeveloped.

20 So when viewed through a racial equity lens, as
21 outlined more fully in our report, we sort of believe that it
22 would result with more affordable housing with a potential to
23 benefit vulnerable populations who may be housing cost burdened.

24 Redevelopment would not result in direct displacement,
25 as there are currently no residents, and under the MU-5A,

1 increased residential density would create more housing and
2 commercial options, which are not permitted under the existing
3 MU-3A zone.

4 So potentially reducing the imbalance between supply
5 and demand, which typically drives up housing prices, would
6 particularly impact low-income residents. Further, the amendment
7 would enhance these properties, which present excellent
8 transportation opportunities as they are located near many
9 neighborhood schools, retail supermarkets, and other recreational
10 opportunities with bus lines to some of these places, including
11 supermarkets, and to Metro stations and other locations.

12 Next slide.

13 When balancing conflicting policies, we believe that
14 while there may be some disadvantage to small minority businesses
15 regarding commercial displacement because the subject properties
16 FLUM designation was specifically changed to support mixed use,
17 moderate density zoning as part of the 2021 Comp Plan update the
18 proposed amendment, on balance, would not be inconsistent with
19 the other overarching policies of the comp plan or with the
20 development goal for Node Two of the Central 14th Street Vision
21 Plan, which was developed by the community and referenced in our
22 report.

23 New development under IZ Plus would be income
24 restricted to households with average incomes at 50 to 60 percent
25 MFI. New development would also support jobs in potential new

1 office spaces, retail, residential and community facility spaces,
2 as well as construction jobs over varying construction periods,
3 and this could reduce displacement risk for existing small
4 businesses currently on location.

5 The applicant has done several extensive outreaches to
6 the community, including to all ANC 4E representatives, the
7 Council Members office, all residents within 200 feet, list
8 serves to the 16th Street Neighborhood Association, the Crestwood
9 Neighborhood Association, and to WMATA across the street.

10 And we believe they will continue their outreach
11 efforts throughout this process. And with that, OP believes the
12 application is ready for a public hearing.

13 Thank you, and I'm available for questions.

14 CHAIRPERSON HOOD: Thank you, Ms. Thomas. Let's see if
15 we have any questions or comments.

16 Commissioner Stidham, you have any questions?

17 COMMISSIONER STIDHAM: No, sir.

18 CHAIRPERSON HOOD: Okay. Commissioner Imamura, you
19 have any questions?

20 COMMISSIONER IMAMURA: Thank you, Mr. Chairman. And
21 thank you, Ms. Thomas, for your report.

22 I just have a comment that I appreciate how OP, in your
23 report, identified that there may be some inconsistencies with
24 one of the policies, specifically how this map amendment might
25 potentially disadvantage small minority businesses.

1 So if we do set this down, Ms. Thomas, I'd like to hear
2 a little bit more about how -- I'd like for you to address that
3 at the hearing, if so, otherwise. Again, thank you for your
4 detailed report, as always.

5 CHAIRPERSON HOOD: Okay. Thank you.

6 Vice Chair, any questions?

7 VICE CHAIR MILLER: Thank you, Mr. Chairman. Thank
8 you, Ms. Thomas, for your report.

9 The comp plan Land Use Map change that was made in 2021
10 for this area was from a low-density designation to the current
11 moderate density designation. It's a moderate density mixed use
12 designation. It might have been just low density residential or
13 mixed, I don't know. Do you know what it was previously?

14 MS. THOMAS: Low density commercial.

15 VICE CHAIR MILLER: Say that again?

16 MS. THOMAS: I'm sorry. Low density commercial.

17 VICE CHAIR MILLER: Low density commercial. So I
18 appreciate that that change was made, but I think we need more
19 information at the hearing.

20 And I appreciate that ANC 4E in a setdown report has
21 recommended that the application be setdown for a public hearing,
22 which I support, I fully support, but I think we need more
23 information on why or how the proposed rezoning 5-A is that what
24 it is, is not inconsistent, which is generally a medium, as I
25 understand it, it might be generally a medium density? Correct

1 me if I'm wrong, Ms. Thomas. It's described as a medium density
2 category, and I realized we did it for the Dance Loft site in the
3 middle of this block, but that was a PUD that had a lot of public
4 amenities and benefits associated with it.

5 So I just think we need a little more information about
6 why the Zoning Map Amendment to 5-A would not be inconsistent
7 with a moderate density designation on the comp plan land use
8 map.

9 MS. THOMAS: It is moderate density.

10 VICE CHAIR MILLER: 5-A is moderate?

11 MS. THOMAS: Yes.

12 VICE CHAIR MILLER: Oh, okay.

13 MS. THOMAS: Moderate density.

14 VICE CHAIR MILLER: All right. And thank you for
15 correcting --

16 MS. THOMAS: And it is also consistent with what Dance
17 Loft got approved.

18 VICE CHAIR MILLER: Yeah, I realize it's consistent
19 with the Dance Loft, but I thought there was something somewhere
20 that referred to 5-A as appropriate for medium density, but
21 that's my mistake then if I stated that.

22 So I'll look into that further and maybe you can look
23 into that further. And I don't need any further information now
24 to support setdown, so thank you very much.

25 CHAIRPERSON HOOD: Ms. Thomas, I'm not sure if this

1 question was already asked. Do we know of any opposition yet of
2 this proposed amendment?

3 MS. THOMAS: I am unaware of any opposition. We just
4 had some recent filings into the record, Exhibit, it's noted
5 here, Exhibit 14 and 14-C yesterday outlining recent outreach and
6 comments and I don't see any opposition to date.

7 CHAIRPERSON HOOD: Okay. And I also, too, and I think
8 this may have already been stated. I'm going to restate it. I
9 would like for the applicant as well as OP to address the map
10 amendment's potential disadvantages to small minority businesses,
11 which is also identified in our comp planning consistency in this
12 report.

13 So if the applicant and OP can come prepared to talk
14 about that, we may go down that avenue. I want to make sure
15 we're prepared. Other than that, I don't have anything else.

16 Do my colleagues have anything else?

17 All right, so not seeing anyone I would move, -- thank
18 you, Ms. Thomas, for your report.

19 MS. THOMAS: Thank you.

20 CHAIRPERSON HOOD: So with that, I would move that we
21 setdown Zoning Commission Case, one second, Zoning Commission
22 Case Number 23-14 and ask for a second.

23 COMMISSIONER IMAMURA: Second.

24 CHAIRPERSON HOOD: It's been moved and properly
25 seconded. Any further discussion?

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

3 MS. SCHELLIN: Commissioner Hood?

4 CHAIRPERSON HOOD: Yes.

5 MS. SCHELLIN: Commissioner Stidham?

6 COMMISSIONER STIDHAM: Yes.

7 MS. SCHELLIN: Commissioner Miller?

8 VICE CHAIR MILLER: Yes.

9 MS. SCHELLIN: Commissioner Imamura?

10 COMMISSIONER IMAMURA: Yes.

11 MS. SCHELLIN: The vote is four to zero to one to
12 approve setdown as a contested case, Zoning Commission Case
13 Number 23-14, the minus one being the third mayoral appointee,
14 which is vacant. Thank you.

15 CHAIRPERSON HOOD: Thank you. Next, let's go to Zoning
16 Commission Case Number 23-19, Elm Gardens Owner, LLC and the NHP
17 Foundation Consolidated PUD and related map amendment at Square
18 3351.

19 Ms. Schellin?

20 Oh, I'm sorry, Ms. Meyers. Ms. Meyers, I'm sorry.

21 MS. MEYERS: Well, I'm happy to be mistaken for Ms.
22 Schellin, she is awesome. All right, the Office of Planning
23 recommends the Zoning Commission setdown this consolidated PUD
24 application by the Elm Gardens Owner, LLC and NHP Foundation to
25 rezone the property at 7050 Eastern Avenue Northwest from RA-1

1 and MU-4 to RA-2.

2 Earlier this year, the Commission considered this
3 property for a map amendment in case 22-33, which was by the same
4 applicant. In that case, the applicant requested for the
5 property be rezoned to R-3.

6 The Zoning Commission and the adjacent neighbors
7 expressed concerns over the project as a medium density building
8 in the RA-3 zone. In response, the applicant refiled it as a PUD
9 case, reduced the building size, and changed their zone request
10 to the RA-2 zone, which is a moderate density zone.

11 The tenants in the existing Elm Gardens building formed
12 a tenant association in 2021, and purchased their 36-unit
13 apartment building through their rights under the tenant
14 Opportunity to Purchase Acts otherwise known as TOPA.

15 They assigned their rights to the NHP Foundation for
16 the foundation to redevelop their property.

17 Next slide, please.

18 NHP plans to replace the existing Elm Gardens building
19 with a four story, all affordable, 80-unit apartment building.
20 These units would consist of replacement units and new units.

21 The existing residents would be offered the replacement
22 units, which would be for households at 80 percent MFI or less,
23 except in cases where the returning residents have a household
24 income that exceeds this cap.

25 During construction, the existing tenants would be

1 relocated to a site chosen by the NHP Foundation with the tenant
2 input. NHP would pay all costs associated with the relocation.

3 The new units would be restricted to households making
4 50 percent MFI or less. Eight of these units would be reserved
5 as permanent supportive housing for formerly unhoused people.

6 There would be an onsite service provider to assist the
7 residents in these eight units.

8 Next slide, please.

9 On balance, this PUD would not be inconsistent with the
10 comprehensive plan maps. On the Future Land Use Map, the site is
11 designated for moderate density residential and on the
12 generalized policy map, it is within the Neighborhood
13 Conservation Area.

14 Next slide, please.

15 When evaluated through the racial equity lens, the
16 proposal would also not be inconsistent with the comprehensive
17 plan. It would allow the existing residents, most of whom are
18 black or Hispanic, to remain on the property in the neighborhood.

19 The property is within the Rock Creek East planning
20 area, which is an area where most of the residents are black or
21 Hispanic. According to our most recent available census data,
22 both groups of residents have a lower median income than the
23 district's median.

24 The proposed new affordable units, which would be for
25 households at or below 50 percent MFI, could help to retain and

1 attract new black and Hispanic households, as well as other
2 residents in the area.

3 Though the planning area appears to be attractive for
4 homeownership for all race ethnic groups, the addition of new
5 rental units would provide more housing options to this area.

6 And with that, I will conclude the OP testimony, and,
7 of course, I'm here for questions. Thank you.

8 CHAIRPERSON HOOD: Thank you very much, Ms. Myers, for
9 your report.

10 Let's see if we have any questions or comments.
11 Commissioner Imamura, any questions, or comments?

12 COMMISSIONER IMAMURA: Thank you, Mr. Chairman. Just a
13 comment or two.

14 Ms. Myers, thank you for your report. I'm pleased to
15 see this come back to the commission with sort of some
16 refinements made, I think, to their original application from RA-
17 3 to R-2, and also want to acknowledge that this is a PED with
18 the related map amendment here.

19 So the other thing I'd like to comment on, and I hope
20 the public takes note of this, this is a really good example of
21 the Chairman's Good Neighbor policy.

22 I remember the previous application and the discontent
23 with some of the neighbors and I'm pleased to see that this
24 applicant has gone through a few more iterations and worked more
25 with the community here to propose and put forward a project that

1 might be a little more palatable.

2 I'm certainly interested in hearing more about this and
3 prepared to set this case down. Again, I think this is a really
4 good example of the Good Neighbor policy that Chairman Hood
5 certainly encourages every applicant to do.

6 So with that, Mr. Chairman, I yield back.

7 CHAIRPERSON HOOD: Okay. Thank you.

8 Commissioner Stidham, you have any questions or
9 comments?

10 COMMISSIONER STIDHAM: Just one, sir. Ms. Meyers, are
11 you aware of any opposition to this case?

12 MS. MEYERS: Yes, I am. The adjacent neighbor remains
13 in opposition to this case.

14 CHAIRPERSON HOOD: Okay. Thank you.

15 CHAIRPERSON HOOD: Vice Chair Miller, any questions?
16 Comments?

17 VICE CHAIR MILLER: No questions, but just a comment.
18 Thank you, Ms. Myers, for your, as usual, thorough report, and I
19 associate myself with Commissioner Imamura's comments.

20 I thank the applicant for coming back with a PUD and
21 with a different zoning map, RA-2 versus RA-3 and a lowered
22 height of a building, two stories lower in height than the
23 previous iteration in response to the neighbor's concerns,
24 despite, apparently, their continuing opposition.

25 This is 80 affordable units of affordable housing near

1 a Metro, very near a Metro site that would not really have that
2 many low- and moderate-income people would not be able to afford
3 otherwise if it didn't have this level of affordable housing,
4 including, I believe, permanent supportive housing.

5 Eight units of permanent supportive housing, in
6 addition to retaining the 36 units that are there for the
7 existing tenants, who all have a right to return and relocation
8 assistance and this has been a tenant opportunity to purchase
9 site.

10 The tenants purchased the site, they partnered with the
11 NHP Foundation, stepped up to the plate and have come up with an
12 all-affordable project near a Metro site that's been responsive
13 to neighborhood concerns.

14 I think it's a project of exceptional merit in the best
15 interests of the District of Columbia. And I obviously strongly
16 support setting it down. Thank you, Mr. Chairman.

17 CHAIRPERSON HOOD: Thank you. I, too, support setting
18 it down. And I appreciate Commissioner Imamura mentioning the
19 Good Neighbor Policy.

20 I'll just add to that, and I'm saying this for those
21 who may be in opposition as well, the Good Neighbor Policy works
22 both ways. So one of the things that I would like to see,
23 because I don't want us to rehash and have the same hearing that
24 we had previously.

25 I'm hoping that they will continue to have

1 conversations, those who are in opposition, and let's see if we
2 can narrow the gap where the opposition still is and try to make
3 this a win-win.

4 As the Vice Chair mentioned about the affordability
5 near Metro that's unheard of in the District of Columbia. So
6 let's see what we can do to try to make this work. I'm not
7 saying -- I'm not putting any preconceived notions out there, but
8 I'm just trying to make it an easier hearing for all of us.

9 We're up to the task, but I'm just hoping that you all
10 continue to talk and work things out. As Commissioner Imamura
11 said, a Good Neighbor Policy, I have to adapt it myself sometime
12 with my neighbor.

13 So I'm asking you all to do that as well. All right,
14 so I'm looking forward to setting this down. I'm looking forward
15 to the hearing. And let's see if we can work out some of the
16 concerns.

17 I like when we work that before they get to us, but if
18 not, we'll try to work them all out together.

19 Thank you again, Ms. Myers. We appreciate your report,
20 as always.

21 All right, would somebody like to make a motion to set
22 this down?

23 VICE CHAIR MILLER: Yeah, I'd like to make a motion,
24 Mr. Chairman, to let the Zoning Commission setdown for a public
25 hearing Case Number 23 -- and associate myself with your remarks

1 also, but setdown for a public hearing, case 23-19, 319 Elm
2 Gardens Owner, LLC, and the NHP Foundation Consolidated PUD and
3 Related Map Amendment at square 3351, and ask for a second.

4 COMMISSIONER IMAMURA: Second.

5 CHAIRPERSON HOOD: It's been moved and properly
6 seconded. Thank you both.

7 Any further discussion?

8 Not hearing any, Ms. Schellin, can you do a roll call
9 vote, please?

10 MS. SCHELLIN: Yes, sir. Commissioner Miller?

11 VICE CHAIR MILLER: Yes.

12 MS. SCHELLIN: Commissioner Imamura?

13 COMMISSIONER IMAMURA: Yes.

14 MS. SCHELLIN: Commissioner Hood?

15 CHAIRPERSON HOOD: Yes.

16 MS. SCHELLIN: Commissioner Stidham?

17 COMMISSIONER STIDHAM: Yes.

18 MS. SCHELLIN: The vote is four to zero to one to
19 setdown Zoning Commission Case Number 23-199 as a contested case.
20 The minus one being the third mayoral appoint, DC, which is
21 vacant.

22 CHAIRPERSON HOOD: I think this is our last case for
23 hearing, actually. Have we made contact with our correspondents?

24 Okay, great. All right. Zoning Commission Case Number
25 23-26. This Office of Planning text amendment setback and side

1 yard requirements for the MU-10 zone at square 175.

2 Mr. Kirschenbaum.

3 MR. KIRSCHENBAUM: Thank you. Good evening, Chair
4 Hood, and members of the Zoning Commission. I am Jonathan
5 Kirschenbaum with the Office of Planning.

6 This is a proposed text amendment that is a companion
7 to Case 23-2. That case is a map amendment to rezone the
8 property shaded in blue in the MU-10 zone.

9 The property currently contains the Third District
10 Police station and the FEMS Engine Company 9. And as you know,
11 the Commission has already setdown that map amendment case and
12 has recently rescheduled a public hearing to January 8th.

13 We've heard from the community about potential impacts
14 of the proposed MU-10 zone in that case. And to address those
15 concerns, we are proposing this text amendment to require
16 building setbacks.

17 This text amendment would only apply to property zoned
18 MU-10 in square 175. We recommend that the Commission setdown
19 this proposal for a public hearing.

20 Next slide please.

21 So, as part of our community outreach for Case 23-2,
22 which is the map amendment, we, along with DMPED, met with ANC
23 1B's Economic Development Committee on October 19th. And this
24 proposal tonight was informed from what we heard about potential
25 impacts the zone may have on existing residential uses along U

1 Street Northwest.

2 Next slide please.

3 So the property is currently zoned MU-4, and as I've
4 discussed, it is proposed to be zoned to MU-10 under Case 23-2.

5 So for this text amendment, we propose to require a
6 transition setback along the northern side of the property. This
7 would require a 40-foot horizontal setback after 60 feet of
8 building height.

9 This would be measured using both the D Street frontage
10 and the public alley that exists between the subject property and
11 lots 24 through 29. And again, this would only apply to the MU-
12 10 zone that is mapped in square 175.

13 Next slide please.

14 So this illustrates what our proposal looks like and
15 the location of where the 40-foot setback requirements would be
16 after 60 feet of building height and that's shaded in blue.

17 Next slide please.

18 So this is an example of a building that was actually
19 built under a very similar transition requirement along M Street
20 Northwest between 9th and 10th streets, that's just west of the
21 convention center.

22 The image on the left shows a front building wall,
23 built to a maximum of 60 feet, and demonstrates how the scale of
24 this front wall is respective of surrounding row houses. The
25 total height of the building is generally not visible from the

1 street because of the required 40-foot horizontal setback.

2 The second image shows that the building was built to
3 110 feet and the area shaded in yellow shows what 100-foot
4 building would look like. And again that's important to note
5 because the me ten zone would only allow 100 feet , so it would
6 be a little bit of a shorter building than what is shown in this
7 photo.

8 Again, the 40-foot setback requirement makes it
9 difficult to view the upper stories of the building from most
10 angles along the street.

11 Next slide please.

12 So here's a section of E street showing the proposed
13 transition setback and the potential building envelope as it
14 relates to the row houses across the street. The proposed 40-
15 foot setback would be equivalent to half the width of E street
16 which is 80 feet wide.

17 The width of E street is the narrowest street the
18 property faces, which is another reason among several why we
19 propose the setback here.

20 Next slide please.

21 So we also have a side yard proposal. Generally MU
22 zones do not require the provision of the side yard but under
23 this proposal a 12-foot side yard would need to be provided on
24 the eastern side of the property that is adjacent to 1603 U
25 Street.

1 And again this proposal would only apply to the MU-10
2 zone that is mapped in square 175.

3 Next slide please.

4 So this slide illustrates the location of the proposed
5 12-foot side yard, as shaded in orange, there is an existing four
6 foot, what we sort of call a drainage alley separating the
7 subject property from 1603 U street.

8 Between that drainage alley and the proposed 12-foot
9 side yard there would be an effective 16 feet of separation
10 between any proposed building on the subject property and the
11 building at 1603 U Street.

12 And the side yard would be required to be a depth of
13 145 feet and that would run the length of the property at 1603 U
14 street.

15 Next slide please.

16 So here is an elevation from U street showing a
17 potential MU-10 building envelope and the 16 feet of separation
18 that would be required.

19 Next slide please.

20 So this text amendment would further several written
21 policies of the Comprehensive Plan, but particularly mid-City
22 Element policy 2.3.7, which is the use of public sites.

23 The policy calls for design strategies to visually
24 reduce building height and bulk specifically on this property
25 from adjacent lower density areas. And as I've discussed, this

1 text amendment would require setbacks to visually reduce the
2 height and bulk of any future building at the property from
3 adjacent lower density uses.

4 So therefore we find that our proposal directly aligns
5 with this policy and the proposal is not inconsistent with the
6 Comprehensive Plan.

7 And our full racial equity analysis for the map
8 amendment case is in our public hearing report and that again
9 that's Case 23-2 and that will be discussed at the January 8th
10 public hearing.

11 Next slide please.

12 So to end, this is a map showing all of the proposed
13 setbacks identified and this concludes my presentation. Please
14 let me know if you have any questions? Thank you.

15 CHAIRPERSON HOOD: Thank you, Mr. Kirschenbaum. Let's
16 see if we have any questions or comments.

17 Commissioner Stidham, any questions or comments?

18 COMMISSIONER STIDHAM: No, sir. Thank you, Mr.
19 Kirschenbaum, for your report.

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

22 VICE CHAIR MILLER: Thank you, Mr. Kirschenbaum, for
23 your thorough report.

24 I appreciate you bringing this text amendment forward
25 in response to some of the community concerns that have been

1 expressed to your office about the Map Amendment that is
2 proposed, on which we're having a public hearing in January.

3 So I think that this is an appropriate mitigation to
4 those concerns. And of course, we'll hear a lot more at the
5 hearing on the Map Amendment and on this text amendment if and
6 when it's scheduled. So thank you.

7 CHAIRPERSON HOOD: Thank you.

8 Commissioner Imamura, any questions, comments?

9 COMMISSIONER IMAMURA: No questions or comments. Thank
10 you, Mr. Chairman. And thank you, Mr. Kirschenbaum, for your
11 report.

12 CHAIRPERSON HOOD: Mr. Kirschenbaum, I'm just wondering
13 maybe I should properly still keep wondering, did the text
14 amendment proposal, I think you said you heard that from after
15 meeting with community, did that lessen any of the opposition
16 that you know of, maybe in the other case?

17 MR. KIRSCHENBAUM: You know, we certainly hope it does.
18 We did hear a little concern about the proposed 12-foot side yard
19 being used as a driveway for any future redevelopment of the
20 property.

21 That, of course, would be something that could be
22 considered through the RFP process, that's sort of separate from
23 this Map Amendment and text amendment process.

24 We didn't really hear any opposition directly towards
25 providing these setbacks, but we're still aware that there's

1 substantial sort of opposition to the general Map Amendment
2 that's proposed for this property.

3 CHAIRPERSON HOOD: Okay. I was just wondering if this
4 might have helped lessen the load, and I'm hoping that those
5 talks continue with the community as well as with the government.
6 So really appreciate it.

7 Colleagues, what is your pleasure on this one? Setdown
8 or not to setdown?

9 VICE CHAIR MILLER: I'm prepared to move forward with
10 setting it down for a public hearing, Mr. Chairman.

11 CHAIRPERSON HOOD: Okay. Unless I hear any objections.
12 Vice Chair, if you want to make a motion, you can.

13 VICE CHAIR MILLER: Yes, thank you, Mr. Chairman.

14 I would move that the Zoning Commission setdown for a
15 public hearing Zoning Commission Case Number 23-26, Office of
16 Planning's text amendment regarding setback and side yard
17 requirements for the MU-10 zone at square 175 and ask for a
18 second.

19 COMMISSIONER IMAMURA: Second.

20 CHAIRPERSON HOOD: It's been moved and properly
21 seconded. Any further discussion?

22 Not hearing any, Ms. Schellin, can you do a roll call
23 vote, please?

24 MS. SCHELLIN: Commissioner Miller?

25 VICE CHAIR MILLER: Yes.

1 MS. SCHELLIN: Commissioner Imamura?

2 COMMISSIONER IMAMURA: Yes.

3 MS. SCHELLIN: Commissioner Hood?

4 CHAIRPERSON HOOD: Yes.

5 MS. SCHELLIN: Commissioner Stidham?

6 COMMISSIONER STIDHAM: Yes.

7 MS. SCHELLIN: The vote is four to zero to one to
8 setdown zoning Commission Case Number 23-26. As a rulemaking
9 case, the minus one being the third mayoral appointee seat, which
10 is vacant. Thank you.

11 CHAIRPERSON HOOD: Again, Mr. Kirschenbaum, thank you
12 very much for your report.

13 Let's go to -- we have one item on the correspondence.
14 I think this is our last item on this agenda for tonight.

15 Zoning Commission Case Number 22-37, this is the Walter
16 Reed Gateway, LLC map amendment at square 2947.

17 Ms. Schellin?

18 MS. SCHELLIN: Yes, Michael Sindram signed up to testify
19 in this case. He was not present at the hearing when his name
20 was called. He's used to being telephoned prior to testifying,
21 which is a process that the BZA does.

22 As you know, the zoning commission does not do that
23 because we just have one hearing. And so we did contact him and
24 let him know the record was being left open until the end of the
25 month for him to submit something in writing. And we could

1 assist with that, but we didn't hear from him.

2 And so now he has filed a request to testify via
3 telephone, but as you know, this case has already had final
4 action taken, and so his request is at Exhibit 43. The applicant
5 has provided a response at Exhibit 44, opposing this request.

6 And so this is now before the Commission for its
7 consideration. And we do know that Mr. Sindram is on the line
8 listening by telephone. Thank you.

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

10 Let me just start off saying I think this is a very
11 unfortunate situation here. I've never seen the Zoning
12 Commission after it does a final approval. We can work it out
13 final. I think I'm aware of this.

14 I mentioned to Ms. Schellin and Mr. Sindram and who may
15 be listening, that we could have gotten it right. And I know
16 there may be some challenges there, but I've asked the Office to
17 extend whatever we need to do to be able to get it when it was in
18 the time frame.

19 The problem, and I may not have all this captured
20 correctly, Ms. Schellin, and you can correct the record if I have
21 some of it off, but I know that the olive branch was extended and
22 there were some challenges there, and I know the olive branch was
23 extended again.

24 I have never seen us re-open a final record. I don't
25 even know what the courts would even say. I'm sure it would be

1 something.

2 While I would love to accommodate Mr. Sindram, I think
3 he's served our country well, as he's noted many times in front
4 of the council and in front of us. I've known him. I appreciate
5 his advocacy.

6 But I think in this case, you know, our hands are tied.
7 And I want Mr. Sindram to know I will say this to you, Mr.
8 Sindram, if you would not call and fuss with the ladies in
9 office, I would ask you all -- and this is not anything specific
10 if you want to fuss with somebody, call me and they will give you
11 my cell phone number.

12 If you want to fuss with somebody, call me. We're in a
13 situation, Mr. Sindram, you have to understand we have a law to
14 follow and we're not trying to deprive you of doing anything.

15 Matter of fact, we have tried a number of ways. I've
16 had -- Ms. Schellin, and I've had a number of conversations try
17 to meet your needs, but the final action has been taken. There's
18 really nothing that we can do in this case.

19 So I would think the record for additional testimony
20 after final action is not and even -- I don't know, has the order
21 been issued or will be soon? Yeah. We are running afoul of all
22 kinds of other laws if we were to do this and I think -- I've
23 never seen it done before and I'm just sorry.

24 We've tried, Mr. Sindram, and if you're listening,
25 we've tried, but if you want to fuss with somebody, you can just

1 call me and fuss with me. And that's what I'm extending to you
2 now.

3 So let me hear from others. Any other comments or
4 questions?

5 Okay. All right, so what do we need to do? I guess we
6 need to deny this request. I would say we deny the request on
7 the assumption that it's against all the regulations that we even
8 have of doing this.

9 Any other comments or questions? All right, well, I
10 moved that we unfortunately denied this request because we have
11 laws and regulations we have to follow and ask for a second.

12 VICE CHAIR MILLER: Second.

13 CHAIRPERSON HOOD: It's moved and properly seconded.

14 Any further discussion?

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

17 MS. SCHELLIN: Do you guys want to hear from Mr.
18 Sindram? He wants to be heard, if you'll hear from him.

19 CHAIRPERSON HOOD: Is it about the case or if -- I've
20 already given him the opportunity to fuss at me later. That's
21 fine. And I want you all to give him my number.

22 Okay, I'll direct Ms. -- well, he can hear you.

23 CHAIRPERSON HOOD: Yeah.

24 MS. SCHELLIN: That --

25 CHAIRPERSON HOOD: Yeah, he can call me.

1 MS. SCHELLIN: -- you're not going to entertain him
2 this evening.

3 CHAIRPERSON HOOD: Yeah, he can call me. Correct.

4 MS. SCHELLIN: So the vote --

5 CHAIRPERSON HOOD: Yeah.

6 MS. SCHELLIN: Okay. So I'm getting messages from her.
7 He wants to weigh in on your vote, but we're in the middle of
8 this and once you vote it's over.

9 So he can't be heard this evening. He can contact you
10 directly.

11 CHAIRPERSON HOOD: He can contact me directly.

12 MS. SCHELLIN: Okay. Commissioner Hood?

13 CHAIRPERSON HOOD: Yes, to my motion.

14 MS. SCHELLIN: Commissioner Miller?

15 VICE CHAIR MILLER: Yes.

16 MS. SCHELLIN: Commissioner Imamura?

17 COMMISSIONER IMAMURA: Yes, to deny.

18 MS. SCHELLIN: Commissioner Stidham?

19 COMMISSIONER STIDHAM: Yes.

20 MS. SCHELLIN: The vote is four to zero to one to deny
21 Michael Sindram's request to testify via telephone, and the minus
22 one is the vacant seat of the third mayoral appointee. Thank
23 you.

24 CHAIRPERSON HOOD: Ms. Schellin, please, if he calls
25 the office and asks for my cell phone number, please give it to

1 him. And, Mr. Sindram, you're more than welcome to call me on my
2 cell phone and we will talk about procedure, not the case, okay?

3 MS. SCHELLIN: Thank you.

4 CHAIRPERSON HOOD: All right, thank you.

5 And please don't give the ladies a hard time. Give me
6 the hard time. I can handle it.

7 All right, does anybody have we have anything else?

8 Ms. Schellin?

9 MS. SCHELLIN: No, sir.

10 CHAIRPERSON HOOD: Okay, so with that, I want to thank
11 everyone else for their participation in this meeting tonight.
12 And my colleagues, let me see and all those who gave us reports,
13 the Zoning Commission will meet again Monday -- Monday, December
14 the 4th. We're in December already.

15 The case for Monday is on the same platform, Zoning
16 Commission Case Number 22-35. The, UM 500 Penn Street Northeast,
17 LLC, NYA Four associates, LLC, and HH Brooks, LLC. And we'll be
18 on the same platform.

19 So with that, want to wish everybody a great weekend,
20 and we'll see you all on Monday at the same time on these same
21 platforms. Good night, everyone. Thank you.

22 COMMISSIONER IMAMURA: Thank you. Good night.

23 (Whereupon, the above-entitled meeting was adjourned.)

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REPORTER CERTIFICATE

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This is to certify that the foregoing transcript

In the matter of: Public Meeting

Before: D.C. Zoning Commission

Date: 11-30-2023

Place: Teleconference

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